

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 4, 2021

Hearing Room 1568

10:00 AM

2:20-19856 Juan Carlos Orantes Pleitez

Chapter 7

#1.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota C-HR . (Nagel, Austin)

Docket 10

Tentative Ruling:

12/30/2020

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
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10:00 AM

CONT... Juan Carlos Orantes Pleitez

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Juan Carlos Orantes Pleitez

Represented By
Francis Guilardi

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 4, 2021

Hearing Room 1568

10:00 AM

2:20-20004 Jorge Alejandro Medina

Chapter 7

#2.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Civic, VIN: 19XF C1F3 4GE2 17741 .

Docket 8

Tentative Ruling:

12/30/2020

Tentative Ruling:

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The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
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10:00 AM

CONT... Jorge Alejandro Medina

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Jorge Alejandro Medina

Represented By
Laleh Ensafi

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 4, 2021

Hearing Room 1568

10:00 AM

2:20-20522 Jillian Nayback

Chapter 7

#3.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Cr-V, VIN: 2HKR M3H5 3GH5 12765 .

Docket 8

Tentative Ruling:

12/30/2020

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
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10:00 AM

CONT... Jillian Nayback

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Jillian Nayback

Represented By
Nancy Korompis

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 4, 2021

Hearing Room 1568

10:00 AM

2:20-19488 Candi D Blodgett

Chapter 7

#4.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14619 Maryton Avenue, Norwalk, California . (Attachments: # 1 Exhibit) (Torres-Brito, Diana)

Docket 11

Tentative Ruling:

12/30/2020

Tentative Ruling:

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This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established a *prima facie* case that cause exists, and Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

The subject property has a value of \$312,032.09 and is encumbered by a perfected deed of trust or mortgage in favor of the Movant. Considering Movant's lien, all senior liens against the property, and the estimated costs of sale, there is an equity

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CONT... Candi D Blodgett

Chapter 7

cushion of \$16,048.02. There is some, but very little equity and there is no evidence that the property is necessary to a reorganization or that the trustee can administer the property for the benefit of creditors. Movant is protected by a 3.59% equity cushion in the property. The Ninth Circuit has established that an equity cushion of 20% constitutes adequate protection for a secured creditor. Pistole v. Mellor (In re Mellor), 734 F.2d 1396, 1401 (9th Cir. 1984); *see Downey Sav. & Loan Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.)*, 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral).

Because the equity cushion in this case is less than 20%, the Court concludes that Movant's interest in the collateral is not adequately protected. This is cause to terminate the stay under 11 U.S.C. § 362(d)(1).

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Candi D Blodgett

Represented By
Leon D Bayer

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, January 4, 2021

Hearing Room 1568

10:00 AM

CONT... Candi D Blodgett

Chapter 7

**United States Bankruptcy Court
Central District of California
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Judge Ernest Robles, Presiding
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Monday, January 4, 2021

Hearing Room 1568

10:00 AM

2:20-20907 SZ Covina Capital Partners

Chapter 11

#5.00 HearingRE: [16] Motion for Continuation of Utility Service and Approval of Adequate Assurance of Payment to Utility Company Under Section 366(b) / Debtors Notice Of Motion And Motion For Entry Of An Order Setting The Amount Of, And Authorizing Debtor To Provide, Adequate Assurance Of Future Payment To Utility Companies Pursuant To 11 U.S.C. § 366; Memorandum Of Points And Authorities And Declaration In Support Thereof

Docket 16

Tentative Ruling:

12/30/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be filed subsequent to the issuance of this tentative ruling, the Court is prepared to GRANT the Motion in its entirety.

Pleadings Filed and Reviewed:

- 1) Debtor's Notice of Motion and Motion for Entry of an Order Setting the Amount of, and Authorizing Debtor to Provide, Adequate Assurance of Future Payment to Utility Companies Pursuant to 11 U.S.C. § 366 [Doc. No. 16] (the "Motion")
 - a) Application for Order Setting Hearing on Shortened Notice [Doc. No. 17]
 - b) Order Setting Hearing on Debtor's Emergency Motion for Authorization to Provide Adequate Assurance of Future Payment to Utility Companies [Doc. No. 19]
 - c) Proof of Service of [Motion and Order Setting Hearing on Motion] [Doc. No. 21]
 - d) Declaration Re Telephonic Notice of Hearing on Debtor's Emergency Motion for Authorization to Provide Adequate Assurance of Payment to Utility Companies [Doc. No. 22]

**United States Bankruptcy Court
Central District of California
Los Angeles
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Monday, January 4, 2021

Hearing Room 1568

10:00 AM

CONT... SZ Covina Capital Partners

Chapter 11

I. Facts and Summary of Pleadings

SZ Covina Capital Partners, LLC (the “Debtor”) filed a voluntary petition under Subchapter V of Chapter 11 on December 12, 2020. An initial Subchapter V status conference is set for February 10, 2021. *See* Doc. No. 6.

The Debtor owns and operates the Sky Zone Trampoline Park, which is located in Covina Town Square in Covina, California. The Sky Zone Trampoline Park has been closed as a result of the COVID-19 pandemic. The Debtor sought bankruptcy protection after its landlord took steps to terminate the Debtor’s lease.

The Debtor seeks an order fixing the amount necessary to be deposited with utility providers in order to satisfy the “adequate assurance of payment” requirements of § 366. The Debtor proposes to deposit with each utility provider cash equal to the Debtor’s average monthly utility bill (with the average computed based on the most recent three monthly bills). The source of the funds to be used to pay the cash deposits will be direct payments by third parties as capital contributions to the Debtor.

The following table summarizes the deposits proposed by the Debtor:

Utility Company	Utility Description	Proposed Deposit
Asuza Water	Water	\$102.95
Corporate Services Consultants, LLC	Trash	None (account on hold until the Debtor’s business reopens)
Edison	Electric	\$947.13
Frontier	Phone	\$162.81
SoCal Gas	Gas	\$16.60

Because the hearing on the Motion has been set on shortened notice, the deadline for the submission of any opposition has not yet elapsed. As of the issuance of this tentative ruling, no opposition is on file. This ruling is subject to any additional arguments that may be presented in the event an opposition is filed.

II. Findings and Conclusions

Section 366(c)(2) provides that a utility provider may “alter, refuse, or discontinue utility service if, during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor . . . adequate assurance of payment for utility service that is satisfactory to the utility.” However, § 366(c)(3) provides that upon request of a party in interest and after notice and a hearing, the

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CONT... **SZ Covina Capital Partners**

Chapter 11

court “may order modification of the amount of an assurance of payment” under § 366(c)(2).

In *In re Circuit City Stores, Inc.*, 2009 WL 484553 (Bankr. E.D. Va. Jan. 14, 2009), the court evaluated proposed procedures for determining adequate assurance of payment to utility providers. The *Circuit City* court concluded that the statute “does not prohibit a court from making a determination about the adequacy of an assurance of payment until only after a payment ‘satisfactory to the utility’ has been received from the debtor under § 366(c)(2). The first clause of § 366(c)(2) clearly renders the entire section subject to the court’s authority outlined in § 366(c)(3).” *Id.* at *5.

The *Circuit City* court rejected the interpretation of § 363(c)(2) that “concludes that a bankruptcy court may not determine the appropriate amount of adequate assurance until the debtor has first paid whatever amount the utility has demanded.” *Id.* at *3. Such an interpretation, the court reasoned, “is simply unworkable” and “could lead to absurd results.” *Id.* For instance, a utility company might “simply fail to respond to a debtor’s offer of adequate assurance, or it may choose to respond on the thirtieth day. In either event, the result would be calamitous for a debtor in the throes of bankruptcy.” *Id.*

“The requirement is for ‘adequate assurance’ of payment, which . . . need not necessarily be provided by deposit.” *In re Adelpia Bus. Solutions, Inc.*, 280 B.R. 63, 80 (Bankr. S.D.N.Y. 2002). “Whether utilities have adequate assurance of future payment is determined by the individual circumstances of each case.” *Id.* “Accordingly, bankruptcy courts must be afforded reasonable discretion in determining what constitutes ‘adequate assurance’ of payment for continuing utility services.” *Virginia Elec. & Power Co. v. Caldor, Inc.-New York*, 117 F.3d 646, 650 (2d Cir. 1997) (citations omitted).

The Court finds that the deposits proposed by the Debtor provide “adequate assurance of payment” to the Debtor’s utility providers consistent with the requirements of § 366(c). The proposed deposits are equal to the Debtor’s average monthly utility bill. An order finding that the deposits satisfy the requirements of § 366(c) is necessary to avoid an unexpected interruption of utility services which would prove detrimental to the Debtor’s opposition.

Subject to any opposition which may be filed subsequent to the issuance of this tentative ruling, the Court is prepared to GRANT the Motion in its entirety.

Party Information

Debtor(s):

SZ Covina Capital Partners

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 4, 2021

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10:00 AM

CONT... SZ Covina Capital Partners

Chapter 11

Ron Bender
Todd M Arnold

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01239 Verity Health System of California, Inc. et al v. Change Healthcare

#1.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01239. Complaint by Verity Health System of California, Inc. against Change Healthcare Engagement Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr: 11-3-2020

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Change Healthcare Engagement

Represented By

Lauren A Deeb

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Lee B Hart
Joshua H Stein

Plaintiff(s):

Howard Grobstein

Represented By
Gary D Underdahl

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01267 St. Vincent Medical Center v. Dynamics Orthotics & Prosthetics, Inc.

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01267. Complaint by St. Vincent Medical Center against Dynamics Orthotics & Prosthetics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Dynamics Orthotics & Prosthetics,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01271 Verity Health System of California, Inc. v. ECRI Institute

#3.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01271. Complaint by Verity Health System of California, Inc. against ECRI Institute. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ECRI Institute

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01274 Grobstein v. MediClean Linen&Laundry Inc.

#4.00 Status Hearing
RE: [5] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against MediClean Linen&Laundry Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01274. Complaint by St. Vincent Medical Center against Emerald Textiles, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Underdahl, Gary)

Docket 5

***** VACATED *** REASON: CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

MediClean Linen&Laundry Inc.

Pro Se

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

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Howard Grobstein

Represented By
Gary D Underdahl

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01296 St. Francis Medical Center v. Harry H. Joh Construction Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01296. Complaint by St. Francis Medical Center against Harry H. Joh Construction Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Harry H. Joh Construction Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01450 St. Vincent Medical Center v. St. Vincent IPA Medical Corporation

#6.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against St. Vincent IPA Medical Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01450. Complaint by St. Vincent Medical Center against St. Vincent IPA Medical Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

St. Vincent IPA Medical Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
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Judge Ernest Robles, Presiding
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Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01451 Verity Medical Foundation v. Stanford University Medical Center

#7.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against Stanford University Medical Center. (RE: related document(s)1 Adversary case 2:20-ap-01451. Complaint by Verity Medical Foundation against Stanford University Medical Center. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stanford University Medical Center

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01452 O'Connor Hospital v. Stryker Corporation

#8.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Stryker Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01452. Complaint by O'Connor Hospital against Stryker Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stryker Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 5, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01453 O'Connor Hospital v. Summers and Sons Electric, Incorporated

#9.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Summers and Sons Electric, Incorporated. (RE: related document(s)1 Adversary case 2:20-ap-01453. Complaint by O'Connor Hospital against Summers and Sons Electric, Incorporated. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Summers and Sons Electric,

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 5, 2021

Hearing Room 1575

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01454 Verity Health System of California, Inc. v. Sunquest Information Systems,

#10.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Sunquest Information Systems, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01454. Complaint by Verity Health System of California, Inc. against Sunquest Information Systems, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sunquest Information Systems, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01455 Verity Health System of California, Inc. v. Surgical Information Systems,

#11.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Surgical Information Systems, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01455. Complaint by Verity Health System of California, Inc. against Surgical Information Systems, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 10-1-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Surgical Information Systems, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, January 5, 2021

Hearing Room 1639

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01456 St. Vincent Medical Center v. Sync Hospitalist Medical Group, APC

#12.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Sync Hospitalist Medical Group, APC. (RE: related document(s)1 Adversary case 2:20-ap-01456. Complaint by St. Vincent Medical Center against Sync Hospitalist Medical Group, APC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sync Hospitalist Medical Group,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, January 5, 2021

Hearing Room 1639

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01457 St. Francis Medical Center v. Teleflex Medical Incorporated

#13.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Teleflex Medical Incorporated. (RE: related document(s)1 Adversary case 2:20-ap-01457. Complaint by St. Francis Medical Center against Teleflex Medical Incorporated. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 11-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Teleflex Medical Incorporated

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01458 Verity Medical Foundation v. Telenet VoIP Inc.

#14.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against Telenet VoIP Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01458. Complaint by Verity Medical Foundation against Telenet VoIP Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 11-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Telenet VoIP Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01459 Verity Health System of California, Inc. v. The Cirius Group, Inc.

#15.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against The Cirius Group, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01459. Complaint by Verity Health System of California, Inc. against The Cirius Group, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Cirius Group, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01460 Verity Medical Foundation v. The Doctors Company Insurance Services,

#16.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against The Doctors Company Insurance Services, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01460. Complaint by Verity Medical Foundation against The Doctors Company Insurance Services, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Doctors Company Insurance

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 5, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01461 St. Francis Medical Center v. The Greeley Company, LLC

#17.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against The Greeley Company, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01461. Complaint by St. Francis Medical Center against The Greeley Company, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 10-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Greeley Company, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 5, 2021

Hearing Room 1575

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01462 St. Francis Medical Center v. The Institute of Trauma and Acute Care, Inc.

#18.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against The Institute of Trauma and Acute Care, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01462. Complaint by St. Francis Medical Center against The Institute of Trauma and Acute Care, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Institute of Trauma and Acute

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01463 Verity Medical Foundation v. TheraCom, L.L.C.

#19.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against TheraCom, L.L.C.. (RE: related document(s)1 Adversary case 2:20-ap-01463. Complaint by Verity Medical Foundation against TheraCom, L.L.C.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TheraCom, L.L.C.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01464 St. Louise Regional Hospital v. Total Renal Care, Inc.

#20.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Louise Regional Hospital against Total Renal Care, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01464. Complaint by St. Louise Regional Hospital against Total Renal Care, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Louise Regional Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Total Renal Care, Inc.

Pro Se

Plaintiff(s):

St. Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01465 St. Francis Medical Center v. TouchPoint Support Services, LLC

#21.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against TouchPoint Support Services, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01465. Complaint by St. Francis Medical Center against TouchPoint Support Services, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TouchPoint Support Services, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01466 Seton Medical Center v. Traditions Psychology Group, Inc.

#22.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Seton Medical Center against Traditions Psychology Group, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01466. Complaint by Seton Medical Center against Traditions Psychology Group, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Seton Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 9-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Traditions Psychology Group, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01467 St. Vincent Medical Center v. Trane U.S. Inc.

#23.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Trane U.S. Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01467. Complaint by St. Vincent Medical Center against Trane U.S. Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Trane U.S. Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01468 St. Vincent Medical Center v. Transplant Connect, Inc.

#24.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Transplant Connect, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01468. Complaint by St. Vincent Medical Center against Transplant Connect, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Transplant Connect, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01469 St. Vincent Medical Center v. Transplant Management Group, LLC

#25.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Transplant Management Group, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01469. Complaint by St. Vincent Medical Center against Transplant Management Group, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Transplant Management Group, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01470 St. Francis Medical Center v. Tri-Anim Health Services, Inc.

#26.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Tri-Anim Health Services, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01470. Complaint by St. Francis Medical Center against Tri-Anim Health Services, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 10-27-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Tri-Anim Health Services, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 5, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01471 St. Vincent Medical Center v. Tri-Pharma, Inc.

#27.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Tri-Pharma, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01471. Complaint by St. Vincent Medical Center against Tri-Pharma, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Tri-Pharma, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01472 St. Vincent Medical Center v. UCLA Immunogenetics Center

#28.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against UCLA Immunogenetics Center. (RE: related document(s)1 Adversary case 2:20-ap-01472. Complaint by St. Vincent Medical Center against UCLA Immunogenetics Center. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 12-8-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

UCLA Immunogenetics Center

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01473 Verity Health System of California, Inc. v. United HealthCare Services, Inc.

#29.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against United HealthCare Services, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01473. Complaint by Verity Health System of California, Inc. against United HealthCare Services, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 12-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

United HealthCare Services, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01474 Verity Medical Foundation v. United Medical Imaging Healthcare, Inc.

#30.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against United Medical Imaging Healthcare, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01474. Complaint by Verity Medical Foundation against United Medical Imaging Healthcare, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

United Medical Imaging Healthcare,

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01475 St. Vincent Medical Center v. United Network For Organ Sharing

#31.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against United Network For Organ Sharing. (RE: related document(s)1 Adversary case 2:20-ap-01475. Complaint by St. Vincent Medical Center against United Network For Organ Sharing. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

United Network For Organ Sharing

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01476 St. Francis Medical Center v. Universal Air Flow Consultants, LLC

#32.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Universal Air Flow Consultants, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01476. Complaint by St. Francis Medical Center against Universal Air Flow Consultants, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 2-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Universal Air Flow Consultants,

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01477 Verity Medical Foundation v. Unlimited Technology Systems, LLC

#33.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against Unlimited Technology Systems, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01477. Complaint by Verity Medical Foundation against Unlimited Technology Systems, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 10-1-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Unlimited Technology Systems,

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01478 Verity Medical Foundation v. Urological Surgeons of Northern California,

#34.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against Urological Surgeons of Northern California, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01478. Complaint by Verity Medical Foundation against Urological Surgeons of Northern California, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Urological Surgeons of Northern

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01479 St. Francis Medical Center v. Vascular & Thoracic Associates of Los Angeles

#35.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Vascular & Thoracic Associates of Los Angeles. (RE: related document(s)1 Adversary case 2:20-ap-01479. Complaint by St. Francis Medical Center against Vascular & Thoracic Associates of Los Angeles. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Vascular & Thoracic Associates of

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01480 Verity Health System of California, Inc. v. Vision Service Plan

#36.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Vision Service Plan. (RE: related document(s)1 Adversary case 2:20-ap-01480. Complaint by Verity Health System of California, Inc. against Vision Service Plan. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Vision Service Plan

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01481 St. Francis Medical Center v. Vista Paint Corporation

#37.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Vista Paint Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01481. Complaint by St. Francis Medical Center against Vista Paint Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 2-2-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Vista Paint Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01482 Verity Health System of California, Inc. v. VMware, Inc.

#38.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against VMware, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01482. Complaint by Verity Health System of California, Inc. against VMware, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

VMware, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01483 Verity Health System of California, Inc. v. Voicebrook, Inc.

#39.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Voicebrook, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01483. Complaint by Verity Health System of California, Inc. against Voicebrook, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Voicebrook, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01484 Verity Health System of California, Inc. v. WageWorks, Inc.

#40.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against WageWorks, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01484. Complaint by Verity Health System of California, Inc. against WageWorks, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

WageWorks, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01485 O'Connor Hospital v. Wave Form Systems, Incorporated

#41.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Wave Form Systems, Incorporated. (RE: related document(s)1 Adversary case 2:20-ap-01485. Complaint by O'Connor Hospital against Wave Form Systems, Incorporated. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wave Form Systems, Incorporated

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01486 Seton Medical Center v. Wells Fargo Vendor Financial Services, LLC

#42.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Seton Medical Center against Wells Fargo Vendor Financial Services, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01486. Complaint by Seton Medical Center against Wells Fargo Vendor Financial Services, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff Seton Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wells Fargo Vendor Financial

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01487 Verity Health System of California, Inc. v. Wellsky Corporation

#43.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Wellsky Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01487. Complaint by Verity Health System of California, Inc. against Wellsky Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wellsky Corporation

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01488 St. Vincent Medical Center v. West Medical Inc.

#44.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against West Medical Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01488. Complaint by St. Vincent Medical Center against West Medical Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

West Medical Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01489 Verity Health System of California, Inc. v. Workday, Inc.

#45.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Workday, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01489. Complaint by Verity Health System of California, Inc. against Workday, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 10-21-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Workday, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01490 St. Francis Medical Center v. Zoll Medical Corporation

#46.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Zoll Medical Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01490. Complaint by St. Francis Medical Center against Zoll Medical Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Zoll Medical Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01491 St. Francis Medical Center v. Zoubero, Inc.

#47.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Zoubero, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01491. Complaint by St. Francis Medical Center against Zoubero, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Zoubero, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01492 St. Francis Medical Center et al v. Abbott Rapid Diagnostics Informatics,

#48.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01492. Complaint by St. Francis Medical Center, O'Connor Hospital against Abbott Rapid Diagnostics Informatics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Abbott Rapid Diagnostics

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01493 St. Francis Medical Center et al v. Acumed, LLC

#49.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01493. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Acumed, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Acumed, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01494 St. Francis Medical Center et al v. Agiliti Health, Inc.

#50.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01494. Complaint by St. Francis Medical Center, Seton Medical Center against Agiliti Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Agiliti Health, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01495 Seton Medical Center et al v. Airgas, Inc.

#51.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01495. Complaint by Seton Medical Center, St. Vincent Medical Center against Airgas, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Airgas, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01496 St. Francis Medical Center et al v. Altsearch Recruitment Consultants

#52.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01496. Complaint by St. Francis Medical Center, Verity Health System of California, Inc. against Altsearch Recruitment Consultants Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 2-16-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Altsearch Recruitment Consultants

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01497 Verity Medical Foundation et al v. American Express Company

#53.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01497. Complaint by Verity Medical Foundation, Verity Health System of California, Inc. against American Express Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

American Express Company

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01498 St. Vincent Medical Center et al v. AngioDynamics, Inc.

#54.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01498. Complaint by St. Vincent Medical Center, O'Connor Hospital against AngioDynamics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AngioDynamics, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01499 O'Connor Hospital et al v. Argon Medical Devices, Inc.

#55.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01499. Complaint by O'Connor Hospital, St. Francis Medical Center against Argon Medical Devices, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Argon Medical Devices, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01571 Grobstein v. Applied Medical Distribution Corporation

#56.00 Status Hearing

RE: [7] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against Applied Medical Distribution Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01571. Complaint by St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital against Applied Medical Resources Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center, Plaintiff St. Vincent Medical Center, Plaintiff Seton Medical Center, Plaintiff Saint Louise Regional Hospital). (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D) (Underdahl, Gary)

Docket 7

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

Applied Medical Distribution

Pro Se

Plaintiff(s):

Howard Grobstein

Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#57.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01616. Complaint by Official Committee of Unsecured Creditors of Verity Health System of California, Inc., et al. against Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (91 (Declaratory judgment)) (Behrens, James)

FR. 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED 2-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Integrity Healthcare, LLC, John Doe

Pro Se

Plaintiff(s):

Official Committee of Unsecured

Represented By

James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 6, 2021

Hearing Room 1568

10:00 AM

2:12-13558 Rolando Leon and Maria Cecilia Leon

Chapter 7

#1.00 APPLICANT: Howard Ehrenberg, Trustee

Hearing re [60] and [61] re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

On December 1, 2020, the United States Trustee (the "US Trustee") filed a *Motion to Reopen Chapter 7 Case* [Doc. No. 51] because one of the creditors in the case, a student loan servicer, informed the chapter 7 trustee that it would not accept the distribution check from the estate of Rolando and Maria Cecilia Leon (the "Debtors"). The Court reopened the case that same day. *See* Doc. No. 57. Howard M. Ehrenberg was again appointed as chapter 7 trustee (the "Trustee") and he redistributed the remaining funds accordingly. On December 9, 2020, the Trustee filed an *Amended Trustee's Final Report* [Doc. No. 60] wherein he alerted the Court that there is a surplus of \$14,871.87 to be returned to the Debtors. The Court, having previously awarded final fees to the Trustee case in the amount of \$7,100 in fees and \$228.55 in expenses, and to the professionals in this case in the amount of \$1,672 in fees and \$282.90 in expenses, APPROVES the *Amended Trustee's Final Report*.

The Trustee shall submit a conforming order for his application, incorporating this tentative ruling by reference, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact **Daniel Koontz** or **Andrew Lockridge** at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.

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

Hearing Room 1568

10:00 AM

CONT... Rolando Leon and Maria Cecilia Leon Chapter 7

Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Rolando Leon

Represented By
Hovig J Abassian

Joint Debtor(s):

Maria Cecilia Leon

Represented By
Hovig J Abassian

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 6, 2021

Hearing Room 1568

10:00 AM

2:12-13558 Rolando Leon and Maria Cecilia Leon

Chapter 7

#2.00 APPLICANT: Hahn Fife & Company, Accountant

Hearing re [60] and [61] re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 1, incorporated by reference in full.

Party Information

Debtor(s):

Rolando Leon

Represented By
Hovig J Abassian

Joint Debtor(s):

Maria Cecilia Leon

Represented By
Hovig J Abassian

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 6, 2021

Hearing Room 1568

10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#3.00 APPLICANT: Trustee - Howard M. Ehrenberg

Hearing re [205] Amended Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

On September 2, 2020, the Court allowed final fees and expenses for the chapter 7 trustee (the "Trustee") and professionals as follow (not all fees and expenses could be paid because the estate was administratively insolvent):

1. Trustee
 - a. Fees: \$4,385.34 (\$2,903.14 paid)
 - b. Expenses: \$798.77 (\$528.79 paid)
2. Attorney for Trustee (SulmeyerKupetz)
 - a. Fees: \$10,000 (\$6,620.11 paid)
 - b. Expenses: \$1,181.35 (\$782.07 paid)
3. Accountant for Trustee (Mechaca & Company LLP)
 - a. Fees: \$5,953 (\$3,940.95 paid)
 - b. Expenses: \$30.20 (\$19.99 paid)
4. Franchise Tax Board: \$1,640.73 (\$1,086.18 paid)

On November 17, 2020 the estate received a 2017 tax refund in the amount of \$8,355.06. After a further distribution to a creditor, the Trustee proposes additional payments to the above-mentioned entities:

1. Trustee

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Hearing Room 1568

10:00 AM

CONT...

Fu Kong Inc.

Chapter 7

- a. Fees: \$916.41
- b. Expenses: \$166.92
2. Attorney for Trustee (SulmeyerKupetz)
 - a. Fees: \$2,089.69
 - b. Expenses: \$342.86
3. Accountant for Trustee (Mechaca & Company LLP)
 - a. Fees: \$1,243.99
 - b. Expenses: \$6.31
4. Franchise Tax Board: \$342.86

As the proposed payments are in line with the Court's September 2, 2020 order, the Court APPROVES the additional payments set forth in the *Amended Trustee's Final Report* [Doc. No. 204].

The Trustee shall submit a conforming order for his application, incorporating this tentative ruling by reference, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact **Daniel Koontz** or **Andrew Lockridge** at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, January 6, 2021

Hearing Room 1568

10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#4.00 APPLICANT: Attorney for Trustee - SulmeyerKupetz

Hearing re [205] Amended Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, January 6, 2021

Hearing Room 1568

10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#5.00 Charges, U.S. Bankruptcy Court

Hearing re [205] Amended Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

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

Hearing Room 1568

10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#6.00 Fees, United States Trustee

Hearing re [205] Amended Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

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

Hearing Room 1568

10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#7.00 Bond Payments - International Sureties, LTD.

Hearing re [205] Amended Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

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

Hearing Room 1568

10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#8.00 Other Chapter 7 Administrative Expenses - Franchise Tax Board

Hearing re [205] Amended Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
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Hearing Room 1568

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2:18-17345 Fu Kong Inc.

Chapter 7

**#9.00 Accountant for Trustee (Other Firm) - Menchaca &
Company LLP**

Hearing re [205] Amended Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
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Los Angeles
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10:00 AM

2:18-17345 Fu Kong Inc.

Chapter 7

#10.00 Attorney for D-I-P Fees (Chapter 11) - Lo & Lo LLP

Hearing re [205] Amended Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Fu Kong Inc.

Represented By
Michael Y Lo

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

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

Hearing Room 1568

10:00 AM

2:19-11605 Jonathan Wayne Devane Shaw

Chapter 7

#11.00 APPLICANT: Trustee - Peter J. Mastan

Hearing re [64] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows (amounts previously paid on an interim basis if any, are now deemed final):

Total Trustee's Fees: \$3,250.00 [*see* Doc. No. 64]

Total Trustee's Expenses: \$267.02 [*see id.*]

Total Accountant's Fees: \$1,000 (consisting of \$1,000 in cash disbursements previously approved on July 21, 2020 [Doc. No. 61])

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the

**United States Bankruptcy Court
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10:00 AM

CONT... Jonathan Wayne Devane Shaw
hearing.

Chapter 7

Party Information

Debtor(s):

Jonathan Wayne Devane Shaw

Represented By
Barry E Borowitz

Trustee(s):

Peter J Mastan (TR)

Pro Se

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

Hearing Room 1568

10:00 AM

2:19-11605 Jonathan Wayne Devane Shaw

Chapter 7

#12.00 APPLICANT: Accountant for Trustee - LEA Accountancy, LLP

Hearing re [64] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 11, incorporated by reference in full.

Party Information

Debtor(s):

Jonathan Wayne Devane Shaw

Represented By
Barry E Borowitz

Trustee(s):

Peter J Mastan (TR)

Pro Se

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

Hearing Room 1568

10:00 AM

2:19-24133 Giuseppe Casa

Chapter 7

#13.00 APPLICANT: Trustee: JASON M. RUND

Hearing re [34] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$1,135.98 [*see* Doc. No. 33]

Total Trustee's Expenses: \$23.70 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing

Party Information

**United States Bankruptcy Court
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10:00 AM

CONT... Giuseppe Casa

Chapter 7

Debtor(s):

Giuseppe Casa

Represented By
Khachik Akhkashian

Trustee(s):

Jason M Rund (TR)

Pro Se

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#14.00 Hearing

RE: [6278] Motion to Allow Claim /Motion of Smith & Nephew, Inc. for Allowance and Payment of Post-Petition Administrative Expense Claim (Rich, Robert)

Docket 6278

***** VACATED *** REASON: CONTINUED TO 2-3-21 at 10AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01559 ST. VINCENT MEDICAL CENTER, a California nonprofit v. BLUE

#15.00 Hearing
RE: [12] Motion to Dismiss Adversary Proceeding Blue Shield of California Promise Health Plans Notice of Motion and Motion to: (1) Dismiss Claims for Turnover, Violation of the Automatic Stay and Unjust Enrichment; and (2) Compel Arbitration and Stay Adversary Proceeding; Memorandum of Points and Authorities (Reynolds, Michael)

FR. 11-24-20; 12-16-20

Docket 12

***** VACATED *** REASON: PER ORDER ENTERED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

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

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

BLUE SHIELD OF CALIFORNIA

Represented By
Michael B Reynolds

Plaintiff(s):

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

Seton Medical Center, a California

Represented By
Steven J Kahn

O'Connor Hospital, a California

Represented By
Steven J Kahn

Saint Louise Regional Hospital, a

Represented By
Steven J Kahn

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01559 ST. VINCENT MEDICAL CENTER, a California nonprofit v. BLUE

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01559. Complaint by ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against Blue Shield of California Promise Health Plan, a California corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C # 7 Exhibit Exhibit D # 8 Exhibit Exhibit E # 9 Exhibit Exhibit F # 10 Exhibit Exhibit G # 11 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

FR. 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 6-15-21 AT 10AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

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

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

BLUE SHIELD OF CALIFORNIA Pro Se

Plaintiff(s):

ST. VINCENT MEDICAL Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01575 St. Vincent Medical Center, a California nonprofit v. California Physicians'

#17.00 Hearing
RE: [13] Motion to Dismiss Adversary Proceeding): Blue Shield of Californias
Notice of Motion and Motion to: (1) Dismiss Claims for Turnover, Violation of the
Automatic Stay and Unjust Enrichment; and (2) Compel Arbitration and Stay
Adversary Proceeding; Memorandum of Points and Authorities (Reynolds,
Michael)

FR. 11-24-20; 12-16-20

Docket 13

***** VACATED *** REASON: PER ORDER ENTERED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

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

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

California Physicians' Service, a

Represented By
Michael B Reynolds

Plaintiff(s):

St. Vincent Medical Center, a

Represented By
Steven J Kahn

Seton Medical Center, a California

Represented By
Steven J Kahn

O'Connor Hospital, a California

Represented By
Steven J Kahn

Saint Louise Regional Hospital, a

Represented By
Steven J Kahn

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

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01575 St. Vincent Medical Center, a California nonprofit v. California Physicians'

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01575. Complaint by St. Vincent Medical Center, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit public benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against California Physicians' Service, a California nonprofit public benefit corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C-1 # 7 Exhibit Exhibit C-2 # 8 Exhibit Exhibit D # 9 Exhibit Exhibit E-1 # 10 Exhibit Exhibit E-2 # 11 Exhibit Exhibit F # 12 Exhibit Exhibit G-1 # 13 Exhibit Exhibit G-2 # 14 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

FR. 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 6-15-21 AT 10AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

**United States Bankruptcy Court
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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

California Physicians' Service, a Pro Se

Plaintiff(s):

St. Vincent Medical Center, a Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

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

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

#19.00 HearingRE: [105] Motion RE: Objection to Claim Number 4 by Claimant Daimler Trust.

Docket 105

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The objections filed by Chapter 11 Debtor Michael Stuart Brown to Claim Nos. 4 and 8 are SUSTAINED and Claim Nos. 4 and 8 are DISALLOWED in their entirety.

Pleadings Filed and Reviewed

- 1) Objection to Claim No. 4 [Doc. No. 105]
- 2) Objection to Claim No. 8 [Doc. No. 106]

I. Facts and Summary of Pleadings

Michael Stuart Brown (the “Debtor”) commenced a voluntary chapter 11 petition on May 15, 2020.

Claim No. 4

On June 11, 2020, Daimler Trust (“Daimler”) filed Proof of Claim No. 4 in the amount of \$2,815.42. Daimler avers that the Debtor entered into a lease with Daimler that terminated in December of 2015. Daimler claims that the Debtor owes Daimler \$2,815.42 for unpaid lease payments, unpaid late charges, excess wear and tear, a disposition fee, and sales tax.

On December 4, 2020, the Debtor filed his Objection to Claim No. 4. The Debtor argues that Claim No. 4 is time barred because the “alleged debt was incurred in or around December 2015, more than 4 years prior to the May 15, 2020 bankruptcy petition date.” Objection to Claim No. 4 at 2. The Debtor likewise believes that there

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CONT... Michael Stuart Brown

Chapter 11

were no “intervening events” that could have tolled the statute of limitations. *Id.*

Claim No. 8

On July 9, 2020, the City of Los Angeles, Office of Finance (the “City of Los Angeles”) filed Proof of Claim No. 8 in the amount of \$1,307.13. The City of Los Angeles claims that, following an audit of the Debtor’s business (“California Lawyers Group”), California Lawyers Group owes the City of Los Angeles \$1,368.84 in unpaid business taxes.

On December 4, 2020, the Debtor filed his Objection to Claim No. 8. The Debtor argues that he “cannot be liable for the Claim since he is not party to the alleged contract to pay taxes.” Objection to Claim No. 8 at 5. The Debtor also avers that “since the Claim is based on the sole liability of California Lawyers Group LLP, there can be no liability for the Debtor.” *Id.*

II. Findings of Fact and Conclusions of Law

Section 502 requires the Court to disallow a claim that “is unenforceable against the debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured.” Claims are determined as of the “date of the filing of the petition.” 11 U.S.C. § 502(b).

Under § 502(b), claims may be disallowed based upon any defense available to the debtor under applicable nonbankruptcy law, including expiration of the statute of limitations. 4 *Collier on Bankruptcy*, ¶ 502.03[b] (16th ed. rev’d 2015).

Rule 3001(c) of the Federal Rule of Bankruptcy Procedure (“FRBP”) provides that if a claim is based on a writing, the original or a duplicate of the writing shall be filed with the claim. Under Rule 3001(f), a proof of claim executed and filed in accordance with the FRBP constitutes prima facie evidence of the validity and amount of the claim. To overcome the presumption of validity created by a timely-filed proof of claim, an objecting party must do one of the following: (1) object based on legal grounds and provide a memorandum of points and authorities setting forth the legal basis for the objection; or (2) object based on a factual ground and provide sufficient evidence (usually in the form of declarations under penalty of perjury) to create triable issues of fact. *In re G.I. Indus., Inc.*, 204 F.3d 1276, 1280 (9th Cir. BAP 2000); *In re Medina*, 205 B.R. 216, 222 (9th Cir. BAP 1996); *In re Hemingway Transport, Inc.*, 993 F.2d 915, 925 (1st Cir. 1993). Upon objection, a proof of claim

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provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." *See Lundell v. Anchor Constr. Spec., Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000) (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). An objecting party bears the burden and must "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Holm*, 931 F.2d at 623. When the objector has shown enough evidence to negate one or more facts in the proof of claim, the burden shifts back to the claimant to prove the validity of the claim by a preponderance of evidence. *See Lundell*, 223 F.3d at 1039 (citation omitted).

Claim No. 4

Claim No. 4 is based upon a deficiency balance assessed against the Debtor after the Debtor allegedly failed to pay certain charges following the termination of a lease agreement. California Code of Civil Procedure § 337(1) requires that any action on a written contract be commenced within four years.

The Debtor's objection that Daimler's claim is unenforceable by reason of the statute of limitations shifted the burden back to Daimler to prove the validity of its claim. By failing to oppose the claim objection after being properly served, Daimler has not carried that burden. The evidence before the Court shows that the lease ended on December 28, 2015. Claim No. 4 at 15. To be timely, a collection action would have to be commenced, at the latest, on or before December 28, 2019. There is no evidence that Daimler filed a collection action—or has taken any action to collect upon the debt—subsequent to the lease end on December 28, 2015. The Court finds that any action by Daimler to enforce the deficiency pursuant to the terminated lease agreement would be barred by the statute of limitations. Accordingly, Daimler's claim is unenforceable against the Debtor under applicable California law. Claim No. 4 is DISALLOWED in its entirety.

Claim No. 8

Claim No. 4 is based upon an audit that the City of Los Angeles conducted on California Lawyers Group. Following the audit, the City of Los Angeles determined that the California Lawyers Group owed it \$1,368.84 in unpaid business taxes.

The Debtor's objection that the City of Los Angeles' claim is unenforceable because the Debtor is not a party to the contract, nor is he an obligor, shifted the burden back to the City of Los Angeles to prove the validity of its claim. By failing to

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oppose the claim objection after being properly served, the City of Los Angeles has not carried that burden. The evidence before the court shows that the proof of claim submitted by the City of Los Angeles determined that it was "California Lawyers Group LLP" that owed business taxes to the City of Los Angeles. The proof of claim makes no mention of the Debtor. Therefore, the Court finds that because the Debtor is not a party to the contract to pay, nor is he an obligor, the claim against California Lawyers Group is "unenforceable against the debtor and property of the debtor." 11 U.S.C. § 502(b). Claim No. 8 is DISALLOWED in its entirety.

III. Conclusion

For the reasons set forth above, the objections to Claim Nos. 4 and 8 are SUSTAINED and Claim Nos. 4 and 8 are DISALLOWED in their entirety.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:20-14485 Michael Stuart Brown

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#20.00 HearingRE: [106] Motion RE: Objection to Claim Number 8 by Claimant CITY OF LOS ANGELES, OFFICE OF FINANCE.

Docket 106

Tentative Ruling:

1/5/2021

See calendar no. 19, incorporated by reference in full.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:19-23715 Enrique Alonso Martinez and Teresita Martinez

Chapter 7

#100.00 APPLICANT: Heide Kurtz, Trustee

Hearing re [50]re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$3,050.00 [*see* Doc. No. 49]

Total Trustee's Expenses: \$52.38 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

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CONT... Enrique Alonso Martinez and Teresita Martinez

Chapter 7

Debtor(s):

Enrique Alonso Martinez

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Teresita Martinez

Represented By
Gregory M Shanfeld

Trustee(s):

Heide Kurtz (TR)

Represented By
Timothy J Yoo
Carmela Pagay

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2:19-23715 Enrique Alonso Martinez and Teresita Martinez

Chapter 7

#101.00 APPLICANT: Attorney for Trustee (Other Firm) - LEVENE NEALE BENDER
YOO & BRILL

Hearing re [50]re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

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Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$4,748.77 approved (the total amount requested reflects a voluntary waiver of \$1,262.23 in order to allow for 100% distribution to general unsecured claimants [*See* Doc. No. 46])

Expenses: \$346.24 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

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Party Information

Debtor(s):

Enrique Alonso Martinez

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Teresita Martinez

Represented By
Gregory M Shanfeld

Trustee(s):

Heide Kurtz (TR)

Represented By
Timothy J Yoo
Carmela Pagay

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2:20-19727 Titus Emil Iovita

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#102.00 HearingRE: [31] Motion to Dismiss Debtor NOTICE OF MOTION AND MOTION TO DISMISS BAD FAITH CHAPTER 11 FILING; DECLARATIONS OF SIBONEY MONGE AND PAUL M. BRENT IN SUPPORT w/proof of service

Docket 31

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion to Dismiss is **DENIED**, the RFS Motion is **DENIED**, the Rule 2004 Motion is **DENIED**, Motion for Sanctions is **DENIED**, and the Evidentiary Objections are **OVERRULED**.

Pleadings Filed and Reviewed

- 1) Notice of Motion and Motion to Dismiss Bad Faith Chapter 11 Filing; Declarations of Siboney Monge and Paul M. Brent in Support ("Motion to Dismiss") [Doc. No. 31]
 - a. Debtor's Opposition to Creditor Siboney Monge's Motion to Dismiss Chapter 11 Filing, Memorandum of Points and Authorities, Declarations in Support ("Opposition to the Motion to Dismiss") [Doc. No. 45]
 - i. Evidentiary Objections and Motions to Strike Declarations of Titus Iovita and Vahe Khojayan Re: Motion to Dismiss Case ("Evidentiary Objections re: Motion to Dismiss") [Doc. No. 52]
 - ii. Debtor's Response to "Evidentiary Objections and Motions to Strike Declarations of Titus Iovita and Vahe Khojayan Re: Motion to Dismiss" ("Response to the Evidentiary Objections re: Motion to Dismiss") [Doc. No. 55]
 - b. Reply to Opposition to Motion to Dismiss Chapter 11 Case ("Reply to

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- the Motion to Dismiss") [Doc. No. 54]
- 2) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 ("RFS Motion") [Doc. No. 33]
- a. Response to Motion Regarding the Automatic Stay and Declarations in Support ("Response to RFS Motion") [Doc. No. 46]
- i. Evidentiary Objections and Motions to Strike Declarations of Titus Iovita and Vahe Khojayan Re: Motion for Relief from the Automatic Stay ("Evidentiary Objections re: RFS Motion") [Doc. No. 51]
- ii. Debtor's Response to "Evidentiary Objections and Motions to Strike Declarations of Titus Iovita and Vahe Khojayan Re: Motion for Relief from the Automatic Stay" ("Response to the Evidentiary Objections re: RFS Motion") [Doc. No. 56]
- b. Reply to Opposition to Motion for Relief from the Automatic Stay ("Reply to the RFS Motion") [Doc No. 53]
- 3) Notice of Application and Application for Order Authorizing Examinations of Siboney Monge, and Production of Documents, Pursuant to FRBP 2004; Memorandum of Points and Authorities, Declaration in Support ("Rule 2004 Motion") [Doc. No. 34]
- a. Opposition to Motion to Take Examination Pursuant to FRBP 2004 and to the Extent Required Motion for Protective Order; Declarations of Siboney Monge and Paul M. Brent in Support ("Opposition to the Rule 2004 Motion") [Doc. No. 47]
- b. Debtor's Reply to "Opposition to Motion to Take Examination Pursuant to FRBP 2004 and to the Extent Requested Motion for Protective Order" Memorandum of Points and Authorities, Declaration in Support ("Reply to the Rule 2004 Motion") [Doc. No. 50]
- 4) Notice of Motion and Motion to: Award Sanctions and Fees and Costs Against Debtor and His Counsel Vahe Khojayan and His Firm Pursuant to FRBP 9011; and/or LBR 1927; and/or 11 USC Section 105; Declarations of Siboney Monge and Paul M. Brent in Support ("Motion for Sanctions") [Doc. No. 32]
- a. Supplemental Notice of Location of Hearing on Motion for Sanctions [Doc. No. 37]

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession Titus Emil Iovita (the "Debtor") filed his voluntary individual chapter 11 petition on October 28, 2020. On his Schedule A/B,

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the Debtor listed two properties:

1. 14919 S. Normandie Ave., Apt. 8, Gardena, CA 90247
2. 18604 Newman Ave., Riverside, CA 92508 (the "Riverside Property")

The Riverside Property is encumbered by at least one lien: that of Flagstar Bank ("Flagstar") in the amount of \$199,319.46 (the "Flagstar Lien"). The primary dispute in this case, however, appears to be a lien held by Siboney A. Monge c/o Malibu Recontrust LLC in the amount of \$402,125.00 ("Monge," the "Monge Lien"). The Debtor disputes the validity of the Monge Lien. The Debtor scheduled the Riverside Property at a value of \$575,000.00.

The Court held a hearing and granted the Debtor's Motion to Use Cash Collateral on December 9, 2020. At the hearing, the Debtor reiterated his position that he disputes the Monge Lien and only included it on his schedules because Monge does in fact have a recorded lien against the Riverside Property.

There are currently three motions set for hearing on January 6, 2021: the Motion to Dismiss, the RFS Motion, and the Rule 2004 Motion. There is also the Motion for Sanctions (all four collectively, the "Motions") set for hearing on February 3, 2021, which is not yet ripe and has not been fully briefed; however, because the Motion for Sanctions is predicated on a finding of bad faith and tied directly to the Motion to Dismiss, the Court will rule on all four at this time, considering each in turn.

A. The Motion to Dismiss

i. Monge's Motion to Dismiss

On December 15, 2020, Monge filed her Motion to Dismiss, alleging that the case was filed in bad faith and for a wrongful purpose. Monge believes that cause exists to dismiss the case for three main reasons. First, Monge alleges that the only reason the case was filed was to prevent a foreclosure. Second, the Debtor has no need to reorganize. Third, the Debtor has enough money (over \$100,000 in scheduled liquid assets) to pay his minimal unsecured creditors. Monge asserts that "the facts reveal that this [c]ase was only brought in a wrongful and bad faith effort to delay a foreclosure and bring a purported two party dispute (that has no relation to bankruptcy law) before the Court." Motion to Dismiss at 3.

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Monge cites *In re St. Paul Self Storage Ltd. Partnership* for a list of factors to indicate whether a chapter 11 case has been filed in bad faith:

- (1) the debtor has only one asset;
- (2) the debtor has an ongoing business to reorganize;
- (3) there are any unsecured creditors;
- (4) the debtor has any cash flow or sources of income to sustain a plan of reorganization or to make adequate protection payments; and
- (5) the case is essentially a two party dispute capable of adjudication in state court

185 B.R. 580, 582-83 (9th Cir. BAP 1995). Monge goes on to argue that that the Debtor admitted that the case was filed to stay a foreclosure sale, which proves bad faith. She also argues that because the Debtor engaged in mediation with Monge, thereby indirectly admitted that this dispute could be solved "without the utilization of any portion of the Code," that is further evidence of bad faith. Therefore, because this is simply a two-party dispute, it was filed in bad faith and ought to be dismissed. Motion to Dismiss at 7-8.

ii. The Debtor's Opposition to the Motion to Dismiss

On December 23, 2020, the Debtor filed his Opposition to the Motion to Dismiss. The Debtor argues that his petition was filed in good faith and he intends to file a plan of reorganization. Opposition to the Motion to Dismiss at 5. Monge's claim that she has a valid lien "is based on a deed of trust and a promissory note that was executed in February of 2010," but "was not recorded until nine years after the execution on September 23, 2019." *Id.* at 6. On May 26, 2020, Monge sent a notice of default to the Debtor, arguing that the entire balance of the loan was due: \$397,125. Monge then recorded a notice of a trustee's sale on August 31, 2020, setting the sale date as September 22, 2020. Prior to filing the case, the Debtor attempted to negotiate with Monge but was unable to reach a resolution. The Debtor avers that because he did not have the full amount due to Monge – \$402,130.25 – his only option was to file for chapter 11 bankruptcy and reorganize. *Id.*

The Debtor estimates that he would have \$43,340 in unsecured debts, \$4,190 in priority claims, and \$731,821 in secured claims (of which approximately \$575,000 is secured by the Riverside Property). The Debtor believes that he can repay all

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claims in full by doing the following: paying secured claims at \$720 per month and unsecured claims at \$100 per month for 60 months, leaving him \$2,850 per month to pay the restructured secured claims on the Riverside Property over a 15-20 year period. *Id.* at 8

The Debtor argues that his petition was filed in good faith because he filed it for purposes of reorganization and "while the filing of the case stayed the foreclosure on [the] Riverside Property, there was nothing wrongful about that stay." *Id.* at 10. While Monge argues that the Debtor has no need for reorganization, the Debtor avers that because there is "no indication that there is diminution or loss of the estate assets, or [that] the Debtor is financially incapable o[f] reorganizing," the Debtor is within his rights to file a bankruptcy petition and reorganize his debts. *Id.* at 11. The Debtor argues that he has not abused the bankruptcy process because he has a legitimate interest in reorganizing.

Next, the Debtor alleges that simply because he is solvent does not mean the bankruptcy was filed in bad faith. The Debtor quotes *In re Marshall* for the same proposition: "[i]nsolvency is not a requirement for a chapter 11 filing. Insolvency is not even a requirement for plan confirmation under the explicit 'good faith' requirement of § 1129(a)(3)." 298 B.R. 670, 682-83 (Bankr. C.D. Cal. 2003). Although he is solvent, he "lacks the present ability to pay the amount demanded of him," which the Debtor says is a legitimate reason for reorganization. Opposition to the Motion to Dismiss at 15.

Finally, the Debtor argues that his bankruptcy filing is not an improper litigation tactic. The Debtor asserts that just because a case is a two-party dispute does not mean his bankruptcy was filed in bad faith because the bankruptcy was not used for forum shopping and there are no other pending actions in state or federal court with either party. *Id.* at 15-16. He claims that he could not seek relief in the state court because a state court does not have the power to reorganize his debts. *Id.* at 16. Furthermore, the Debtor clarifies that he intends to reorganize all of his debts, not just the Monge Lien.

iii. Monge's Reply to the Motion to Dismiss

On December 30, 2020, Monge filed her Reply to the Motion to Dismiss. Monge reiterates the same argues she makes in all of her other motions, namely, her belief that the Debtor is abusing the judicial system because he filed this case in bad

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faith. She also believes that he wrongfully failed to list his interest in the joint-venture agreement between the Debtor and Monge in his schedules, and failed to list income for the past two years. Reply to the Motion to Dismiss at 3 & 5. There is also a mandatory arbitration clause in the joint-venture agreement which, according to Monge, subjects all claims to arbitration. Finally, Monge again states that she will oppose any plan confirmation put forth by the Debtor.

B. The RFS Motion

i. Monge's RFS Motion

On December 15, 2020 Monge filed her RFS Motion. Monge's arguments for the RFS Motion are the same as for the Motion to Dismiss, noting that her arguments "as set forth in Movant's motion to dismiss bad faith filing is [sic] incorporated herein as set forth in full." RFS Motion at 4. Monge requests relief under 11 U.S.C. § 362(d) (1) and (d)(2), arguing that with the total debt on the Riverside Property being \$603,964.13, and the Riverside Property having been scheduled at \$575,000, the Debtor has no equity in the Riverside Property. *Id.* at 8. Monge also argues that because the case was allegedly filed in bad faith, the RFS Motion should be granted under § 362(d)(4).

ii. The Debtor's Response to the RFS Motion

On December 23, 2020, the Debtor filed his Response to the RFS Motion. The Debtor argues that this Court already granted his use of cash collateral and "'Monge's interest is adequately protected. Monge provides no evidence that the [Riverside] Property is declining in value and makes no request for any sort of adequate protection payments.'" Response to the RFS Motion at 6 (*quoting* Hearing on Motion to Use Cash Collateral at 19 [Doc. No. 26]). The Debtor believes that issue preclusion prevents the question of whether Monge's interest is adequately protected from being relitigated. Furthermore, the Debtor argues that even if issue preclusion does not apply, Monge's interest is still adequately protected because the property is still not declining in value. Response to the RFS Motion at 8.

Next, the Debtor avers that relief should be denied as to § 362(d)(2) because the property is "necessary for effective reorganization." The Debtor is still within the exclusivity period to file a plan, and he believes that he will be able to submit a plan (see section I(A)(ii) of this ruling for a summation of the Debtor's proposition). He believes that the rental income from the Riverside Property is "crucial for any reorganization." Response to the RFS Motion at 13.

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Finally, the Debtor reiterates his belief that his case was filed in good faith, making the same arguments as he did in his Opposition to the Motion to Dismiss. He states that relief should be denied under § 362(d)(4) because "there is no evidence whatsoever that the filing of this case by [the] Debtor was part of a plan to hinder[,] delay[,] or defraud the creditor. [The] Debtor filed a genuine chapter 11 case proposing repayment of his secured and unsecured debts." *Id.*

iii. Monge's Reply to the RFS Motion

On December 30, 2020, Monge filed her Reply to the RFS Motion. Monge argues that cash collateral motions are insufficient to have a preclusive effect between parties (citing *Bunch v. J.M. Capital Finance, Ltd. (In Re Hoffinger Indus. Inc.)*, 321 B.R. 515 (2005)). Monge also argues that the joint-venture agreement between her and the Debtor requires all disputes to be subject to binding arbitration. Reply to the RFS Motion at 4-5. Monge then reiterates all of her prior arguments that relief from stay should be granted because there is no equity in the Riverside Property, the Riverside Property is not necessary for an effective reorganization because the Debtor does not need to reorganize, and the case was filed in bad faith.

C. The Rule 2004 Motion

i. The Debtor's Rule 2004 Motion

On December 16, 2020, the Debtor filed a motion requesting an order from this Court directing Monge to appear for a Rule 2004 examination. The Debtor disputes the validity of the Monge Lien and contends that "[s]erious doubts exist concerning the validity of the claim, and whether any money is owed by the Debtor to [Monge]." Rule 2004 Motion at 3. The Debtor wishes to hold a Rule 2004 examination to investigate the "facts and circumstances leading to the execution of the note and deed of trust," and how that could relate to the liabilities of the Debtor. *Id.* In addition, the Debtor seeks information regarding "whether any funds were lent to [the] Debtor pursuant to the note and deed of trust that supposedly form the basis of the claim." *Id.*

The Debtor conferred with Monge and, while she refused to consent to the examination, the parties agreed that, should the Court order it, the examination will take place on January 29, 2021 at 10:00 a.m. The Debtor argues that cause exists to grant the Rule 2004 Motion because the evidence and documents procured during such examination "will assist the Debtor in ascertaining the validity of [Monge's]

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claim." *Id.* at 4-5. In addition, the Debtor claims that "[t]here was never any consideration paid by [Monge] in exchange for her note and deed of trust." *Id.* at 5. Finally, the Debtor alleges that "the note and the deed of trust on which the creditor bases her claim [was] executed almost nine years prior to the recording date. The documents comprising the note and the deed of trust are inconsistent and contradicted by the actions and representations made by [Monge]." *Id.* at 5.

ii. Monge's Opposition to the Rule 2004 Motion

On December 23, 2020, Monge filed her Opposition to the Rule 2004 Motion. Monge reiterates all of her previous arguments made in the Motion to Dismiss and the RFS Motion, namely, that this case was filed in bad faith and "exhibits nothing other than bad faith and forum shopping of the worst type and the abusive utilization of the Code for nothing other than harassment." Opposition to Rule 2004 Motion at 4.

Additionally, Monge argues that the "pending proceeding rule" ought to prevent the Rule 2004 examination from being held because "[t]he Court has before it pending contested matters." *Id.* at 6.

iii. The Debtor's Reply to the Rule 2004 Motion

On December 30, 2020, the Debtor filed his Reply to the Rule 2004 Motion. The Debtor first argues that the court does in fact have jurisdiction to issue an order on this motion because it is a core proceeding. The Debtor then argues that the pending proceeding rule does not apply because the pending proceedings (the Motions) are unrelated to the substance of the requested 2004 examination, which will help aid in determining the validity of the Monge Lien. Reply to the Rule 2004 Motion at 5-6. The Debtor believes that the scope of the examination is proper because it is "narrowly tailored to inquire only as to the issues pertaining to Monge's claim and nothing further." *Id.* at 6. Finally, the Debtor believes that Monge is misrepresenting facts in her pleadings, such as the argument that this pending dispute over the Monge Lien has "no basis in any federal bankruptcy law," and that Monge refers to "admitted facts" but cites no evidence in support of such assertions. *Id.* at 6-7.

D. The Motion for Sanctions

On December 15, 2020, Monge filed her Motion for Sanctions. Monge reiterates her arguments that this case was filed in bad faith. Monge believes that because, in her opinion, the case was filed in bad faith, pursuant to Federal Rule of

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Bankruptcy Procedure 9011, she is entitled to sanctions and/or fees and/or costs. She also believes that sanctions are necessary under 19 U.S.C. § 1927 and 11 U.S.C. § 105(a). Motion for Sanctions at 4 & 7-9. Monge argues that:

While it would be appropriate to sanction counsel even a greater amount in order to deter him from advising additional clients to file frivolous petitions (unless sanctions are imposed against him) an award jointly and severally against the Debtor and his counsel for restitution would be the minimum appropriate under the circumstances.

Motion for Sanctions at 13.

E. Monge's Evidentiary Objections

On December 30, 2020, Monge filed her Evidentiary Objections re: Motion to Dismiss and Evidentiary Objections re: RFS Motion (collectively, the "Evidentiary Objections"). The Evidentiary Objections are identical boilerplate objections to almost every single paragraph of evidentiary testimony. Monge's arguments for almost every paragraph include: argumentative, lack of foundation, improper opinion, conclusory, lack of relevance and "vague and ambiguous and assumes facts not in evidence."

On December 31, 2020, the Debtor filed his Response to the Evidentiary Objections re: Motion to Dismiss and Response to the Evidentiary Objections re: RFS Motion (collectively, the "Responses to the Evidentiary Objections"). The Debtor notes that he may attest to his own personal knowledge, such as his attempt to negotiate with Monge prior to the filing of this bankruptcy, and his financial condition. The Debtor also cites to various exhibits that he has attached to his pleadings (such as Monge's proof of claim that was withdrawn and Monge's deed of trust) as properly relied upon evidence. Response to Evidentiary Objections re: Motion to Dismiss at 2-3.

II. Findings and Conclusions

A. Jurisdiction of This Court

As a preliminary matter, Monge again attempts to object to "this Court's personal and subject matter jurisdiction and does not accede to this Honorable Court's ability to enter final judgments" Motion to Dismiss at 1 n.1. Monge includes this

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footnote in every pleading that she files. As has already discussed in a prior ruling, this Court has jurisdiction to hear the instant Motions and issue a final ruling. *See* Hearing on Motion for Use of Cash Collateral at 18 n.1.

As for this Court's jurisdiction with respect to the Motion to Dismiss, that may be correctly categorized as a core proceeding under 28 U.S.C. § 157(b)(2)(A), "matters concerning the administration of the estate," because the Court must determine whether the case was filed in bad faith and can therefore be administered. As this Court wrote in its prior order on December 9, 2020, such a motion is "integral to the restructuring of the debtor-creditor relationship" because such proceeding will require the Court to determine whether the Debtor is even allowed to restructure his relationship with the creditor. *Stern v. Marshall*, 564 U.S. 462, 497 (2011). Curiously, Monge contests the jurisdiction of this Court, but then in the Motion to Dismiss argues that the Court has jurisdiction under 28 U.S.C. §§ 1334 & 157. Nevertheless, this court may issue a final judgment on the Motion to Dismiss.

As to the RFS Motion and the Rule 2004 Motion, they are both core proceedings. *See, e.g.*, 28 U.S.C. § 157(b)(2)(G). Again, the same rational from *Stern* applies: the Court's determination of whether relief from stay should be afforded and whether the Debtor may conduct a Rule 2004 examination are both "integral to the restructuring of the debtor-creditor relationship." *Id.*

As to the Motion for Sanctions, Monge contests the jurisdiction of the Court, and yet explicitly requests relief from this Court and argues that it has jurisdiction under 28 U.S.C. §§ 1334 & 157 and 11 U.S.C. § 105 to award such sanctions/attorneys' fees. Ninth Circuit case law makes clear that, in this case:

[T]he right to attorneys' fees does not exist independent of the bankruptcy proceeding, the resolution of this issue does not depend on state law, and the right to fees did not exist prior to the bankruptcy. Rather, it emanates from the bankruptcy itself. As another court has observed, these types of fee petitions essentially "arise in the context of a bankruptcy proceeding." *Chambers*, 140 B.R. at 237 n.5. Accordingly, they should be classified as core proceedings.

United States v. Merrit Yochum and Rose Marie Yochum (In re Yochum), 89 F.3d 661, 670 (9th Cir. 1996). Here, Monge requests sanctions and attorneys' fees in connection with her Motion to Dismiss. The sanctions do not exist independent of the

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bankruptcy because the only way she might possibly be entitled to them is in connection with her efforts to dismiss the case. Therefore, the issue of whether she is entitled to sanctions and attorneys' fees may be properly adjudicated by this Court.

B. The Evidentiary Objections

In support of her Motion to Dismiss and RFS Motion, Monge contends that the vast majority of the Debtor's and the Debtor's counsel's declarations are inadmissible. Monge's objections under the Federal Rules of Evidence include: improper opinion, conclusory, "speculative vague and ambiguous and assumes facts not in evidence," lack of foundation, "lack of personal knowledge and competency," and lack of relevance. Monge disputes statements regarding, *inter alia*, the valuation of the Riverside Property, the Debtor's attesting to his financial affairs, the Debtor noting that he contacted Monge before filing bankruptcy in order to negotiate, and the Debtor's counsel's statements about communications with Monge's counsel. Evidentiary Objections re: Motion to Dismiss at 2 & 4; Evidentiary Objections re: RFS Motion at 2.

Monge's boilerplate evidentiary objections are overruled. The Debtor does not lack personal knowledge as to conversations he has had with Monge or the value of his Riverside property and the contemplated role it will play in a contemplated plan of reorganization. *See In re Enewally*, 368 F.3d at 1173 ("an owner's opinion of property value may be conclusive"); *see also Universal Pictures Co. v. Harold Lloyd Corp.*, 162 F.2d at 369 ("The owner of personal property may always testify to its value"). Monge's contention that the Debtor's and his counsel's contentions are irrelevant, lack foundation, and assume facts not in evidence are all wholly without merit and contradicted by extensive evidence in the record (such as the joint-venture agreement between Monge and the Debtor, and the deed of trust that the Monge Lien is predicated upon).

Finally, Monge's Evidentiary Objections also include a motion to strike, but they include no arguments or cause. To the extent Monge requests any declarations to be stricken, that requests is overruled for lack of good cause shown.

C. The Motion to Dismiss

"Under § 1112(b)(1), a court may dismiss a Chapter 11 bankruptcy case 'for cause,' based on a finding that the petition was filed in bad faith." *Prometheus Health Imaging, Inc. v. UST – United States Tr. (In re Prometheus Health Imaging, Inc.)*, 705

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F. App'x 626, 627 (9th Cir. 2017) (citing *In re Marshall*, 721 F.3d 1032, 1047 (9th Cir. 2013)); see also *Marsch v. Marsch (In re Marsch)*, 36 F.3d 825, 828 (9th Cir. 1994) ("Although section 1112(b) does not explicitly require that cases be filed in 'good faith,' courts have overwhelmingly held that a lack of good faith in filing a Chapter 11 petition establishes cause for dismissal"). "While § 1112(b)(4) provides a list of what circumstances may constitute 'cause' for dismissal, the list is non-exhaustive, and 'courts may consider any factors which evidence an intent to abuse the judicial process and the purposes of the reorganization provisions,' to make the bad faith determinations." *In re Prometheus Health Imaging, Inc.*, 705 F. App'x at 627. The existence of good faith "does not depend on one factor alone, but . . . is to be judged by looking at the totality of the circumstances surrounding the case." *In re WLB-RSK Venture*, 296 B.R. 509, 514 (Bankr. C.D. Cal. 2003).

The Ninth Circuit has expanded on this concept as follows:

To determine whether a debtor has filed a petition in bad faith, courts weigh a variety of circumstantial factors such as whether:

- 1) the debtor has only one asset;
- 2) the debtor has an ongoing business to reorganize;
- 3) there are any unsecured creditors;
- 4) the debtor has any cash flow or sources of income to sustain a plan of reorganization or to make adequate protection payments; and
- 5) the case is essentially a two party dispute capable of prompt adjudication in state court.

In re St. Paul Self Storage Ltd. P'ship, 185 B.R. 580, 582–83 (9th Cir. BAP 1995).

The Court concludes that the Debtor's petition was not filed in bad faith for the following reasons.

i. Bankruptcy as Litigation Tactic

Monge argues that the Debtor is using the bankruptcy process purely as a litigation tactic in order to prevent her from foreclosing on the Riverside Property. Monge argues (but provides no actual evidence) that the Debtor admitted as such at his 341(a) meeting. To support her allegation, Monge relies on *In re Silberkraus* for the proposition that bad faith may be found under § 1112(b) where a debtor has filed bankruptcy as a litigation tactic. 253 B.R. 890, 902-02 (Bankr. C.D. Cal. 2000). While

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it is true that use of the bankruptcy process purely as a litigation tactic would be in bad faith, *In re Silberkraus* is distinguishable because that case dealt with a clear case of forum shopping by the debtor. Here, for one, there is no evidence that the Debtor is engaging in forum shopping. Filing a bankruptcy petition to restructure a secured debt is an appropriate use of the bankruptcy forum. In fact, that is one of the purposes behind the chapter 11 bankruptcy process. Simply because the filing of a bankruptcy stays foreclosure on a property does not prove bad faith.

Indeed, the Debtor has explained that he wishes to engage in the restructuring of both liens against the Riverside Property. As one court noted about the bankruptcy process:

Filing a bankruptcy petition with the intent to frustrate creditors does not by itself establish an absence of intent to seek rehabilitation. Indeed, because a major purpose behind our bankruptcy laws is to afford a debtor some breathing room from creditors, it is almost inevitable that creditors will, in some sense, be "frustrated" when their debtor files a bankruptcy petition.

In re Marshall, 298 B.R. at 681. That same court also wrote:

In evaluating a debtor's good faith, the court's only inquiry is to determine whether the debtor seeks to abuse the bankruptcy law by employing it for a purpose for which it was not intended. When a debtor is motivated by plausible, legitimate reorganization (or liquidation) purposes and not solely or predominantly by the mere desire to prevent foreclosure or hinder creditors, bad faith is not present in a chapter 11 case.

Id. at 682. In the Debtor's Opposition to the Motion to Dismiss, he puts together a brief potential repayment plan for all creditors that would afford all creditors to be paid 100%. Opposition to the Motion to Dismiss at 12. While the Debtor may have been using the bankruptcy process to afford himself some "breathing room," it appears that he has a legitimate interest in restructuring his debt and doing so is viable at this stage. There is no evidence in the record to conclusively prove that the Debtor's filing of bankruptcy is *purely* a litigation tactic to improperly prevent a foreclosure sale.

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ii. A Need to File for Bankruptcy and Solvency of the Debtor

Monge argues that the Debtor does not *need* to file for bankruptcy because he has over \$100,000 in scheduled liquid assets. Again, this is not necessarily an indication of bad faith because insolvency is not a prerequisite for a chapter 11 filing. *See In re Marshall*, 298 B.R. at 683. The court in *In re Hayden* discussed whether insolvency is necessary for a bankruptcy filing at some length. It determined that "solvency in and of itself is not 'cause' for dismissal under § 1112(b) . . . It is significant only as a factor indicating some greater abuse of the bankruptcy process. Solvency has never been a requirement for filing for bankruptcy relief." No. 1:14-BK-11187-MT, 2015 WL 2148949, at *3 (Bankr. C.D. Cal. May 6, 2015) (internal citations omitted). There, the court found that the bulk of the debtor's assets were tied up in a property that was in the middle of litigation. The court determined that the debtor's case was not filed in bad faith because he lacked the "present ability to pay his obligations." *Id.* at *4. Similarly here, while the Debtor has significant liquid assets, Monge asserts that the entire Monge Lien is due immediately – over \$400,000. The Debtor's schedules show, and the Debtor maintains, that he does not have the present ability to pay such an amount. Therefore, the Debtor has proven that he has a need to file for bankruptcy.

iii. Two-Party Dispute and the Validity of the Monge Lien

The last argument that Monge makes is that this is essentially a "two-party dispute that can be resolved outside of the Bankruptcy Court's jurisdiction." *In re Sullivan*, 522 B.R. 604, 616 (9th Cir. BAP 2014) (citations omitted). "Typical bad faith two-party dispute cases may involve delays on the eve of trial (litigation tactics), forum shopping, new-debtor syndrome (special purpose entities), repeat filers, and repeatedly delayed foreclosure sales." *Id.* None of those indicators are present here. Monge's allegations are conclusory in nature and she points to no fact or case that could bring any light to this claim. Simply because a dispute only involves two parties does not mean the case was necessarily filed in bad faith.

Furthermore, Monge's contention that the Debtor has indirectly admitted that the dispute could be resolved outside of the bankruptcy court's jurisdiction because he engaged in mediation is premised on the incorrect assumption that the Debtor's only interest in filing for bankruptcy was to dispute the Monge Lien. As this Court discussed in sections II(B)(i) & (ii) of this ruling, the Debtor has other debts he wishes to reorganize. That the Debtor and Monge attempted to reach a consensual resolution through mediation to the issues presented in this case should not be

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considered a forfeiture by the Debtor of an opportunity to reorganize. Monge's contention that the joint-venture agreement between her and Debtor stipulates for binding mediation belies the fact that this bankruptcy proceeding is not seeking a determination of the rights and obligations under the joint-venture agreement. Furthermore, after the bankruptcy case was filed, the arbitration provisions of the joint-venture agreement do not divest the Court of the jurisdiction to adjudicate the provisions that affect the instant proceeding. *See Continental Ins. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)*, 671 F.3d 1011, 1021 (9th Cir. 2012) ("In non-core proceedings, the bankruptcy court generally does not have discretion to deny enforcement of a valid prepetition arbitration agreement"); *see also Hays & Co. v. Merrill Lynch, Pierce, Fenner, & Smith, Inc.*, 885 F.3d 1149, 1157-58 (3d Cir. 1989) (same).

In addition, obtaining a determination of the validity of a disputed debt is a legitimate bankruptcy purpose. 28 U.S.C. § 157(b)(2)(K) gives the bankruptcy court the jurisdiction to hear and enter a final judgment on "determinations of the validity, extent, or priority of liens." *See In re Schultz*, 161 F. App'x 653, 655 (9th Cir. 2005) (finding that the determination of the validity of a lien falls "squarely within" the bankruptcy court's jurisdiction). Therefore, this case does not fall neatly into a "two-party" dispute that can be resolved outside of this Court's jurisdiction, and the Debtor is within his rights to eventually seek a determination of the validity of the Monge Lien.

In conclusion, the Court does not find that the Debtor's bankruptcy petition was filed in bad faith.

D. The RFS Motion

i. 11 U.S.C. § 362(d)(1)

Monge contends that she is entitled to stay relief under § 362(d)(1) because her interest in the Riverside Property is not adequately protected. In support, Monge submits the Debtor's schedules where he assessed the value of the Riverside Property at \$575,000. *See In re Enewally*, 368 F.3d 1165, 1173 (9th Cir. 2004) ("an owner's opinion of property value may be conclusive"); *see also Universal Pictures Co. v. Harold Lloyd Corp.*, 162 F.2d 354, 369 (9th Cir. 1947) ("The owner of personal property may always testify to its value"). Monge holds a (disputed) junior lien securing indebtedness of approximately \$404,644.67. The senior lien, the Flagstar

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Lien, is approximately \$199,319.46. Therefore, her argument is that there is no equity in the Riverside Property and she is entitled to stay relief.

The Debtor asserts that the RFS Motion must be denied because of issue preclusion: this Court already entered a finding that the Riverside Property is adequately protected on December 9, 2020. "The preclusive effect of a judgment is defined by claim preclusion and issue preclusion, which are collectively referred to as 'res judicata.'" *Taylor v. Sturgell*, 553 U.S. 880, 892 (2008). Issue preclusion bars "successive litigation of an issue of fact or law actually litigated and resolved in a valid court determination essential to the prior judgment," even if the issue recurs in the context of a different claim." *Id.* (quoting *New Hampshire v. Maine*, 532 U.S. 742, 748 (2001)).

Monge cites *In re Hoffinger Industries, Inc.* for the proposition that a cash collateral order "are an insufficient basis to serve a preclusive effect between parties." Reply to the RFS Motion at 3. While the Court found on December 9, 2020 that the Riverside Property was adequately protected, facts and circumstances change over the course of a month – namely, the property could have begun to decline in value. Here, the Court will decline to find that issue preclusion prevents the court from reconsidering an inadequate equity finding under § 362(d)(1).

Nevertheless, a finding of issue preclusion is unnecessary because Monge does not submit any evidence indicating that the Riverside Property is declining in value. Under § 362(d)(1), the Debtor's alleged lack of equity does not constitute grounds for relief. *See In re Planned Systems, Inc.*, 78 B.R. 852, 862 (Bankr. S.D. Ohio 1987) ("While [creditor] KMG repeatedly pointed out that the debtor possesses no equity in the equipment, the Court notes that it is proof of a post-petition decline in value of the equipment . . . as opposed to a mere lack of equity in the equipment, which would support a finding of lack of adequate protection."). The court in *In re Smithfield Estates, Inc.* found that "[t]he weight of authority . . . hold[s] that adequate protection relates to maintaining the status-quo during the period after the filing of the petition and before confirmation or rejection of the plan." *In re Smithfield Estates, Inc.*, 48 B.R. 910, 914 (Bankr. D.R.I. 1985). That court further held that:

A creditor who is undersecured on the date of filing is not entitled to relief from stay merely by showing that there is no equity in the property . . . The concept of adequate protection was not designed or intended to place an

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undersecured or minimally secured creditor in a better post-filing position than it was in before the stay.

Id. (internal citations omitted). Therefore, simply because there is an inadequate equity cushion does not support the assertion that Monge is entitled to stay relief under § 362(d)(1).

ii. 11 U.S.C. § 362(d)(2)

Monge is entitled to stay-relief under § 362(d)(2) only if the Debtor lacks equity in the Riverside Property and the Riverside Property "is not necessary to an effective reorganization." An "effective reorganization" is one that is "*in prospect*." This means . . . that there must be 'a reasonable possibility of a successful reorganization within a reasonable time.'" *United Sav. Ass'n of Texas v. Timbers of Inwood Forest (In re Timbers)*, 484 U.S. 365, 375–76 (1988) (emphasis in original) (internal citations omitted).

Assuming, *arguendo*, that Monge has met the first prong, that the Debtor lacks equity in the Riverside Property, Monge has failed to provide any evidence that the Debtor has no "reasonable possibility of a successful reorganization within a reasonable time." *Id.* at 376. In section I(A)(ii) of this ruling, the Court summarized the Debtor's rough framework of a plan of reorganization. At this juncture, the Court finds nothing in the record to indicate that an effective reorganization is impossible. In addition, the Debtor is well within the exclusivity period, having filed this case hardly two months ago. Therefore, Monge's request for stay relief under § 362(d)(2) is denied.

iii. 11 U.S.C. § 362(d)(4)

Monge's final argument is that she is entitled to stay relief because the "filing of the bankruptcy petition was part of a scheme to delay, hinder, or defraud creditors." Monge reiterates her arguments from the Motion to Dismiss, the RFS Motion, and the Motion for Sanctions regarding a bad faith finding.

As laid out in detail in section II(B) of this ruling, the Court has declined to find bad faith. Without a bad faith finding, Monge's request for stay relief under § 362(d)(4) must be denied.

E. The Rule 2004 Motion

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A Rule 2004 examination "may relate only to the acts, conduct, or property or the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge." Fed. R. Bankr. P. 2004. "As a general proposition, Rule 2004 examinations are appropriate for revealing the nature and extent of the bankruptcy estate, and for 'discovering assets, examining transactions, and determining whether wrongdoing has occurred.' In this regard, courts have recognized that Rule 2004 examinations are broad and unfettered and in the nature of fishing expeditions. However, 'the availability of Rule 2004 as a discovery tool is not unlimited.'" *In re Enron Corp.*, 281 B.R. 836, 840 (Bankr. S.D.N.Y. 2002) (internal citations omitted).

Rule 2004's broad discovery facilitates bankruptcy objectives, such as allowing creditors to find assets, discover evidence of fraudulent transfers or preferences, and discover evidence of prepetition conduct constituting grounds for the filing of a non-dischargeability complaint. Discovery under Rule 2004 does not provide the same level of protection to examinees as discovery conducted under Fed. R. Civ. P. 26. As a result, the Court must carefully police the Rule 2004 process in light of the potential for debtor over-reaching. Rule 2004 should not be "used as a tactic to circumvent the safeguards of the Federal Rules of Civil Procedure." *Enron Corp.*, 281 B.R. at 841. Similarly, Rule 2004 should not be used to circumvent the discovery procedures applicable in state court litigation. *See, e.g., In re Snyder*, 52 F.3d 1067 (5th Cir. 1995) (upholding bankruptcy court's denial of a Rule 2004 examination where the primary purpose of the examination was to gather materials for use in a state court proceeding).

Here, the purpose of the examination is to develop evidence to support Debtor's contention that the the secured interest is void. This is not a case where the debtor does not know whether or not a security interest can be attacked. For example, if a promissory note was missing pages, a Debtor might want to conduct a 2004 examination to determine what a lender had in its files. That is not the case here. It will be more efficient for this Court to adjudicate this matter within the context of an adversary proceeding with suitable protections to the parties. Therefore, if the Debtor wishes to seek a remedy with respect to the validity of the deed of trust and the Monge Lien, he must file an adversary proceeding by no later than February 5, 2021. If not, any objection to the disputed lien will be deemed withdrawn, without further hearing.

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F. The Motion for Sanctions

Finally, Monge argues that sanctions and/or costs and/or attorneys' fees are warranted against the Debtor and the Debtor's counsel because the case was filed in bad faith. Monge's relies on *In re Marsch* for support; however, that reliance is misplaced because there, the Debtor had an ongoing state court proceeding and despite having adequate funds, was attempting to avoid paying a supersedeas bond. 36 F.3d at 827. There is neither an ongoing state court proceeding, nor does the Debtor have the funds to pay all creditors. Having found no bad faith, there is no basis for an award of sanctions.

Requests for sanctions are seldom an appropriate means of advancing a party's position in the litigation. The Court will impose sanctions only if all procedural requirements have been fastidiously complied with, and then only if the party against whom sanctions are sought has engaged in *egregiously* improper conduct.

Monge's request for sanctions is denied.

III. Conclusion

Based upon the foregoing, the Motion to Dismiss is **DENIED**, the RFS Motion is **DENIED**, the Rule 2004 Motion is **DENIED**, Motion for Sanctions is **DENIED**, and the Evidentiary Objections are **OVERRULED**.

Should the Debtor wish to file an adversary proceeding with respect to the deed of trust and the Monge Lien, one must be filed by **February 5, 2021**.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an

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opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

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#103.00 HearingRE: [33] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: - real property located at 18604 Newman Ave., Riverside, CA w/ proof of service.

Docket 33

Tentative Ruling:

1/5/2021

See calendar no. 102, incorporated by reference in full.

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

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#104.00 Hearing re [34] Rule 2004 Motion

Docket 0

Tentative Ruling:

1/5/2021

See calendar no. 102, incorporated by reference in full.

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

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2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#105.00 Hearing

RE: [264] Motion to Appoint Trustee Motion of Official Committee of Unsecured Creditors Motion for an Order Appointing a Chapter 11 Trustee; Declaration of James R. Selth in Support

Docket 264

***** VACATED *** REASON: PER ORDER ENTERED 12-21-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By

James Andrew Hinds Jr

Rachel M Sposato

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2:19-13059 Norberto Pimentel and Erica Pimentel

Chapter 7

#106.00 HearingRE: [103] Motion For Sale of Property of the Estate under Section 363(b) - No Fee (Stevens, Adam)

Docket 103

Tentative Ruling:

1/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived. The Debtors shall direct potential overbidders, if any, to contact the above-referenced number prior to the hearing.

For the reasons set forth below, the Sale Motion is GRANTED. The Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchasers: Cristian Mamawi, Joselito Mamawi, and Cristina Mamawi (the "Buyers")
- 2) Property for sale: 11421 Angell Street, Norwalk, CA 90650
- 3) Purchase price: \$490,000
- 4) Overbids: the minimum overbid amount shall be \$495,000. Subsequent overbids shall be in increments of \$2,000

Pleadings Filed and Reviewed

- 1) Notice of Motion and Motion by Chapter 7 Trustee for Order: (1) Approving Sale of Real Property (11421 Angell Street, Norwalk, CA 90650) Free and Clear of Liens and Interest; (2) Overbid Procedure; (3) Real Estate Commissions; (4) Directing Turnover of Real Property; and (5) Approving Distribution of Sale Proceeds; Memorandum of Points and Authorities; Declaration of Wesley H. Avery, and Brian Parsons (the "Sale Motion") [Doc.

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No. 103]

- 2) Notice of Sale of Estate Property [Doc. No. 104]
- 3) Proof of Service to Notice of Motion and Motion for Order Approving Sale of Real Property Filed as Document No. 103 [Doc. No. 105]

I. Facts and Summary of Pleadings

Norberto and Erica Pimentel (the "Debtors") filed a voluntary chapter 7 petition on March 20, 2019. The Debtors own real property located at 11411 Angell Street, Norwalk, CA 90650 (the "Property"). The Property was scheduled at an alleged value of \$345,000 with a secured claim by Sun West Mortgage Company, Inc., as serviced by Mortgage Electronic Registration Systems, Inc. ("MERS"). MERS recorded an assignment of a deed of trust in favor of Freedom Mortgage Corporation ("Freedom Mortgage") and the current amount owed to Freedom Mortgage is \$320,420. The Property is also subject to a secured claim held by Aqua Finance, Inc. ("Aqua Finance") in the amount of \$8,379.

A. The Proposed Sale

On December 16, 2020, Wesley H. Avery (the "Trustee") filed this Sale Motion. The Trustee seeks authorization to sell the Property free and clear of liens and interests, approval of overbid procedures, approval of real estate commissions and distribution of sale proceeds, and an order requiring the debtors to vacate and turn over possession of the Property to the Trustee. The Trustee also requests the ability to pay the \$1,350 in sanctions assessed against the Debtors from the Debtors' homestead exemption.

The proposed sale terms are as follows: the Buyers have tendered a bid deposit in the amount of \$14,700. The balance will be paid at the closing of escrow. The sale is all cash and on an "as-is" basis. Five percent real estate commission shall be paid from the gross sale as follows: 2.5% to Keller Williams, the Trustee's broker, and 2.5% to Coldwell Banker, the Buyers' broker. When escrow closes, all closing costs will be paid, including the secured liens, commissions, property taxes, and any other taxes and closing costs then due at closing. Sale Motion at ¶ 25.

At a sale price of \$490,000, the Trustee proposes payment of both secured lienholders in full (\$320,420 to Freedom Mortgage and \$8,378 to Aqua Finance), the Debtors' homestead exemption (\$100,000), the brokers' commissions (\$24,000), and the costs of sale (\$7,200). After all payments are made, the Trustee anticipates a net

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Central District of California
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CONT... Norberto Pimentel and Erica Pimentel

Chapter 7

benefit of approximately \$29,502 to the estate. The Trustee projects that the unsecured creditors will receive between 15-17% in distributions. Sale Motion at ¶¶ 12 & 14.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Trustee to sell estate property out of the ordinary course of business, subject to court approval. The Trustee must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Trustee has demonstrated sufficient business justification for the sale. The sale is consistent with the Trustee's statutory obligation to liquidate the estate's assets. Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

The Court approves the Trustee's proposed treatment of the liens and encumbrances against the Property, and finds that the Property may be sold free and clear of such liens and encumbrances as requested by the Trustee. Pursuant to § 363(f)(3), the sale is free and clear of the Freedom Mortgage lien and the Aqua Finance lien because the Property's sale will generate proceeds exceeding the value of the liens.

B. Auction Procedures

In the event that any qualified overbidders emerge, the Trustee seeks approval of the overbid procedures set forth in the Sale Motion. Only qualified overbidders

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may submit an overbid. To be a qualified overbidder, that bidder must submit financial statements and business and banking references that the Trustee requires that in his business judgment are sufficient to assure him of the bidder's ability to consummate purchase of the property on the same terms and conditions, other than price, as those in the initial offer.

Addition qualifications to overbid, as laid out in the Sale Motion, include: 1) the overbid must be received in writing by the Trustee and his attorney no later than two business days before the hearing on this Sale Motion; 2) the initial overbid must be at least \$495,000 and each subsequent overbid shall be in increments of at least \$2,000; 3) each overbid must be in all cash and without any contingencies; 4) each overbidder must deposit \$5,000 with the Trustee no later than two business days before the hearing on this Sale Motion; 5) if the overbidder is successful but does not close escrow within 30 days after the order approving the sale is entered, the overbidder's \$5,000 deposit shall be forfeited to the estate; and 6) any party who wishes to overbid must attend the hearing on this Sale Motion or be represented by an agent with the authority to participate in the overbid process. Sale Motion at 7-8.

In order to ensure the timely sale of the Property, the court is prepared to confirm a back-up buyer proposed by the Trustee, if any.

Finally, the Court deems the absence of any opposition as consent to the granting of the Sale Motion pursuant to Local Bankruptcy Rule 9013-1(h).

C. The Turnover Order is Approved

1. Eviction Moratoria

As a preliminary matter, the court must determine whether current state and federal eviction moratoria apply to § 363 sales and § 542 turnover orders.

On August 31, 2020, Governor Gavin Newsom signed into law Assembly Bill 3088 that provides protections for renters facing eviction and certain mortgagees. *See* The Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020; The COVID-19 Small Landlord and Homeowner Relief Act of 2020 ("AB 3088"), https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3088. AB 3088 is primarily written for renters and it allows, under certain circumstances, renters in arrears to remain in their apartments during the

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COVID-19 pandemic if they fulfill certain requirements. The relevance to mortgagors is much narrower. Certain federally backed mortgages (those by Fannie Mae and Freddie Mac) are subject to enhanced protection, such as mortgage forbearance. AB 3088 § 3273.11(b). In addition, a main intent of the legislature in enacting AB 3088 is to prevent "unpaid rental debt from serving as a cause of action for eviction or foreclosure." AB 3088 § 2(g). For mortgagors, the law is aimed at landlords who own and live in small multi-unit residential rental properties. If the tenants in those properties can no longer pay rent to the landlord due to unforeseen circumstances as created by the COVID-19 pandemic, and then the landlord can no longer pay his mortgage, AB 3088 provides certain protections for that landlord to prevent eviction. *Id.* at §§ 2924.15(a)(1) & (2); *see also* Preamble to AB 3088 (noting that the new protections apply to "a first lien mortgage or deed of trust that is secured by residential real property that is *occupied by a tenant . . .*" (emphasis added)). Nowhere does the law make reference to bankruptcies or sales made by a chapter 7 trustee. Therefore, the Court concludes that AB 3088 is inapplicable to this action.

On September 4, 2020, the Center for Disease Control issued a federal eviction moratorium that likewise limits who may be evicted from residential properties and when those individuals may be evicted. *See* Fed. Reg. 55292 (Sept. 4, 2020) (the "CDC Order"). Similarly to AB 3088, the intent of the CDC order is to prevent evictions of tenants from rental properties. The CDC order is narrower than AB 3088 and only applies to "covered person[s]" defined as "any tenant, lessee, or resident of a residential property." CDC Order. Moreover "residential property" is defined as "any property leased for residential purposes." *Id.* On December 27, 2020, President Donald Trump signed into law the Consolidated Appropriations Act, 2021, extending the federal eviction moratorium until January 31, 2021. *See* Consolidated Appropriations Act, 2021, Title V, sec. a, § 502 ("The order issued by the Centers for Disease Control and Prevention under section 361 of the Public Health Service Act (42 U.S.C. 264), entitled 'Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19' (85 Fed. Reg. 55292 (September 4, 2020) is extended through January 31, 2021, notwithstanding the effective dates specified in such Order"). Therefore, it is evident that, while the CDC Order is still in effect, it is also inapplicable in this action.

2. The Turnover Order

The Bankruptcy Code requires the Debtor to cooperate with the Trustee "as necessary to enable the trustee to perform the trustee's duties under this title . . ." §

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521(a)(3). Among other duties, the Trustee has the obligation to "collect and reduce to money the property of the estate" and to "investigate the financial affairs of the debtor" §704(a)(1) and (a)(4). "[T]he Trustee has a statutory authorization to require production of documents in the furtherance of an investigatory duty also created by statute," and the debtor has a "duty to provide information and to cooperate in this investigation." *Rigby v. Mastro (In re Mastro)*, 585 B.R. 587, 596 (B.A.P. 9th Cir. 2018).

Section 542 provides: "[A]n entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell or lease under section 363 of this title ..., shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate." The "property" referred to in §542 "is generally understood to mean 'property of the estate,' as defined in section 541." *Collier on Bankruptcy* ¶542.02[2] (16th rev'd ed.). The Trustee may seek turnover of property from any person or entity that had "possession, custody, or control" of the subject property during the bankruptcy case, regardless of whether that person or entity had "possession, custody, or control" at the time the turnover motion is filed. *Shapiro v. Henson*, 739 F.3d 1198, 1204 (9th Cir. 2014). The Property, which the Debtor acquired prior to the Petition Date, constitutes property of the estate.

The Trustee has encountered a litany of problems with respect to the Debtors' compliance with court orders and facilitation of the bankruptcy process, ultimately culminating in significant sanctions against the Debtors. Therefore, to the extent the Trustee requests a turnover order in the Sale Motion, including but not limited to the Debtor vacating the property to the Trustee and his agents, that order is granted.

3. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale, mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" See *In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP 1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair

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advantage of other bidders.” *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985).

Neither the Trustee nor the Trustee’s broker submitted a declaration attesting to the negotiation process or any relationships between the Trustee, the broker, the Buyers, and the Debtors. Therefore, if the Buyers are successful, or if an overbidder prevails at the sale hearing, the court will take testimony from such winning party to determine whether § 363(m) protections are warranted.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety except as to the § 363(m) protections. Since the § 363(f)(3) aspect of the Motion has not been controverted, the Debtor’s request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

The Trustee is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court’s tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Norberto Pimentel

Represented By
Marcus Gomez

Joint Debtor(s):

Erica Pimentel

Represented By
Marcus Gomez

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11:00 AM

CONT... Norberto Pimentel and Erica Pimentel

Chapter 7

Trustee(s):

Wesley H Avery (TR)

Represented By
Adam Stevens

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Monday, January 11, 2021

Hearing Room 1568

9:00 AM

2:13-20738 Sergio Miranda

Chapter 11

Adv#: 2:19-01079 Miranda et al v. BANK OF AMERICA NATIONAL ASSOCIATION et al

#1.00 Hearing re [74] Evidentiary hearing

FR. 10-26-20

Docket 0

***** VACATED *** REASON: CONTINUING 3-10-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Miranda

Represented By
David A Akintimoye

Defendant(s):

BANK OF AMERICA NATIONAL

Represented By
Adam N Barasch
Donald H Cram III

Shellpoint Mortgage Servicing LLC

Pro Se

DOES 1-10, Inclusive

Pro Se

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Joint Debtor(s):

Esmeralda Miranda

Represented By
David A Akintimoye

**United States Bankruptcy Court
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CONT... Sergio Miranda

Chapter 11

Plaintiff(s):

Sergio Lopez Miranda

Represented By
David A Akintimoye

Esmeralda Miranda

Represented By
David A Akintimoye

**United States Bankruptcy Court
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Los Angeles
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Monday, January 11, 2021

Hearing Room 1568

10:00 AM

2:20-19917 Misael Carranza and Ruby Marie Carranza

Chapter 7

#100.00 HearingRE: [14] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Honda Accord .

Docket 14

Tentative Ruling:

1/7/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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10:00 AM

CONT... Misael Carranza and Ruby Marie Carranza

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Misael Carranza	Pro Se
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Joint Debtor(s):

Ruby Marie Carranza	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
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Monday, January 11, 2021

Hearing Room 1568

10:00 AM

2:20-20021 Tina Furmanski

Chapter 7

#101.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1025 W Huntington Dr., Unit H, Arcadia, CA . (Bouzane, John)

Docket 9

Tentative Ruling:

1/7/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on shortened notice pursuant to the Court's self-calendaring instructions. As of the date of issuance of this tentative ruling, no opposition has been received.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after the lease ended on December 31, 2020.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R. 867,

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CONT... **Tina Furmanski**
876 (Bankr. C.D. Cal. 2002).

Chapter 7

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

This order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Tina Furmanski

Represented By
Lior Katz

Trustee(s):

Timothy Yoo (TR)

Pro Se

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

Hearing Room 1568

10:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

Adv#: 2:19-01372 Mastan, Chapter 7 Trustee v. Romex Textiles, Inc.

#1.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01372. Complaint by Peter J. Mastan, Chapter 7 Trustee against Romex Textiles, Inc.. (Charge To Estate). Trustee's Complaint to Avoid and Recover Preferential Transfers (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Triplett, Meghann)

FR. 11-19-19; 1-14-20; 3-17-20; 5-19-20; 7-14-20; 10-13-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tbetty, Inc.

Represented By
Christian T Kim

Defendant(s):

Romex Textiles, Inc.

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
Noreen A Madoyan

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

Hearing Room 1568

10:00 AM

2:19-14528 Allen Joseph MacQuarrie

Chapter 7

Adv#: 2:19-01144 Borish et al v. Tabingo et al

#2.00 Status Hearing RE: [1] Adversary case 2:19-ap-01144. Complaint by Stephen & Ami Borish against Allen Joseph MacQuarrie. (d),(e)),(14 (Recovery of money/property - other)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (Bonar, Roxanne)

fr: 8-13-19; 9-24-19; 10-13-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Tentative Ruling:

1/11/2021

Order entered. Status Conference **CONTINUED** to **May 11, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Allen Joseph MacQuarrie

Represented By
Shawn P Huston

Defendant(s):

Celgine Tabingo

Pro Se

Clarke Miller

Pro Se

KarmaBox Vending

Pro Se

MyKarmabox.com

Pro Se

Urban Vendor, Inc

Pro Se

Does 1 Through 20, Inclusive

Pro Se

Allan J Macquarrie

Pro Se

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

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CONT... Allen Joseph MacQuarrie

Chapter 7

Plaintiff(s):

Stephen Borish Pro Se

Ami Borish Pro Se

Trustee(s):

Timothy Yoo (TR) Pro Se

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01503 Tardaguila v. Tardaguila

#3.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01503. Complaint by Ann Tardaguila against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Mitnick, Eric)

fr. 3-10-20; 4-14-20; 6-16-20

Docket 1

Tentative Ruling:

1/11/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The Trustee and Plaintiff/Counter-Defendant shall appear to provide the Court an update on the status of the contemplated settlement of the Fraud Counterclaims.

On December 8, 2019, Ann Tardaguila, as Trustee of the Tardaguila Living Trust dated June 16, 1999 (the "Plaintiff/Counter-defendant"), filed this non-dischargeability action against Gregory Tardaguila (the "Defendant/Counter-claimant"). Plaintiff/Counter-defendant alleges that she loaned Defendant/Counter-claimant in excess of \$750,000; that Defendant/Counter-claimant failed to repay the indebtedness; and that Defendant/Counter-claimant committed actual fraud by diverting funds that could have been used to repay the indebtedness. The Complaint seeks a judgment that the indebtedness is non-dischargeable pursuant to § 523(a)(2) (A) and (a)(6), and seeks denial of Defendant/Counter-claimant's discharge pursuant to § 727(a)(2), (3), (4)(A), and (5).

Defendant/Counter-claimant filed a Counterclaim, in which he alleges that the note evidencing the indebtedness at issue in the Complaint (the "Note") is a sham that was created to change the character of the transaction from a gift to a loan. The Counterclaim alleges that the \$750,000 loaned to Defendant/Counter-claimant was an

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CONT...

Gregory Tardaguila

Chapter 7

advance upon his inheritance. The Counterclaim further alleges that the Defendant/Counter-claimant did not sign the Note until several years after the funds were advanced and that Defendant/Counter-claimant was induced to sign the Note under false pretenses. The Counterclaim (1) objects to any claim against the estate on account of the Note asserted by Plaintiff/Counter-defendant; (2) seeks cancellation of the Note; and (3) seeks damages for fraud and negligent misrepresentations.

On January 16, 2020, the Court entered an order providing that the litigation deadlines set for the Counterclaim would also apply to the Complaint. *See* Doc. No. 21. Trial of the Complaint and Counterclaim is set for October 25, 2021. *See* Doc. No. 66.

On February 28, 2020, the Court entered an order (1) designating the first and second counterclaims as affirmative defenses to be litigated in connection with the Complaint, (2) finding that the third and fourth counterclaims for fraud and negligent misrepresentation (the "Fraud Counterclaims") accrued prepetition, were property of the bankruptcy estate, and could be prosecuted only by the Chapter 7 Trustee (the "Trustee"), (3) directing the Trustee to file a notice stating whether he intended to prosecute the Fraud Counterclaims by no later than March 13, 2020, and (4) dismissing the Fraud Counterclaims, but giving the Trustee leave to amend should he elect to prosecute the Fraud Counterclaims. *See* Doc. No. 31. The Court subsequently extended the Trustee's deadline to determine whether to prosecute the Fraud Counterclaims to November 30, 2020.

The Trustee has not indicated whether he intends to prosecute the Fraud Counterclaims. In the Status Report filed on December 29, 2020, the Trustee states that he will seek a further extension of his deadline to determine whether to prosecute the Fraud Counterclaims. In addition, the Trustee has represented that he is attempting to settle the Fraud Counterclaims, but that such settlement has been delayed by the COVID-19 pandemic. *See* Doc. No. 59.

The Trustee and Plaintiff/Counter-Defendant shall appear to provide the Court an update on the status of the contemplated settlement of the Fraud Counterclaims.

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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CONT... Gregory Tardaguila

Chapter 7

Plaintiff(s):

Ann Tardaguila

Represented By
Eric A Mitnick

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

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

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01503 Tardaguila v. Tardaguila

#4.00 Status Hearing

RE: [10] **Counterclaim** by Gregory Tardaguila against Ann Tardaguila as Trustee of the Tardaguila Living Trust dated 07-16-1999, Ann Tardaguila (Altholz, Andrew)

fr. 4-14-20; 6-16-20

Docket 10

Tentative Ruling:

1/11/2021

See Cal. No. 3, above, incorporated in full by reference.

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Represented By
Andrew P Altholz

Plaintiff(s):

Ann Tardaguila

Represented By
Eric A Mitnick

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#5.00 Status Hearing

RE: [26] First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

fr. 10-13-20

Docket 26

***** VACATED *** REASON: CONTINUED 3-9-21 TA 10:00 A.M.**

Tentative Ruling:

1/11/2021

Order entered. Status Conference **CONTINUED to March 9, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01119 Rodriguez v. Arid

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01119. Complaint by Luis Rodriguez against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brown, David)

FR. 10-13-20

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 1-11-21**

Tentative Ruling:

1/11/2021

Order entered. Status Conference **VACATED**.

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Luis Rodriguez

Represented By
Brian Center
David W Brown

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01120 Frooza, Inc. v. Arid

#7.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01120. Complaint by Frooza, Inc. against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)) (Malczynski, Matthew)

FR, 10-13-20

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 12-7-20**

Tentative Ruling:

10/9/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The Summons and Complaint were properly served upon Defendant, and Defendant has not timely responded to the Complaint. Based upon the foregoing, and having reviewed the Unilateral Status Report submitted by Plaintiff, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) No later than **October 27, 2020**, Plaintiff shall obtain entry of default against Defendant.
- 2) No later than **November 10, 2020**, Plaintiff shall file a Motion for Default Judgment (the "Motion"). The Motion shall be filed on a negative-notice basis, pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).
- 3) All litigation dates and deadlines previously ordered by the Court are VACATED.
- 4) A continued Status Conference shall be held on **January 12, 2021 at 10:00 a.m.** Plaintiff shall file a Unilateral Status Report by no later than fourteen days prior to the hearing. In the event default judgment has been entered, the continued Status Conference will go off calendar.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

CONT... Jonathan Andrew Arid

Chapter 7

The Court will prepare and enter an appropriate order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Frooza, Inc.

Represented By
Matthew Malczynski

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian
Adv#: 2:20-01139 Krasnoff v. Sepilian et al

Chapter 7

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01139. Complaint by Brad D. Krasnoff against Micheline Sepilian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

FR. 9-15-20; 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED 3-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Micheline Sepilian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Plaintiff(s):

Brad D. Krasnoff

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian

Chapter 7

Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian

Chapter 7

Adv#: 2:20-01140 Krasnoff v. Zeitounian et al

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01140. Complaint by Brad D. Krasnoff against Christine Molino Zeitounian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

fr. 9-15-20; 11-17-20

Docket 1

***** VACATED *** REASON: Cont'd to 3/9/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Christine Molino Zeitounian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian

Chapter 7

Plaintiff(s):

Brad D. Krasnoff

Represented By
Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Docket 1

***** VACATED *** REASON: Continued to 3/9/2021 at 10:00 AM;**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01392 Mastan v. Flintridge Preparatory School, Inc. et al

#100.00 Pre-Trial Conference

RE: [37] Amended Complaint First Amended Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)]; and (4) Preservation of Avoided Transfer [11 U.S.C. § 551] by Meghann A Triplett on behalf of Peter Mastan against Flintridge Preparatory School, Inc., Nam Soo Hwang, Young J. Hwang, Young Jae Hwang. (RE: related document(s)1 Adversary case 2:19-ap-01392. Complaint by Peter Mastan against Flintridge Preparatory School, Inc., Hee Young Hwang, Young J. Hwang, Joyce J. Hwang, Nam Soo Hwang. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) filed by Plaintiff Peter Mastan). (Triplett, Meghann)

Docket 37

***** VACATED *** REASON: STATUS CONFERENCE 4-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Flintridge Preparatory School, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Joyce J. Hwang

Represented By
Christian T Kim

Nam Soo Hwang

Represented By
Christian T Kim

DOES 1 through 10

Pro Se

Hee Young Hwang

Represented By
Christian T Kim

Young J. Hwang

Represented By
Christian T Kim

Young Jae Hwang

Represented By
Christian T Kim

Hee Youn Hwang

Represented By
Christian T Kim

Plaintiff(s):

Peter Mastan

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01034 Howard M. Ehrenberg, Chapter 7 Trustee v. Juwono

#101.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01034. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Sugio Juwono. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Sugio Juwono

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01035 Howard M. Ehrenberg, Chapter 7 Trustee v. Lee

#102.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01035. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Heidi Lee. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Heidi Lee

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01036 Howard M. Ehrenberg, Chapter 7 Trustee v. Leem

#103.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01036. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Alvin Leem. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By
Jose-Manuel A DeCastro
Jonathan N Helfat

Defendant(s):

Alvin Leem

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By
Steven Werth
Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Marsha A Houston
Steven Werth
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01037 Howard M. Ehrenberg, Chapter 7 Trustee v. Park

#104.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01037. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Justin Park. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupien, Mark)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By
Jose-Manuel A DeCastro
Jonathan N Helfat

Defendant(s):

Justin Park

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By
Steven Werth
Mark S Horoupien

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Marsha A Houston
Steven Werth
Mark S Horoupien

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01038 Howard M. Ehrenberg, Chapter 7 Trustee v. Poon

#105.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01038. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against David Poon. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

David Poon

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01039 Howard M. Ehrenberg, Chapter 7 Trustee v. Wong

#106.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01039. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Anthony Wong. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupien, Mark)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Anthony Wong

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupien

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupien

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01453 Mastan (TR) v. Zendedel

#107.00 Pre-Trial Conference

RE: [1] Adversary case 2:19-ap-01453. Complaint by Peter J. Mastan (TR) against Nazila Zendedel. (Charge To Estate). Complaint for: (1) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.07]; (2) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.05, 3439.07]; (3) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (4) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (5) Turnover of Property [11 U.S.C. § 362] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(11 (Recovery of money/property - 542 turnover of property)),(91 (Declaratory judgment)) (Mang, Tinho)

fr. 4-14-20

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 2-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Nazila Zendedel

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Bahram Zendedel

Chapter 7

Tinho Mang

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:20-01062 Mastan (TR) v. Shamekh

#108.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01062. Complaint by Peter J. Mastan (TR) against Pedram Shamekh. (Charge To Estate). Complaint for: (1) Avoidance, Recovery, and Preservation of Preferential Transfers [11 U.S.C. §§ 547, 550, and 551]; (2) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; and (3) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Mang, Tinho)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 2-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Pedram Shamekh

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01505 Strategic Funding Source, Inc. v. Tardaguila

#109.00 Pre-Trial Conference

RE: [1] Adversary case 2:19-ap-01505. Complaint by Strategic Funding Source, Inc. against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Harvey, Brian)

fr. 10-13-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-13-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.

Represented By
Brian T Harvey

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-24904 Nicholas Rene Ortiz

Chapter 7

Adv#: 2:20-01024 Winfund Investment LLC v. Ortiz

#110.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01024. Complaint by Winfund Investment LLC against Nicholas rene Ortiz. willful and malicious injury)),(65 (Dischargeability - other)) (Chang, Peiwen)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 5-11-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas Rene Ortiz

Represented By
Daniel G McMeekin

Defendant(s):

Nicholas Rene Ortiz

Pro Se

Plaintiff(s):

Winfund Investment LLC

Represented By
Peiwen Chang

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

#111.00 Pre-Trial Conference
RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

FR. 5-14-19; 2-11-20; 4-14-20; 5-12-20; 9-15-20

Docket 13

***** VACATED *** REASON: CONTINUED 3-9-2021 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy

Defendant(s):

HERITAGE PROVIDER

Pro Se

Plaintiff(s):

VERITY HEALTH SYSTEM OF

Represented By
Steven J Kahn

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01051 California Nurses Association v. VERITY HEALTH SYSTEM OF

#112.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01051. Complaint by California Nurses Association against VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, St. Vincent Dialysis Center, Inc., ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, Verity Holdings, LLC, a California limited liability company, De Paul Ventures, LLC, Richard Adcock, Steven Sharrer. (d),(e)),(14 (Recovery of money/property - other)),(21 (Validity, priority or extent of lien or other interest in property)),(81 (Subordination of claim or interest)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Skogstad, Kyrsten)

Docket 1

*** VACATED *** REASON: DISMISSED 10-7-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Defendant(s):

VERITY HEALTH SYSTEM OF

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

ST. VINCENT MEDICAL	Pro Se
St. Vincent Dialysis Center, Inc.	Pro Se
ST. FRANCIS MEDICAL	Pro Se
Seton Medical Center, a California	Pro Se
Verity Holdings, LLC, a California	Pro Se
De Paul Ventures, LLC	Pro Se
Richard Adcock	Pro Se
Steven Sharrer	Pro Se
St. Francis Medical Center of	Pro Se
Does 1 through 500	Pro Se

Plaintiff(s):

California Nurses Association

Represented By
Carol A Igoe
Kyrsten Skogstad

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01377 Packaging Corporation of America v. Bonert et al

#113.00 Pre-Trial Conference RE: [10] Amended Complaint with proof of service by Scott E Blakeley on behalf of Packaging Corporation of America against Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's 3144, LLC, Bonert's Incorporated dba Bonert's Slice of Pie, Bonert's Jadahasa, LLC, Bonert's MV, LLC, Bonert's Mibon LLC, DOES 1-10. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Judgement) (Blakeley, Scott)

FR. 3-11-20

Docket 0

***** VACATED *** REASON: STATUS CONFERENCE 3-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Michael Bonert

Chapter 11

	Lawrence M Jacobson
Bonert's Mibon LLC	Represented By Lawrence M Jacobson
Beefam, LLC	Represented By Lawrence M Jacobson
DOES 1-10	Pro Se
3144 Bonert's LLC	Represented By Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert	Represented By Alan W Forsley
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Plaintiff(s):

Packaging Corporation of America	Represented By Scott E Blakeley
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01378 Coastal Carriers, LLC v. Bonert et al

#114.00 Pre-Trial Conference RE: [10] Amended Complaint with proof of service by Scott E Blakeley on behalf of Coastal Carriers, LLC against Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's 3144, LLC, Bonert's Incorporated dba Bonert's Slice of Pie, Bonert's Jadahasa, LLC, Bonert's MV, LLC, Bonert's Mibon LLC, DOES 1-10. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Judgement) (Blakeley, Scott)

fr. 3-11-20

Docket 0

***** VACATED *** REASON: PER HEARING HELD ON 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Beefam, LLC

Represented By
Lawrence M Jacobson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Michael Bonert

Chapter 11

DOES 1-10

Pro Se

Bonert's MV, LLC

Represented By
Lawrence M Jacobson

Bonert's Mibon LLC

Represented By
Lawrence M Jacobson

3144 Bonert's LLC

Represented By
Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Plaintiff(s):

Coastal Carriers, LLC

Represented By
Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01405 Capitol Distribution Company, LLC v. Bonert et al

#115.00 Pre-Trial Conference

RE: [9] Amended Complaint with proof of service by Scott E Blakeley on behalf of Capitol Distribution Company, LLC against 3144 Bonert's LLC, Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's Inc., a California corporation, Bonert's Jadasaha, LLC, Bonert's MV, LLC, Bonert's Mibon, LLC, DOES 1 through 10, inclusive. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Statement of Account) (Blakeley, Scott)

fr. 8-11-20; 3-11-20

Docket 9

***** VACATED *** REASON: PER HEARING HELD 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Inc., a California

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadasaha, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Michael Bonert

Chapter 11

	Lawrence M Jacobson
Bonert's Mibon, LLC	Represented By Lawrence M Jacobson
3144 Bonert's LLC	Represented By Lawrence M Jacobson
DOES 1 through 10, inclusive	Pro Se
Beefam, LLC	Represented By Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert	Represented By Alan W Forsley
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Plaintiff(s):

Capitol Distribution Company, LLC	Represented By Sean Lowe Scott E Blakeley
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01406 Stratas Foods LLC v. Bonert et al

#116.00 Pre-Trial Conference

RE: [9] Amended Complaint with proof of service by Scott E Blakeley on behalf of Stratas Foods LLC against 3144 Bonert's LLC, Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's Incorporated dba Bonert's Slice of Pie, Bonert's Jadasaha, LLC, Bonert's MV, LLC, Bonert's Mibon, LLC, DOES 1 through 10, inclusive. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Statement of Account) (Blakeley, Scott)

fr: 8-11-20; 3-11-20

Docket 9

***** VACATED *** REASON: PER HEARING HELD ON 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadasaha, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 12, 2021

Hearing Room 1568

11:00 AM

CONT... Michael Bonert

Chapter 11

	Lawrence M Jacobson
Bonert's Mibon, LLC	Represented By Lawrence M Jacobson
Beefam, LLC	Represented By Lawrence M Jacobson
3144 Bonert's LLC	Represented By Lawrence M Jacobson
DOES 1 through 10, inclusive	Pro Se

Joint Debtor(s):

Vivien Bonert	Represented By Alan W Forsley
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Plaintiff(s):

Stratas Foods LLC	Represented By Sean Lowe Scott E Blakeley
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:16-25508 Lempa Roofing Inc

Chapter 7

#1.00 APPLICANT: Attorney - LEVENE NEALE BENDER YOO & BRILL LLP

Hearing re [58] and [59] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$22,870.00 approved (this amount represents a voluntary reduction in fees from \$49,836.00 to allow for a meaningful payout to creditors [*See* Doc. No. 56])

Expenses: \$892.17 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

CONT... Lempa Roofing Inc

Chapter 7

Debtor(s):

Lempa Roofing Inc

Represented By
Barbara J Craig
John D Guerrini

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:16-25508 Lempa Roofing Inc

Chapter 7

#2.00 APPLICANT: Accountant - : Howard B.Grobstein, CPA

Hearing re [58] and [59] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$23,569.00 approved [*See* Doc. No. 56] (pursuant to the Trustee's Final Report, only \$12,089.48 is payable at this time)

Expenses: \$128.53 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

CONT... Lempa Roofing Inc

Chapter 7

Party Information

Debtor(s):

Lempa Roofing Inc

Represented By
Barbara J Craig
John D Guerrini

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:16-25508 Lempa Roofing Inc

Chapter 7

#3.00 APPLICANT: Trustee - Rosendo Gonzalez

Hearing re [58] and [59] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

1/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$5,000.00 [*see* Doc. No. 58]

Total Trustee's Expenses: \$218.80 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

CONT... Lempa Roofing Inc

Chapter 7

Debtor(s):

Lempa Roofing Inc

Represented By
Barbara J Craig
John D Guerrini

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:16-25508 Lempa Roofing Inc

Chapter 7

#4.00 CHARGES: United States Bankruptcy Court

Hearing re [58] and [59] Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

1/12/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Lempa Roofing Inc

Represented By
Barbara J Craig
John D Guerrini

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:19-21593 C & F Sturm, LLC

Chapter 11

#5.00 Hearing
RE:[72] status hearing regarding the sale of the Property

fr. 7-15-20; 10-21-20

Docket 49

***** VACATED *** REASON: CONTINUED 4-13-21 AT 10:00 A.M.**

Tentative Ruling:

10/20/20

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The tentative ruling is to CONTINUE the Confirmation Hearing to **December 2, 2020 at 10:00 a.m.** The Court has reviewed the Debtor's status report filed on September 30, 2020 [Doc. No. 65], which states that the Debtor received a purchase offer for its property located at 511 and 515 Las Vegas Boulevard South, Las Vegas, Nevada 89101 (the "Property") and opened escrow on September 21, 2020. The buyer has a 45-day contingency period that will expire on November 5, 2020. The Debtor states that if the buyer agrees to waive contingencies and proceed with the purchase, the Debtor will file a motion for sale of the Property. The proposed purchase price of \$1,471,000 will allow the Debtor to pay off creditors in full, as set forth in the Debtor's Amended Plan.

By no later than **November 18, 2020**, the Debtor is directed to file a status report updating the Court on the status of the sale of the property.

The Court will enter the order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

CONT... C & F Sturm, LLC

Chapter 11

an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

C & F Sturm, LLC

Represented By
Stella A Havkin

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:20-20569 GIA Redevelopment LLC

Chapter 7

#6.00 Status Hearing RE: [1] Chapter 7 Involuntary Petition Against a Non-Individual. Kim S.)

Docket 1

Tentative Ruling:

1/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The involuntary petition is **DISMISSED** for the reasons set forth below.

Pleadings Filed and Reviewed:

- 1) Involuntary Petition Against a Non-Individual [Doc. No. 1]
- 2) Summons and Notice of Status Conference in an Involuntary Bankruptcy Case [Doc. No. 3]
 - a) Certificate of Service [Doc. No. 6]

The Petitioning Creditor has failed to file a proof of service establishing that the Summons, Notice of Status Conference, and Involuntary Petition were served upon the Alleged Debtor. The Summons issued to the Petitioning Creditor clearly informs the Petitioning Creditor of the obligation to serve the Summons, Notice of Status Conference, and Involuntary Petition upon the Alleged Debtor. The Summons further advises the Petitioning Creditor that failure to properly effectuate service may result in dismissal of the involuntary petition.

Local Bankruptcy Rule 1010-1 provides in relevant part: "The court may dismiss an involuntary petition without further notice and hearing if the petitioner fails to ... (c) serve the summons and petition within the time allowed by FRBP 7004; (d) file a proof of service of the summons and petition with the court; or (e) appear at the status conference set by the court."

Based upon the foregoing, the involuntary petition is **DISMISSED**.

The Court will prepare and enter an appropriate order.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

CONT... GIA Redevelopment LLC

Chapter 7

Debtor(s):

GIA Redevelopment LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:20-18369 Maria Skivington

Chapter 7

#7.00 Hearing
RE: [12] Motion for extension of time to file a complaint objecting to discharge with Notice of Motion and proof of service (Pena, Leonard)

Docket 12

***** VACATED *** REASON: ORDER ENTERED 12-16-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Skivington

Represented By
Sevan Gorginian

Trustee(s):

Carolyn A Dye (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#8.00 Hearing

RE: [6338] Motion of Annapolis Consulting Group, Inc. and TCI Holdings, Inc. to Reopen the Auction Conducted in Response to the Debtors' Motion to Approve Terms and Conditions of a Private Sale and Equity Interests in Marillac Insurance Company, Ltd. to Randall & Quilter II Holdings Limited Pursuant to § 363

Docket 6338

*** VACATED *** REASON: PER ORDER ENTERED 12-21-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 13, 2021

Hearing Room 1568

10:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#9.00 Hearing

RE: [269] Motion to Approve Compromise Under Rule 9019 Debtor's Notice of Motion and Motion Under Rule 9019 for Approval of Settlement with Warren Wang; and Declaration in Support Thereof, with Proof of Service

Docket 269

***** VACATED *** REASON: CONTINUED 1-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01284 St. Francis Medical Center v. Fresenius Medical Care Holdings, Inc.

#1.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01284. Complaint by St. Francis Medical Center against Fresenius Medical Care Holdings, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

*** VACATED *** REASON: DISMISSED 12-8-20

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Fresenius Medical Care Holdings,

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01319 St. Vincent Medical Center v. Jorge Estuardo Carrillo

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01319. Complaint by St. Vincent Medical Center against Jorge Estuardo Carrillo. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR, 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Jorge Estuardo Carrillo

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01500 St. Francis Medical Center et al v. Arrow International, Inc.

#3.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01500. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Arrow International, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Arrow International, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 19, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01501 St. Vincent Medical Center et al v. Arthrex, Inc.

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01501. Complaint by St. Vincent Medical Center, O'Connor Hospital against Arthrex, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-25-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Arthrex, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01502 Verity Medical Foundation et al v. Ascendo Healthcare Search, LLC

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01502. Complaint by Verity Medical Foundation, St. Vincent Medical Center against Ascendo Healthcare Search, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-15-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Ascendo Healthcare Search, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01503 Verity Health System of California, Inc. et al v. AT&T Inc.

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01503. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against AT&T Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AT&T Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01504 Seton Medical Center et al v. Atlantic Biologicals Corp.

#7.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01504. Complaint by Seton Medical Center, O'Connor Hospital against Atlantic Biologicals Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Atlantic Biologicals Corp.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01505 Verity Medical Foundation et al v. Bay Area Spine Care

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01505. Complaint by Verity Medical Foundation, O'Connor Hospital against Bay Area Spine Care. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bay Area Spine Care

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01506 St. Francis Medical Center et al v. Beckman Coulter, Inc.

#9.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01506. Complaint by St. Francis Medical Center, Seton Medical Center against Beckman Coulter, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Beckman Coulter, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01507 O'Connor Hospital et al v. California Department of Public Health - Genetic

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01507. Complaint by O'Connor Hospital, St. Francis Medical Center against California Department of Public Health - Genetic Disease Branch. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-11-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

California Department of Public

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01508 O'Connor Hospital et al v. Cardinal Health 414, LLC

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01508. Complaint by O'Connor Hospital, Verity Health System of California, Inc. against Cardinal Health 414, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health 414, LLC

Represented By

Lei Lei Wang Ekvall

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01509 Seton Medical Center et al v. Carefusion 2200, Inc.

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01509. Complaint by Seton Medical Center, St. Francis Medical Center against Carefusion 2200, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Carefusion 2200, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01510 St. Francis Medical Center et al v. Cepheid

#13.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01510. Complaint by St. Francis Medical Center, Seton Medical Center against Cepheid. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cepheid

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01511 Verity Health System of California, Inc. et al v. Chancellor Consulting

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01511. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Chancellor Consulting Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Chancellor Consulting Group, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01512 Verity Holdings, LLC et al v. City of Daly City, California

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01512. Complaint by Verity Holdings, LLC, Seton Medical Center against City of Daly City, California. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

City of Daly City, California

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01513 Seton Medical Center et al v. Clean Earth Environmental Solutions, Inc.

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01513. Complaint by Seton Medical Center, St. Francis Medical Center against Clean Earth Environmental Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clean Earth Environmental

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01514 O'Connor Hospital et al v. CO Architects

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01514. Complaint by O'Connor Hospital, Verity Health System of California, Inc. against CO Architects. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CO Architects

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01515 St. Vincent Medical Center et al v. Cochlear Americas Corporation

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01515. Complaint by St. Vincent Medical Center, O'Connor Hospital against Cochlear Americas Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cochlear Americas Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01516 Seton Medical Center et al v. Corporate Security Service, Inc.

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01516. Complaint by Seton Medical Center, Verity Holdings, LLC against Corporate Security Service, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Corporate Security Service, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01517 St. Francis Medical Center et al v. CryoLife, Inc.

#20.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01517. Complaint by St. Francis Medical Center, O'Connor Hospital against CryoLife, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-27-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

CryoLife, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01518 Verity Business Services et al v. CSI General Contracting Inc.

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01518. Complaint by Verity Business Services, Seton Medical Center against CSI General Contracting Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CSI General Contracting Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01519 Verity Medical Foundation et al v. Downey Cardio-Medical Group, a

#22.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01519. Complaint by Verity Medical Foundation, St. Francis Medical Center against Downey Cardio-Medical Group, a Professional Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-20-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Downey Cardio-Medical Group, a

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01520 O'Connor Hospital et al v. Edwards Lifesciences LLC

#23.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01520. Complaint by O'Connor Hospital, St. Vincent Medical Center against Edwards Lifesciences LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-18-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Edwards Lifesciences LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01521 St. Vincent Medical Center et al v. Endologix, Inc.

#24.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01521. Complaint by St. Vincent Medical Center, O'Connor Hospital against Endologix, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 8-10-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Endologix, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01522 Verity Health System of California, Inc. et al v. Experian Health, Inc.

#25.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01522. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Experian Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Experian Health, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01523 St. Francis Medical Center et al v. FFF Enterprises, Inc.

#26.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01523. Complaint by St. Francis Medical Center, Seton Medical Center against FFF Enterprises, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-15-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

FFF Enterprises, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01524 St. Francis Medical Center et al v. Fluke Electronics Corporation

#27.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01524. Complaint by St. Francis Medical Center, Seton Medical Center against Fluke Electronics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Fluke Electronics Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, January 19, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01525 O'Connor Hospital et al v. Foundation Medicine, Inc.

#28.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01525. Complaint by O'Connor Hospital, Verity Medical Foundation against Foundation Medicine, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Foundation Medicine, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01526 St. Vincent Medical Center et al v. Fresenius USA, Inc.

#29.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01526. Complaint by St. Vincent Medical Center, Seton Medical Center against Fresenius USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Fresenius USA, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01527 Seton Medical Center et al v. Getinge USA Sales, LLC

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01527. Complaint by Seton Medical Center, St. Francis Medical Center against Getinge USA Sales, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Getinge USA Sales, LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01528 St. Vincent Medical Center et al v. Given Design Group, Inc.

#31.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01528. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Given Design Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Given Design Group, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01529 St. Francis Medical Center et al v. Globus Medical, Inc.

#32.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01529. Complaint by St. Francis Medical Center, Seton Medical Center against Globus Medical, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-28-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Globus Medical, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01530 St. Francis Medical Center et al v. Haemonetics Corporation

#33.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01530. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Haemonetics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Haemonetics Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01531 St. Francis Medical Center et al v. Healthcare Transformation, Inc.

#34.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01531. Complaint by St. Francis Medical Center, Seton Medical Center against Healthcare Transformation, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-11-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Healthcare Transformation, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01532 Seton Medical Center et al v. Hill-Rom Company, Inc.

#35.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01532. Complaint by Seton Medical Center, St. Francis Medical Center against Hill-Rom Company, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hill-Rom Company, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01533 O'Connor Hospital et al v. Hologic, Inc.

#36.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01533. Complaint by O'Connor Hospital, St. Francis Medical Center against Hologic, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-20-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hologic, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01534 Verity Health System of California, Inc. et al v. Kronos Incorporated

#37.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01534. Complaint by Verity Health System of California, Inc., St. Vincent Medical Center against Kronos Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Kronos Incorporated

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01535 St. Francis Medical Center et al v. Landmark Anesthesia Medical Group

#38.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01535. Complaint by St. Francis Medical Center, Verity Medical Foundation against Landmark Anesthesia Medical Group. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Landmark Anesthesia Medical Group

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01536 Seton Medical Center et al v. Larratt Bros. Plumbing, Inc.

#39.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01536. Complaint by Seton Medical Center, Verity Holdings, LLC against Larratt Bros. Plumbing, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Larratt Bros. Plumbing, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01537 Verity Holdings, LLC et al v. Liberty Fire Systems Inc.

#40.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01537. Complaint by Verity Holdings, LLC,
Seton Medical Center against Liberty Fire Systems Inc.. (14 (Recovery of
money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Liberty Fire Systems Inc.

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01538 Verity Business Services et al v. Geisinger

#41.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01538. Complaint by Verity Business Services, Seton Medical Center against Lisa Lhummel Geisinger. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Lisa Lhummel Geisinger

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01539 St. Vincent Medical Center et al v. Los Angeles Department of Water and

#42.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01539. Complaint by St. Vincent Medical Center, Verity Holdings, LLC against Los Angeles Department of Water and Power. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Los Angeles Department of Water

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01540 Verity Holdings, LLC et al v. Matrix HG, Inc.

#43.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01540. Complaint by Verity Holdings, LLC, Seton Medical Center against Matrix HG, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Matrix HG, Inc.

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01541 St. Vincent Medical Center et al v. Mindray DS USA, Inc.

#44.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01541. Complaint by St. Vincent Medical Center, St. Louise Regional Hospital against Mindray DS USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Mindray DS USA, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01542 O'Connor Hospital et al v. Musculoskeletal Transplant Foundation

#45.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01542. Complaint by O'Connor Hospital, St. Vincent Medical Center against Musculoskeletal Transplant Foundation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 3-23-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Musculoskeletal Transplant

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01543 O'Connor Hospital et al v. Nestle Waters North America Inc.

#46.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01543. Complaint by O'Connor Hospital, St. Vincent Medical Center against Nestle Waters North America Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-20-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Nestle Waters North America Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01544 O'Connor Hospital et al v. Norcal Mutual Insurance Company

#47.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01544. Complaint by O'Connor Hospital, St. Francis Medical Center against Norcal Mutual Insurance Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Norcal Mutual Insurance Company

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01545 O'Connor Hospital et al v. Northfield Medical, LLC

#48.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01545. Complaint by O'Connor Hospital, St. Louise Regional Hospital against Northfield Medical, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-2-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Northfield Medical, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01546 O'Connor Hospital et al v. NuVasive, Inc.

#49.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01546. Complaint by O'Connor Hospital, Seton Medical Center against NuVasive, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

NuVasive, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01547 O'Connor Hospital et al v. Ortho Development Corporation

#50.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01547. Complaint by O'Connor Hospital, St. Francis Medical Center against Ortho Development Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-15-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Ortho Development Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01548 St. Vincent Medical Center et al v. OsteoMed LLC

#51.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01548. Complaint by St. Vincent Medical Center, St. Francis Medical Center against OsteoMed LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-29-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

OsteoMed LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 19, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01549 St. Vincent Medical Center et al v. Otis Elevator Company

#52.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01549. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Otis Elevator Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED TO 2-2-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Otis Elevator Company

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#1.00 Hearing
RE: [6144] Motion for Allowance of Administrative Expense Claim and Request
for Payment under 11 U.S.C. § 503(b) (Reynolds, Michael)

FR. 12-9-20; 12-16-20

Docket 6144

***** VACATED *** REASON: CONTINUED 2-17-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 20, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

#2.00 Status Hearing Pursuant To 11 U.S.C. 1188 (Subchapter V). RE: [17]
Addendum to voluntary petition

fr. 7-14-20 ; 10-14-20

Docket 17

***** VACATED *** REASON: CONTINUED 3-9-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, January 20, 2021

Hearing Room 1568

10:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#3.00 Hearing
RE: [478] Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland (Hyam, Stephen)

Docket 478

***** VACATED *** REASON: CONTINUED 1-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Defendant(s):

John C Kirkland, individually

Represented By
Autumn D Spaeth ESQ
Lewis R Landau
Stephen E Hyam

Poshow Ann Kirkland, individually

Represented By
Lewis R Landau

Poshow Ann Kirkland, as Trustee of

Represented By
Lewis R Landau
Stephen E Hyam

Plaintiff(s):

Jason M Rund, Chapter 7 Trustee

Represented By
Larry W Gabriel
Michael W Davis
Corey R Weber
Robert A Hessling

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling

**United States Bankruptcy Court
Central District of California
Los Angeles
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10:00 AM

CONT... EPD Investment Co., LLC

Chapter 7

Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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Wednesday, January 20, 2021

Hearing Room 1568

10:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#4.00 Show Cause Hearing
RE: [285] Order: (1) Requiring The Debtor To Appear And Show Cause Why
The Court Should Not Appoint A Chapter 11 Trustee Or, In The Alternative,
Convert This Case To Chapter 7 And

Docket 286

***** VACATED *** REASON: CONTINUED 1-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 20, 2021

Hearing Room 1568

10:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#5.00 Hearing

RE: [269] Motion Under Rule 9019 for Approval of Settlement with Warren Wang

fr. 1-13-21

Docket 269

***** VACATED *** REASON: CONTINUED 1-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 20, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01380 Verity Medical Foundation v. Pinnacle Brokers Insurance Solutions, LLC

#100.00 Hearing
RE: [11] Motion for Summary Judgment

Docket 0

***** VACATED *** REASON: DISMISSED 12-29-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Defendant(s):

Pinnacle Brokers Insurance

Represented By

Dan Lawton

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, January 20, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 20, 2021

Hearing Room 1568

11:00 AM

2:19-20497 Golden General Construction LLC

Chapter 7

#101.00 APPLICANT: Trustee - David Goodrich

Hearing re [22] and [23] Trustee's Final Report and Applications for
Compensation

Docket 0

***** VACATED *** REASON: CONTINUED 1-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Golden General Construction LLC

Represented By
Speros P Maniates

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, January 20, 2021

Hearing Room 1568

11:00 AM

2:19-20497 Golden General Construction LLC

Chapter 7

#102.00 APPLICANT: Accountant - Hahn Fife & Company

Hearing re [22] and [23] Trustee's Final Report and Applications for Compensation

Docket 0

***** VACATED *** REASON: CONTINUED 1-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Golden General Construction LLC

Represented By
Speros P Maniates

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, January 20, 2021

Hearing Room 1568

11:00 AM

2:19-20497 Golden General Construction LLC

Chapter 7

#103.00 APPLICANT: Attorney for Trustees Fees - Franchise Tax Board
(Administrative)

Hearing re [22] and [23] Trustee's Final Report and Applications for
Compensation

Docket 0

***** VACATED *** REASON: CONTINUED 1-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Golden General Construction LLC

Represented By
Speros P Maniates

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Thursday, January 21, 2021

Hearing Room 1568

10:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#1.00 Hearing
RE: [478] Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland (Hyam, Stephen)

FR. 1-20-21

Docket 478

Tentative Ruling:

1/20/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is GRANTED.

Pleadings Filed and Reviewed:

- 1) Defendant John C. Kirkland's Memorandum of Points and Authorities in Support of Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland [Adv. Doc. No. 478] (the "Motion")
 - a) Defendant John C. Kirkland's Request for Judicial Notice in Support of Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland [Adv. Doc. No. 478-1]
 - b) [Proposed] Final Judgment in Favor of Defendant John C. Kirkland [Adv. Doc. No. 478-2]
- 2) Chapter 7 Trustee's Opposition to Defendant John C. Kirkland's Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland [Adv. Doc. No. 481] (the "Opposition")
 - a) Withdrawal of Opposition [Adv. Doc. No. 484]
- 3) Defendant John C. Kirkland's Reply in Support of Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland [Adv. Doc. No. 482] (the

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CONT... EPD Investment Co., LLC
"Reply")

Chapter 7

I. Facts and Summary of Pleadings

A. Procedural Background

On December 7, 2010, creditors filed an involuntary petition against EPD Investment Co., LLC ("EPD"). Bankr. Doc. No. 1. [Note 1] The Court entered an Order for Relief on February 9, 2011. Bankr. Doc. No. 29. On February 1, 2012, Jerrold S. Pressman ("Pressman") filed a voluntary Chapter 7 petition. On June 4, 2012, the bankruptcy cases of EPD and Pressman (collectively, the "Debtors") were substantively consolidated. Bankr. Doc. No. 227.

On October 31, 2012, the Trustee filed the complaint commencing this adversary proceeding. Adv. Doc. No. 1. The Trustee filed the operative Fourth Amended Complaint [Adv. Doc. No. 234] (the "Complaint") on October 14, 2016. [Note 2] The Complaint seeks to (1) disallow and/or equitably subordinate proofs of claim filed by the Bright Conscience Trust Dated September 9, 2009 (the "BC Trust") and (2) avoid allegedly fraudulent transfers from the Debtors to John Kirkland ("Kirkland") and the BC Trust.

On December 17, 2018, the District Court withdrew the reference of this adversary proceeding from the Bankruptcy Court. *Rund v. Kirkland (In re EPD Investment Co., LLC)*, 594 B.R. 423 (C.D. Cal. 2018). Withdrawal of the reference was based on Kirkland's right to a jury trial conducted by the District Court. *Id.* at 426. Observing the "common issues of fact and the overlapping nature of the claims against the BC Trust and John Kirkland," the District Court found that "judicial economy and the uniformity of bankruptcy administration ... would be best served by withdrawing the entire action." *Id.*

On June 4, 2019, the District Court granted the Trustee's motion to bifurcate the trial of the (1) disallowance, equitable subordination, and fraudulent transfer claims against the BC Trust and (2) the fraudulent transfer claims against Kirkland. District Court Doc. No. 117. A six-day jury trial of the Trustee's claims against Kirkland was conducted between June 25, 2019 and July 3, 2019. District Court Doc. Nos. 180–86. Specifically, the Trustee sought to avoid, as actually and constructively fraudulent, \$104,852.82 in payments made by the Debtors towards the mortgage on Kirkland's home (the "Mortgage Transfers").

The jury returned a verdict in favor of Kirkland. In reaching its verdict, the jury found that EPD was a Ponzi scheme, *see* Verdict Form re Ponzi Scheme [District Court Doc. No. 174]; that Kirkland was not an insider of EPD and/or Pressman, *see*

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CONT... EPD Investment Co., LLC

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Verdict Form re Insider [District Court Doc. No. 174]; that EPD and/or Pressman transferred property to Kirkland to hinder, delay, and defraud one or more of their creditors, *see* Verdict Form No. 1 (Actual Fraud—California Law) at Question 3 and Verdict Form No. 2 (Actual Fraud—Bankruptcy Code) at Question 3 [District Court Doc. No. 174]; and that Kirkland received the Mortgage Transfers in good faith and for reasonably equivalent value, *see* Verdict Form No. 1 (Actual Fraud—California Law) at Questions 4–5; Verdict Form No. 2 (Actual Fraud—Bankruptcy Code) at Questions 4–5; Verdict Form No. 3 (Constructive Fraud—California Law) at Question 3; and Verdict Form No. 5 (Constructive Fraud—Bankruptcy Code) at Question 3 [District Court Doc. No. 174].

On October 3, 2019, the District Court remanded the Trustee's claims against the BC Trust to the Bankruptcy Court, and dismissed Count 1 of the Complaint (for disallowance and/or equitable subordination of the BC Trust's proofs of claim) as to Kirkland. District Court Doc. No. 189 (the "Remand Order"). The District Court stated that it saw no reason why the Bankruptcy Court could not rely upon the testimony provided during the jury trial in adjudicating the claims against the BC Trust. *Id.* No judgment has been entered in connection with the jury's verdict in favor of Kirkland.

On October 29, 2020, the Court entered a *Memorandum of Decision Granting in Part and Denying in Part Cross-Motions for Summary Judgment Filed by the Chapter 7 Trustee and the BC Trust* [Adv. Doc. No. 460] (the "Memorandum") and an accompanying order [Adv. Doc. No. 461]. The Memorandum found that the BC Trust was entitled to summary adjudication in its favor on the Trustee's constructively fraudulent transfer claims. The Memorandum also found that certain facts with respect to the Trustee's other claims against the BC Trust were either not in genuine dispute or had been established by the jury trial. The Court declined the Trustee's request to enter final judgment only as to the claims that had been adjudicated based upon a finding that the entry of "final judgment on only some of the claims would create unnecessary procedural complications with respect to any appeals that may be filed." Memorandum at 36. Trial on the Trustee's equitable subordination claim against the BC Trust is set for March 15, 2021. Adv. Doc. No. 470.

B. Summary of Papers Filed in Connection with the Motion

Kirkland moves for the entry of final judgment in his favor based upon the fact that the jury returned a verdict in his favor. Kirkland states that in an unrelated arbitration proceeding scheduled to take place during the week of January 19 to 22,

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Chapter 7

2021, the opposing party is seeking to introduce into evidence the jury's Ponzi scheme finding to support an allegation that Kirkland engaged in a Ponzi scheme. Kirkland Decl. at ¶ 11 [Adv. Doc. No. 482]. Kirkland states that in the absence of a final judgment in his favor, the extensive record in this case makes it difficult and time consuming to refute this allegation. *Id.*

The Trustee initially opposed the Motion, arguing that the entry of final judgment only as to the claims against Kirkland could cause multiple appeals with common issues. After Kirkland stated in his reply papers that he would not appeal provided that final judgment was entered in his favor in the form proposed, the Trustee withdrew his opposition to the Motion.

II. Findings and Conclusions

Civil Rule 54(b) provides:

When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

Whether final judgment should be entered is "left to the sound judicial discretion of the ... court," with such discretion to be "exercised 'in the interest of sound judicial administration.'" *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8, 100 S. Ct. 1460, 1464–65, 64 L. Ed. 2d 1 (1980). In considering judicial administrative interests, the Court must apply Civil Rule 54(b) in a manner that "effectively 'preserves the historic federal policy against piecemeal appeals.'" *Id.* The Court must also consider the "equities involved." *Id.*

Kirkland has represented that he will not appeal provided that judgment is entered in the form he has proposed. The Trustee has not affirmatively stated that he will not appeal a judgment in favor of Kirkland; however, the Trustee withdrew his Opposition to the Motion after Kirkland represented that he would not appeal the judgment. Given that the Trustee's Opposition was predicated upon concerns over

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CONT... EPD Investment Co., LLC

Chapter 7

complications that could arise from multiple appeals, the Trustee's withdrawal of the Opposition suggests that he has no intention of appealing a judgment in favor of Kirkland. Therefore, it does not appear that entry of final judgment in favor of Kirkland will result in multiple appeals.

Further delaying the entry of final judgment would be prejudicial to Kirkland by making it more difficult for Kirkland to defend himself in unrelated litigation such as the arbitration proceeding taking place this week. The record in this case consists of hundreds of docket entries and tens of thousands of pages. This makes it difficult and expensive for Kirkland to show that he has prevailed on the claims at issue in this case. Equitable considerations support entering final judgment in favor of Kirkland now.

The Court will enter the proposed final judgment that has been submitted in connection with the Motion. Kirkland shall upload that proposed final judgment to the Court's Lodged Order Upload (LOU) system within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

Unless otherwise indicated, all "Adv. Doc." citations are to Adv. No. 2:12-ap-02424-ER; all "Bankr. Doc." citations are to Bankr. Case No. 2:10-bk-62208-ER; all "District Court Doc." citations are to Case No. 2:18-cv-08317-DSF; and all "Tr." citations are to the transcript of the jury trial conducted by the District Court in Case No. 2:18-cv-08317-DSF that commenced on June 25, 2019. Page citations are to the docket pagination which appears at the top of each page, not to the document's internal pagination.

Note 2

Adjudication on the merits was delayed as a result of a motion to compel arbitration brought by John Kirkland (the "Arbitration Motion"). A more detailed procedural history of the Arbitration Motion is set forth in Adv. Doc. No. 409.

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CONT... EPD Investment Co., LLC

Chapter 7

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Defendant(s):

John C Kirkland, individually

Represented By

Autumn D Spaeth ESQ
Lewis R Landau
Stephen E Hyam

Poshow Ann Kirkland, individually

Represented By

Lewis R Landau

Poshow Ann Kirkland, as Trustee of

Represented By

Lewis R Landau
Stephen E Hyam

Plaintiff(s):

Jason M Rund, Chapter 7 Trustee

Represented By

Larry W Gabriel
Michael W Davis
Corey R Weber
Robert A Hessling

Trustee(s):

Jason M Rund (TR)

Represented By

Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Thursday, January 21, 2021

Hearing Room 1568

10:00 AM

2:19-20497 Golden General Construction LLC

Chapter 7

**#2.00 APPLICANT: Attorney for Trustees Fees - Franchise Tax Board
(Administrative)**

Hearing re [22] and [23] Trustee's Final Report and Applications for
Compensation

fr. 1-20-21

Docket 0

Tentative Ruling:

1/20/2021

See calendar no. 4, incorporated by reference in full.

Party Information

Debtor(s):

Golden General Construction LLC

Represented By
Speros P Maniates

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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2:19-20497 Golden General Construction LLC

Chapter 7

#3.00 APPLICANT: Accountant - Hahn Fife & Company

Hearing re [22] and [23] Trustee's Final Report and Applications for
Compensation

fr. 1-20-21

Docket 0

Tentative Ruling:

1/20/2021

See calendar no. 4, incorporated by reference in full.

Party Information

Debtor(s):

Golden General Construction LLC

Represented By
Speros P Maniates

Trustee(s):

David M Goodrich (TR)

Pro Se

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#4.00 APPLICANT: Trustee - David Goodrich

Hearing re [22] and [23] Trustee's Final Report and Applications for Compensation

fr. 1-20-21

Docket 0

Tentative Ruling:

1/20/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows (amounts previously paid on an interim basis if any, are now deemed final):

Total Trustee's Fees: \$1,254.57 [*see* Doc. No. 22]

Total Trustee's Expenses: \$23.40 [*see id.*]

Franchise Tax Fees: \$800.00 [*see id.*]

Total Accountant's Fees: \$1,000 (consisting of \$1,000 approved on July 13, 2020 [Doc. No. 18])

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should

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an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Golden General Construction LLC

Represented By
Speros P Maniates

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#5.00 Hearing
RE: [269] Motion Under Rule 9019 for Approval of Settlement with Warren Wang

fr. 1-13-21

fr. 1-20-21

Docket 269

Tentative Ruling:

1/20/2021

See calendar no. 6, incorporated by reference in full.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

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2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#6.00 Show Cause Hearing
RE: [285] Order: (1) Requiring The Debtor To Appear And Show Cause Why The Court Should Not Appoint A Chapter 11 Trustee Or, In The Alternative, Convert This Case To Chapter 7 And

fr. 1-20-21

Docket 286

Tentative Ruling:

1/20/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the case is converted to one under chapter 7 and a trustee will be appointed.

Pleadings Filed and Reviewed

- 1) Debtor's Notice of Motion and Motion Under Rule 9019 for Approval of Settlement with Warren Wang; and Declaration in Support Thereof (the "Settlement Motion") [Doc. No. 269]
 - a. Notice of Hearing on Debtor's Notice of Motion and Motion Under Rule 9019 for Approval of Settlement with Warren Wang [Doc. No. 270]
 - b. Opposition of Official Committee of Unsecured Creditors to Debtor's Motion Under Rule 9019 for Approval of Settlement with Warren Wang; Declaration of James R. Selth (the "Settlement Opposition") [Doc. No. 276]
 - c. Debtor's Reply to the Committee's Opposition to Debtor's Motion Under Rule 9019 for Approval of Settlement with Warren Wang; and Declaration in Support Thereof (the "Settlement Reply") [Doc. No.

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- 2) Notice of Motion and Emergency Motion for Entry of Order Pursuant to 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, and Rule 5003-2(c) of the Local Bankruptcy Rules Authorizing the Chapter 11 Examiner to File Under Seal the Examiner's Report; Memorandum of Points and Authorities; Declaration of Howard B. Grobstein in Support (the "Motion to Seal") [Doc. No. 279]
 - a. Chapter 11 Examiner's Report (Redacted) (the "Examiner's Report") [Doc. No. 281]
 - b. Opposition of Official Committee of Unsecured Creditors to Emergency Motion for Entry of Order Pursuant to 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, and Rule 5003-2(c) of the Local Bankruptcy Rules Authorizing the Chapter 11 Examiner to File Under Seal the Examiner's Report (the "Committee's Opposition to the Motion to Seal") [Doc. No. 282]
 - c. United States Trustee's Objection to Emergency Motion for Entry of Order Pursuant to 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, and Rule 5003-2(c) of the Local Bankruptcy Rules Authorizing the Chapter 11 Examiner to File Under Seal the Examiner's Report (the "US Trustee's Objection to the Motion to Seal") [Doc. No. 283]
 - d. Debtor's Joinder in Part in the Emergency Motion for Entry of Order Pursuant to 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, and Rule 5003-2(c) of the Local Bankruptcy Rules Authorizing the Chapter 11 Examiner to File Under Seal the Examiner's Report (the "Debtor's Joinder to the Motion to Seal") [Doc. No. 296]
- 3) Order: (1) Requiring the Debtor to Appear and Show Cause Why the Court Should Not Appoint a Chapter 11 Trustee or, in the Alternative, Convert this Case to Chapter 7 and (2) Continuing Hearing on the Debtor's Rule 9019 Motion From January 13, 2021 at 10:00 a.m. to January 20, 2021 at 10:00 a.m., to Take Place Concurrently With the Hearing on This Order (the "OSC") [Doc. No. 285]
 - a. United States Trustee's Statement Supporting Conversion to Chapter 7, or, Alternatively, Appointment of a Chapter 11 Trustee (the "US Trustee's Response in Support of the OSC") [Doc. No. 294]

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- b. Statement of Official Committee of Unsecured Creditors in Support of Conversion of the Case to Chapter 7, or in the Alternative, the Appointment of a Chapter 11 Trustee (the "Committee's Response in Support of the OSC") [Doc. No. 295]
- c. Debtor's Response to the Order: (1) Requiring the Debtor to Appear and Show Cause Why the Court Should Not Appoint a Chapter 11 Trustee or, in the Alternative, Convert this Case to Chapter 7 and (2) Continuing Hearing on the Debtor's Rule 9019 Motion From January 13, 2021 at 10:00 a.m. to January 20, 2021 at 10:00 a.m., to Take Place Concurrently With the Hearing on This Order to Show Cause; and Declarations in Support Thereof (the "Debtor's Response in Opposition to the OSC") [Doc. No 297]
 - i. Declaration of Rachel M. Sposato in Support of Debtor's Response to the Order to Show Cause [Doc. No. 298]
- d. Reply of Official Committee of Unsecured Creditors to Debtor's Response to the Order Requiring the Debtor to Appear and Show Cause Why the Court Should not Appoint a Chapter 11 Trustee or, in the Alternative, Convert this Case to Chapter 7 (the "Committee's Reply in Support of the OSC") [Doc. No. 302]
- e. Debtor's Reply to (1) the Official Committee of Unsecured Creditors Statement and (2) the United States Trustee's Statement in Support of Conversion of the Case to Chapter 7, or, in the Alternative, Appointment of a Chapter 11 Trustee, and Request for Continuance of the Hearing (the "Debtor's Reply in Opposition to the OSC") [Doc. No 303]

I. Facts and Summary of Pleadings

On June 18, 2020, Chineseinvestors.com, Inc. (the "Debtor") filed its voluntary chapter 11 petition. The Debtor is a financial information web portal that offers news and information regarding financial markets in Chinese. On August 19, 2020, the Court approved a stipulation between the United States Trustee (the "US Trustee"), the Debtor, and the Creditors' Committee directing the appointment of a Chapter 11 Examiner (the "Examiner"). Doc. No. 143. An examiner was appointed on August 28, 2020. Doc. No. 163.

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1. Summary of the Examiner's Report

a. Background

On January 4, 2021, the Examiner filed his Examiner's Report. The Examiner was asked to investigate the following matters as they related to the Debtor: (1) the disposition of monies obtained by the Debtor from unsecured promissory notes and loans listed on the Debtor's schedules; (2) how much money was transferred to the Debtor's subsidiaries in the two years prior to filing for bankruptcy; (3) whether the Debtor's CBD businesses involve any production or sale of marijuana; (4) how much money was paid to the Debtor's insiders in the two years prior to filing for bankruptcy; (5) receipts and amounts of transfers made by the Debtor that may be avoidable; (6) the liquidation value of the Debtor; (7) how much money was paid/transferred to the Debtor's bank accounts in China in the two years prior to filing for bankruptcy; and (8) any facts that would warrant the appointment of a chapter 11 trustee. Examiner's Report at 2.

The Examiner begins by noting extensive problems with the Debtor's compliance with his document requests. The Examiner first requested documents on September 9, 2020, to be delivered by September 25, 2020. *Id.* at 3. The next day, the Debtor's counsel expressed concern that much of the information that the Examiner requested would be "protected under the California Constitution." *Id.* The Debtor proposed that the stipulated protective order that the court entered on July 30, 2020, be expanded so as to include the Examiner. *Id.* The Examiner did not see a need for this. The first round of documents, that the Debtor delivered to the Examiner on September 15, 2020, had account numbers and payee information redacted, rendering the documents "of little to no value" to the Examiner's duties. *Id.* The Examiner then agreed to work to add himself to the protective order. On September 23, 2020, the Court approved a stipulation to add the Examiner to the protective order.

The Debtor's counsel requested a short extension from September 25, 2020 to September 30, 2020 to produce the first round of documents. *Id.* at 4. The Examiner agreed and the Debtor claimed that it provided "the documents requested to the extent it was able to do so." *Id.* The documents provided did not include complete banking records, which the Examiner believed to be critical. The Examiner informed the Debtor's counsel of this issue and they negotiated over the next few days.

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Eventually, on October 7, 2020, the Debtor finally produced the requested documents in an unredacted version. However, on October 15, 2020, the Debtor's counsel claimed that the 45-day clock for the Examiner had begun to run "some time ago," despite the Examiner only having received the unredacted documents 8 days prior. *Id.* The Examiner believed that the application he submitted to be appointed examiner specified that "the forty-five-day clock would not start until *all* of the documents requested by the Examiner had been produced." *Id.* The Examiner indicated to the Debtor's counsel that he would seek an extension, and the Debtor's counsel indicated that he would object. *Id.*

On October 26, 2020, the Examiner requested a 60-day extension from the Debtor's counsel to complete his report, and the Debtor opposed such an extension. The Debtor's counsel offered a 30-day extension and the Examiner countered with a 45-day extension upon confirmation that the documents requested had been received to the Examiner's satisfaction. The Debtor's counsel disagreed and stated that he would allow a 45-day extension that would start on that day. On November 3, 2020, the Examiner and the Debtor's counsel conducted a Zoom meeting wherein the parties came to an agreement for an extension upon the Examiner's determination that he had received the requisite documents. The Debtor's counsel indicated that it would complete document production by November 6, 2020. *Id.* By November 9, 2020, the Examiner had not received the requested documents. The Debtor finally turned over the documents on November 13, 2020.

On December 15, 2020, the Examiner emailed the Debtor's counsel to discuss the type of information to be included in the report to make sure that none of it violated the protective order. The Debtor's counsel responded and objected to the publication of the names of "individuals and entities that received monies from the Debtor." *Id.* at 5. Debtor's counsel then threatened the Examiner with litigation should he publish the aforementioned information, claiming "if you file the Examiner's Final Report [and it] exposes the private identity or data of third parties, the Debtor and its Professionals will support any third-party claims made against the Examiner for said violations of the California Constitution." *Id.* The Examiner was concerned after receiving this threat and indicated to the Debtor's counsel that he would seek to retain legal counsel. The Debtor's counsel responded and said he would object to the appointment of counsel for the Examiner.

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b. Substance of the Examiner's Report

The Examiner concluded that membership revenues and other receipts obtained by the Debtor during the period of the examination totaled \$4,19,853.81; however, the Debtor used approximately \$13,981,270.62 in cash, leaving a cash deficiency from operations of \$9,561,416.81. *Id.* at 6. During the same period, the Debtor received \$15,528,240.73 from investors and lenders, but only \$1,655,377.51 has been returned to those investors and lenders, representing approximately just a 10% return. The Examiner also found the following "notable disbursements:"

1. \$3,311,454.09 disbursed for payroll, including \$1,136,972.79 to insiders
2. \$1,144,453.68 paid to Grand Land Co. for advertising services, for which the Examiner "did not receive documentation sufficient to determine the nature of the services provided"
3. \$1,013,542.71 paid to the IRS
4. \$404,182.79 to the Offices of Melissa N. Armstrong for legal services
5. \$282,289.84 paid to Sequoia CPAs for accounting services, for which the Examiner was not provided invoices
6. \$1,734,952.15 paid "to or for the benefit of the Debtors' subsidiaries and affiliates"
7. \$1,412,034.81 paid for the benefit of insiders, in addition to the payroll
8. \$2,097,863.53 was disbursed to China

Id. at 8-9. The total disbursements came out to \$21,176,522.88. The Examiner concluded that "it does not appear that the Debtor will be able to generate revenues sufficient to continue to operate the business and repay the promissory notes and loans incurred." *Id.* at 9.

The Debtor made \$1,734,952.15 in disbursements to subsidiaries and affiliates, and the Examiner was unable to determine what benefit the Debtor received for such disbursements. *Id.*

The Examiner found no evidence that any of the Debtor's CBD businesses were involved in the production or sale of marijuana. *Id.* at 10.

The Examiner determined that \$2,844,031.86 was paid to insiders, including payments to "Lakewood Group LLC," "Breakwater Finance," and "Beyond Cents,

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LLC." The Examiner received no documentation for those payments. *Id.*

The Examiner concluded that potentially avoidable transfers under § 548 total \$19,764,488.07. *Id.* at 11.

The Examiner discovered payments of \$818,400 to Newcoins168.com, a wholly owned foreign enterprise of the Debtor, and \$1.2 million to Chinese banks for employee salaries. *Id.*

Finally, the Examiner concluded that it is in the best interests of creditors to appoint a chapter 11 trustee. He discovered a significant overpayment of \$352,671.55 to the CEO Warren Wang ("Wang") but believes said overpayment ought to be investigated by a neutral third party. The Examiner concluded that the Debtor does not generate any meaningful cash flows such that a chapter 11 plan could be consummated, let alone cover operating expenses. He also determined that "[t]here appear to be certain instances of new investor money funding operations and/or paying old investor claims. Because this is a key indicator of a failing business model and a potential Ponzi Scheme, this warrants further investigation by an independent fiduciary." *Id.* at 12. The Examiner was unable to file a complete report due to the Debtor's counsel's recalcitrance and failure to provide all required unredacted documents. There were numerous disbursements, such as to Grand Land Co. for over a million dollars, that the Debtor would not provide documentation for. *Id.*

2. The Examiner's Motion to Seal

Concurrently with filing the Examiner's Report, the Examiner's counsel filed a Motion to Seal the Examiner's Report, contending that, because of Debtor's counsel's threat of litigation should certain information in the Examiner's Report be revealed, he must file the Examiner's Report under seal. Motion to Seal at 4-5. On January 5, 2021, the Committee filed its Opposition. The Committee argues that the stipulated protective order was only "intended to prevent public disclosure of personal information concerning [the] Debtor's customers, for both privacy and proprietary reasons." Committee's Opposition to the Motion to Seal at 2. In addition, the Committee "requests that the Court confirm that the Examiner has quasi-judicial immunity for any order issued by the Court ordering the Examiner to file unredacted exhibits." *Id.* at 4. On January 5, 2021, the US Trustee filed his Objection. The US Trustee argues that the "concept of sealing portions of the Court's files and records is

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inimical to the strong guiding principle that court records are public documents." US Trustee's Objection to the Motion to Seal at 2. The US Trustee then notes that the two categories of potentially protected information – "trade secret or confidential research, development, or commercial information" and "scandalous or defamatory matter contained in a paper filed in a case under title 11" – do not apply here. *Id.* at 3-4. Finally, on January 13, 2021, the Debtor filed its Joinder to the Motion to Seal, arguing that there are overriding privacy concerns that must prevent the Examiner's Report from being filed publicly. The Debtor believes that the California Constitution requires the Examiner's Report to be filed under seal. Debtor's Joinder to the Motion to Seal at 7-11.

3. The OSC

Upon reviewing the Examiner's Report, on January 6, 2021, the Court issued an OSC as to why, pursuant to 11 U.S.C. 1112(b), the Court should not appoint a chapter 11 trustee or, in the alternative, convert this case to chapter 7.

a. The US Trustee's Response in Support

On January 13, 2021, the US Trustee filed his Response in Support of the OSC. The US Trustee argues that "cause" exists under § 1112(b)(4)(A) & (B). The US Trustee points out that the Debtor's November 2020 monthly operating report shows a cumulative post-petition loss of \$317,524.56. The Examiner's Report also supports the conclusion that the Debtor's business is losing money because the Debtor's main source of income during the two-year period prior to the filing was \$15,528,240.73 of "investor and lender receipts." US Trustee's Response in Support of the OSC at 4. Without those outside investments, the Debtor would have a "cash deficiency of \$9,561,416.81." *Id.* The US Trustee quotes the Examiner's Report as saying "the Debtor's revenues from operations (both pre- and post-petition) do not appear sufficient to cover the Debtor's operating expenses." *Id.* (quoting the Examiner's Report at 12). The US Trustee avers that the "reasonable likelihood of rehabilitation" aspect of § 1112(b)(4)(A) cannot be met because the Debtor is "unable to pay its operating costs [and] appears unable to pay its administrative and professionals fees" *Id.* at 4.

The US Trustee also argues that the Debtor is supposed to be a fiduciary to its creditors during the bankruptcy process, but has failed to fulfill those duties. *Id.* at 5. The US Trustee notes that the Examiner identified substantial overpayments to

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insiders, significant pre-petition disbursements that could not be substantiated by the Debtor (such as \$1,144,453.68 to "Grand Land Co."), and "over \$1.7 million transferred to subsidiaries and affiliates." *Id.*

The US Trustee believes that conversion to chapter 7 is in the best interest of creditors because, as discussed above, the Debtor has little to no money to pay for "substantial administrative costs that a Chapter 11 trustee may incur." *Id.* at 6. In addition, the Debtor continues to be unable to cover its operating costs. *Id.*

b. The Committee's Response in Support

On January 13, 2021, the Official Committee of Unsecured Creditors (the "Committee") filed its Response in Support of the OSC. The Committee agrees with the US Trustee that the case ought to be converted to one under chapter 7. The Committee reiterates the US Trustee's argument that cause exists under § 1112(b)(4) (A) to convert the case because "[t]he Examiner's Report clearly establishes that the estate is losing money, has decreased in value since the case was filed and there is no likelihood of rehabilitation." Committee's Response in Support of the OSC at 4. In support of its contentions, the Committee cites the following concerning facts disclosed in the Examiner's Report:

1. "Instances of new investor money funding operations and/or paying old investor claims, a key indicator of a failing business model and potential Ponzi Scheme
2. \$15,528,240.73 received from lenders and investors in the past two years with repayment of only \$1,655,377.51
3. Potentially avoidable transfers totaling \$19,764,488.07 in just the past two years
4. Payments to Debtor's insiders in the past two years totaling \$2,844,031.86 of which \$1,136,972.79 was received through payroll and \$1,707,059.79 was received through transfers, advances, reimbursements, and withdrawals
5. \$2,097,863.53 disbursed to China in the past two years, including \$818,400.00 transferred to a subsidiary (Newcoins168.com) which the Examiner now values as being worth zero
6. Transfers to Debtor's subsidiaries and affiliates in the past two years totaling \$1,734,952.15

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7. \$1,144,453.68 paid to a company named Grand Land Co. in the past two years, purportedly for "advertising services," even though the Examiner notes that the company is a land and property broker based out of a home in West Covina.
8. Total net assets with a liquidation value of only \$58,150.50"
9. \$352,671.55 in overpayments to Wang.

Committee's Response in Support of the OSC at 2-3. Therefore, the Committee believes that conversion is in the best interests of creditors because "there is insufficient income to sustain operations, much less fund and implement a plan of reorganization." *Id.* at 5.

c. The Debtor's Response in Opposition

On January 13, 2021, the Debtor filed its Response in Opposition to the OSC. The Debtor argues that its reorganizational prospects are strong and the appointment of a chapter 11 trustee would be a waste of resources and would be unfair to the Debtor. It argues that a chapter 11 trustee would not be able to effectively run the business because Wang is the face of the business and accounts for much of the success. In addition, because a significant portion of the business transactions are in Chinese, a chapter 11 trustee would be unable to fulfill its duties. Response in Opposition to the OSC at 13-14. The Debtor believes that it is close to a path to profitability because it is in the process of drafting a reorganization plan that "capture[s] the wisdom obtained from prior mistakes" and it is looking to hire a new chief financial officer. *Id.* at 15. It also asserts that while the MORs do show a loss, they also show that the company is close to becoming profitable and the losses are attributable to the "current business market and political climate," in addition to the pandemic. *Id.* at 28. The Debtor claims that its "efforts to maintain viability and cash on hand are working" and that with the pandemic hopefully coming to an end, it will become profitable in the near future. *Id.* at 15-16. It believes that because it has posted record subscription revenues, never overdrawn its accounts, paid all employees, and made payments to all professionals and appropriate tax authorities, it should not be subject to the appointment of a chapter 11 trustee. *Id.* at 28.

The Debtor avers that the OSC is unfair because it has not had the opportunity to review the entire unredacted Examiner's Report. The Debtor contends that it complied with all of the Examiner's document requests and the only delays were due

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to the Examiner's own failure to request all necessary documents. *Id.* at 17. The Debtor purports to have sent the Examiner over 11,000 pages of documents and complied with multiple additional requests for documents made by the Examiner. *Id.* at 18. The Debtor claims that it received a link to the unredacted exhibits on January 13, 2021, but did not have the password to view the file. *Id.* at 26 n.14.

The Debtor stands by its assertion that its business is not a Ponzi Scheme because all of its debt raises were properly documented in SEC filings, and it is common for start-ups to raise capital to pay prior expenses. *Id.* at 12 & 16-17. The Debtor also argues that the approximately \$19.7 million figure of potentially avoidable transfers that the Examiner reached is mathematically impossible because its profit and loss statement shows that the cash used in operations is just under \$14 million, and therefore the Examiner's figure is incorrect. *Id.* at 22-23. The Debtor states that it "did not pay out \$19,764,488.07.07 to insiders, subsidiaries, and affiliates, and the Debtor did not repay new capital to old investors." *Id.* at 23. Furthermore, the Debtor avers that the Examiner did not adequately point out to whom the alleged transfers were made and how he came to the \$19.7 figure. *Id.* In addition, the Debtor believes that the overpayment to Wang is misstated in the Examiner's Report because it was actually the Debtor whose due diligence discovered the overpayments. *Id.* at 24; *see also* § I(4)(A) of this ruling.

d. The Committee's Reply in Support of the OSC

On January 15, 2021, the Committee filed its Reply in Support of the OSC. The Committee reiterates the arguments it made in its Response in the Support of the OSC, and bolsters them by noting that the Debtor's Response in Opposition to the OSC contained almost no evidentiary support. Committee's Reply in Support of the OSC at 2. The Committee argues that the Debtor's MORs continue to show a loss, citing the "cumulative net post-petition loss as listed on the December MOR [as] \$505,895.41." *Id.* at 3. The Committee also argues that the Debtor's claim that it cannot understand how the Examiner found \$19.7 million in potentially avoidable transfers "only establishes that [the] Debtor (or its professionals) ha[ve] never analyzed the data that [the] Debtor provided to the Examiner." *Id.* at 4. Finally, the Debtor points out that the agreement between the Debtor and Wang to repay an overpayment amount does not actually repay the Debtor the full overpayment amount, but rather a fraction in cash and the rest in credits. *Id.* at 5; *see also* § I(4)(A) of this ruling.

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e. The Debtor's Reply in Opposition to the OSC

On January 16, 2021, the Debtor filed its Reply in Opposition to the OSC and requested a continuance of 30 days. The Debtor reiterates most of its arguments made in Response in Opposition to the OSC. After receiving access to the full unredacted Examiner's Report, the Debtor admits that much of the Examiner's Report can be filed without redactions. Reply in Opposition to the OSC at 3. However, the Debtor claims it has not had enough time to review the full report and requests a 30-day continuance because it believes it can reach an agreement with the US Trustee and the Committee to publish the report in a mostly unredacted format. *Id.* at 3-4. The Debtor addresses the Grand Land Co. transaction, averring that it was truly for advertising services and nothing related to real estate. *Id.* at 4. The Debtor also argues that, although its MORs show a continuing loss, "[i]n just six months since filing for bankruptcy, the Debtor has increased its subscription revenues 47% over revenues for the fiscal year end[ing] May 31, 2018" *Id.* at 5. The Debtor contends that [t]here is no reason to believe that the gains the Debtor is making now will not continue into the future." *Id.*

4. The Rule 9019 Settlement Motion

a. The Debtor's Settlement Motion

On December 17, 2020 the Debtor filed its Settlement Motion seeking approval of a settlement between the Debtor and Wang. The Settlement Motion describes the pre-petition reimbursement system that the Debtor used whereby it would repay Wang for travel, promotional activities, and other business expenses. Settlement Motion at 8. Wang was allotted \$1,000 for business expenses and \$1,000 for a car per month. For additional expenses, Wang had to request reimbursement. According to the Debtor's "standard audit" as part of its duties as a debtor-in-possession, it revealed that between June 2018 and June 2020, the Debtor advanced Wang approximately \$611,705.41 for reimbursements. *Id.* The Debtor determined that Wang should have only been reimbursed for \$259,033.86, leaving an overpayment amount of \$352,671.55 (the "Wang Overpayment"). *Id.* at 8-9.

The Debtor and Wang determined that Wang would pay: \$30,000 to the Debtor on or about October 15, 2020 (which he did); \$30,000 to the Debtor on or about November 15, 2020 (which he did); payments totaling \$60,000 in the amount of

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\$10,000 per month from January 2021 to June 2021; and \$6,409.50 to the Debtor in July 2021. *Id.* at 9. In addition, rather than pay the Debtor any more cash, the Debtor will credit the following amounts toward Wang: \$48,000 (his total amount of his contractual allowance over the last two years); Wang will not be given his \$1,000 per month car or business allowance for July through December of 2020; Wang will not receive his salary for November through December of 2020; Wang will not receive reimbursement for his additional expenses for July through September 2020 (\$14,262.05); Wang will not receive his salary for January through June of 2021 (approximately \$96,000); and Wang will not receive his \$1,000 per month car or business allowance for 2021. *Id.* at 10.

The Debtor argues that the settlement is in the best interests of the estate and the *A&C Properties* factors weigh in favor of approval: probability of success on the merits; difficulty in collection; complexity, expense, and likely duration of litigation; paramount interest to creditors. The Debtor believes that while it may succeed in litigation, the settlement would allow it to recover the full overpayment amount without the expense of litigation. In addition, the Debtor avers that there are "significant factual disputes between the parties" and any litigation would lead to the Debtor firing Wang and prolonging the bankruptcy process. Finally, the Debtor argues that the best interests of creditors are served by approval of this settlement. *Id.* at 13-14.

b. The Committee's Settlement Opposition

The Committee filed its Opposition on December 30, 2020. In the Settlement Opposition, the Committee highlights the fact that this settlement is between the Debtor and an insider, and therefore subject to heightened scrutiny. Settlement Opposition at 6. The Committee notes that the regular business judgment rule does not apply in situations involving an insider. The settlement need not be subject to heightened scrutiny if the settlement is negotiated by a trustee, which is not the case here. *Id.* at 7. The Committee argues that because the only declaration in support of the Settlement Motion is from Wang, the Debtor has not met any scrutiny standard. *Id.*

The Committee also argues that the agreed repayment amount goes back only two years, and yet Wang, in the agreement, seeks a general release of "any and all claims, disputes, demands, actions, causes of action, damages, liabilities, losses, costs or expenses, of any kind or nature whatsoever, past or present, ascertained or

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unascertained, whether or not now known, suspected or claimed, related to the Expense Overpayment." *Id.* at 8-9 (quoting the settlement agreement). In addition, because a trustee could recover fraudulent transfers going back four years, a two-year repayment is unacceptable.

Furthermore, the Committee asserts that the Debtor failed to disclose the Wang Overpayment in its petition. *Id.* at 10. The Debtor filed three sets of schedules and never listed the Wang Overpayment.

Finally, the Committee believes the actual terms of the repayment are unacceptable because "credits" of \$226,262.05 do not suffice as those do not directly benefit the creditors. The Committee takes special disagreement with the \$48,000 credit for pre-petition business and car expenses because, if Wang actually had a claim for that amount against the Debtor, it should have been listed on the Debtor's schedules and he should have filed a proof of claim. To give him a dollar-for-dollar credit on a pre-petition claim would elevate his claim against the estate above all others. The Committee also does not believe that the contractual expense payment credits should be allowed for 2021 because, should a chapter 11 trustee be appointed or this case be converted to chapter 7, Wang would no longer be in a position to receive any salary or expenses. *Id.* at 10-11.

c. The Debtor's Settlement Reply

On January 6, 2021, the Debtor filed its Settlement Reply. The Debtor agrees that the correct standard is one of heightened scrutiny, but that the Debtor has met the standard. Settlement Reply at 2. Notwithstanding the heightened scrutiny, the Debtor argues that the Court need not conduct a "mini trial" on the merits of the settlement, and that the Court "need only canvass the issues to determine whether the settlement falls below the lowest point in the zone of reasonableness." *Id.* at 3-4 (international quotations omitted). The Debtor avers that it has met the heightened standard because it formalized the agreement "with the assistance of Debtor's in-house and outside professionals," the negotiations were at arms' length, and "the terms are fair and reasonable under FRBP 9019a." *Id.* at 4-5. The Debtor also agreed that it would limit the scope of the general release. *Id.* at 7.

II. Findings of Fact and Conclusions of Law

1. The OSC and the Motion to Seal

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a. Whether "Cause" Exists

Under § 1112(b), the Court shall dismiss or convert a case to one under chapter 7 upon a showing of "cause," unless the Court determines that the appointment of a trustee "is in the best interests of the creditors and the estate. 11 U.S.C. § 1112(b). Section 1112(b)(4) provides a nonexclusive list of factors that include: "(A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation; . . . (B) gross mismanagement of the estate; . . . (H) failure timely to provide information or attend meetings reasonably requested by the United States Trustee (or bankruptcy administrator, if any)." 11 U.S.C. § 1112(b)(4)(A), (B) & (H). "The enumerated causes are not exhaustive, and 'the court will be able to consider other factors as they arise, and to use its equitable powers to reach an appropriate result in individual cases.'" *In re Consol. Pioneer Mortg. Entities*, 248 B.R. 368, 375 (B.A.P. 9th Cir. 2000) (quoting H.R. No. 95-595, 95th Cong., 1st Sess. 405-06 (1977)), *aff'd*, 264 F.3d 803 (9th Cir. 2001).

i. 11 U.S.C. § (b)(4)(A)

Under § 1112(b)(4)(A), courts focus on a two-part inquiry: whether there is a substantial or continuing loss to or diminution of the estate, and the absence of a reasonable likelihood of rehabilitation. The Debtor's operations do not cover its expenses, and the Debtor does not dispute as such. *See* Response in Opposition to the OSC at 28. The Debtor argues that it is current on payroll, its taxes, and has posted "record subscription revenues." *Id.* All of that belies that fact that the Debtor generates no net income. The Debtor argues that it is "on the cusp of profitability," but those contentions without merit, seeing as it *increased* its quarterly loss from \$32,753.40 in November of 2020 to \$51,776.76 in December of 2020. *Id.* at 22; *see also* Monthly Operating Report Number 6 [Doc. No. 263] & Monthly Operating Report Number 7 [Doc. No. 301]. In addition, the Debtor filed for bankruptcy on June 18, 2020 – over seven months ago – and continues to lose money. When a debtor has a negative cash flow, that "alone is sufficient to establish 'continuing loss to or diminution of the estate.'" *Loop Corp. v. U.S. Trustee*, 379 F.3d 511, 515 (8th Cir. 2004) (quoting *In Re Schriock Constr., Inc.*, 167 B.R. 569, 575 (Bankr. D.N.D. 2004)).

The Debtor argues that it has a reasonable possibility of a plan of reorganization because it is focusing on "streamlining its business model," potentially hiring a new chief financial officer, "increasing subscription and investor relations income from foreign and domestic sources," and using "directed methods to approach

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new and old subscribers and to eschew traditional costly old school advertising." Response in Opposition to the OSC at 15. However, a reasonable possibility of reorganization "requires more than simply an ability to reorganize; rather, it requires showing that the debtor has sufficient business prospects to re-establish [itself] on a firm, sound, basis." *In re Om Shivai, Inc.*, 447 B.R. 459, 468 (D.S.C. 2011) (internal quotations omitted). In addition to having insufficient income to cover its expenses, the Debtor filed for bankruptcy protection over seven months ago and only now has decided to hire a new chief financial officer and streamline its business model. "[T]he bankruptcy court is not compelled to wait a certain period of time, to the detriment of creditors, before ordering the conversion of the case." *In re Johnson*, 149 B.R. 158, 162 (9th Cir. BAP 1992). The Debtor argues that "[t]here is no reason to believe that the gains the Debtor is making now will not continue into the future." Reply in Opposition to the OSC at 5. However, the MORs say otherwise. In addition, the Debtor submits no evidence to the Court that could allow it to find that the Debtor has been actively turning its business around. It appears to the Court that the Debtor has had plenty of time to fix its business and has not made a showing that it is able to do so.

ii. 11 U.S.C. § 1112(b)(4)(B)

"Cause" also exists if the Debtor has grossly mismanaged its estate. A debtor owes "fiduciary duties to [its] creditors and [is] obligated to follow the Code and its Rules." *In re Wallace*, No. 09-20496-TLM, 2010 WL 378351, *4 (Bankr. D. Idaho, Jan. 26, 2010). The Examiner's Report laid out numerous insider transactions, totaling \$19.7 million, that the Debtor has provided little to no documentation for and does not refute in its Response in Opposition to the OSC or its Reply in Opposition to the OSC. See Examiner's Report at 8-9. For example, the Examiner expressed concern over \$1,144,453.68 paid to Grand Land Co. for "advertising services," but the Debtor could not corroborate that, nor has the Debtor made a meaningful attempt to refute that it was an improper disbursement. In its Reply in Opposition to the OSC, the Debtor claims that it was for advertising services, but offers no evidence to support that. Reply in Opposition to the OSC at 4. The Examiner's Report also notes that the Wang Overpayment was only discovered *after* the Examiner was appointed and not listed on any of the Debtor's schedules. It is quite plausible that if the Examiner had never been appointed, the Wang Overpayment would never have been discovered. The Examiner's Report also notes that there were \$2.8 million payments to "Lakewood Group LLC," "Breakwater Finance," and "Beyond Cents, LLC," for which

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the Debtor has provided no documentation. Because of its evasive and incomplete answers, the Debtor cannot be trusted to pursue avoidance actions.

The Debtor believes that the \$19.7 million number is mathematically incorrect because its profit and loss statement reveals only approximately \$14 million in cash used in operations; therefore, there is no way the potentially avoidable transfers could be more than \$14 million. However, the Debtor's argument mischaracterizes statements in the Examiner's Report in an attempt to conclude the Examiner's numbers are implausible. The Examiner expressly states that the \$19.7 million figure is the upper limit of "*potentially* avoidable" transfers. Examiner's Report at 10-11. The Examiner was never making the representation that the entire amount could in fact be avoided. In addition, the Debtor is assuming nothing used in cash in operations could be avoidable, but again, that is not the Examiner's contention. Furthermore, although the disbursement details are currently under seal (again, at the behest of the Debtor), and even if the Examiner's numbers are not exact, it is nonetheless evident that there are large numbers of potentially avoidable transfers. *See* Examiner's Report at 8-9. When there are questions of insider transactions and potentially avoidable transfers, cause exists to convert a case to chapter 7 because a chapter 7 trustee would be in a better position to investigate potentially avoidable transfers since he or she is "uninfluenced by the unbridled optimism that often clouds Debtor's vision of reality and impairs his ability to make good decisions in the current circumstances." *In re Brutsche*, 476 B.R. 298, 309 (Bankr. D.N.M. 2010).

The Debtor's continued failure to comply with the Examiner's requests also constitutes cause. In *In re Congaree Triton Acquisitions, LLC*, the court found that the examiner in a chapter 11 case had requested numerous documents and given the debtor multiple opportunities to comply, but the Debtor continually failed to fully comply and turn over the requisite documents. The court held that "based on the Examiner's testimony regarding the Debtor's failure to comply with his information requests . . . the Court concludes that such failure to respond constitutes cause for conversion or dismissal . . ." 492 B.R. 843, 854 (Bankr. D.S.C. 2012). Likewise here, the Court finds the Examiner's Report to be convincing. He goes into great depth in describing how the Debtor continually failed to respond to requests, provided redacted documents that were of no value, and tried to use its own recalcitrance to object to deadlines and the publication of transaction details. The Debtor makes much of having provided the Examiner with over 11,000 documents; but what the Debtor fails

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to note is that the number of documents is irrelevant, it is the quality and substance of the documents that is relevant, not the number. In addition, the Debtor's obstructionist tactics of threatening the Examiner with non-meritorious privacy litigation, and therefore requiring the court to address a non-issue, is another example of the Debtor's failure to act in the best interests of the creditors and the estate.

Finally, the Debtor's request for a 30-day continuance to more substantively respond to the OSC and the Examiner's Report is further evidence that the Debtor does not understand the urgency of the need to convert this case to chapter 7 or appoint a chapter 11 trustee. The Debtor's continued mismanagement of the estate and negative cash flow simply cannot be allowed to continue.

iii. The Debtor's Due Process Rights

In its Response in Opposition to the OSC, the Debtor also makes the argument that the OSC is unfair to it because it has not an opportunity to review the unredacted version of the Examiner's Report, and therefore the Court cannot make an adequate determination of whether or not this case should be dismissed or converted. In its Reply in Opposition to the OSC, the Debtor notes that while it has briefly reviewed the unredacted Examiner's Report, it requires more time to analyze it. Section 1112(b)(1) states that a court may dismiss or convert a case "after notice and a hearing," which simply means "after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances." *Tolbert v. Fink*, 255 B.R. 214, 217 (8th Cir. BAP 2000). The Debtor's concern over lack of time to review the Examiner's Report is a problem of the Debtor's own making. During negotiations with the Examiner, the Debtor argued that the protective order that the parties stipulated to made it such that the Examiner would be legally barred from filing the Examiner's Report *unless* it was under seal. In fact, the Debtor's counsel vehemently threatened the Examiner with a lawsuit should he file an unredacted version of the Examiner's Report, making the frivolous argument that the names of the various insiders the Debtor disbursed money to were somehow protected by the California Constitution. Furthermore, despite the Court not having reviewed the entire unredacted report, the Court is perfectly able to rely on the contentions of the Examiner in support a of finding of cause. The Examiner is an expert that the Court found to be qualified to conduct the examination. *See* Federal Rule of Evidence 703 ("An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in a

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particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted.").

Finally, after having the chance to review the Examiner's Report, in its Reply in Opposition to the OSC the Debtor entirely reverses course, saying that most of the Examiner's Report need not be filed under seal and it hopes to come to an agreement with the US Trustee and the Committee about which parts would need to be sealed. Reply in Opposition to the OSC at 3-4. The Debtor's sudden change of argument only further strengthens this Court's determination that the Debtor's aggressive litigation threats against the Examiner and argument over the protective order were purely stalling tactics to buy the Debtor time. If the Debtor truly had a good faith basis for the argument that most of the Examiner's Report could be filed unredacted, it could have reached that conclusion months ago during discussions with the Examiner. Instead, the Debtor actively hindered the examination by refusing to turn over documents and be forthcoming with the Examiner.

b. Conversion, Dismissal, or Appointment of a Chapter 11 Trustee

Having determined that cause exists, the only issue remaining for the Court is to determine whether conversion, dismissal, or appointment of a chapter 11 trustee serves the best interests of creditors or the estate. *See In re Products Int'l Co.*, 395 B.R. 101, 107 (Bankr. D. Ariz. 2008) (citing *In re Nelson*, 343 B.R. 671 (9th Cir. 2006)). "[W]hen deciding between dismissal and conversion under 11 U.S.C. § 1112(b), the court must consider the interests of *all* of the creditors." *Shulkin Hutton, Inc. v. Treiger (In re Owens)*, 552 F.3d 958, 961 (9th Cir. 2009) (emphasis in original) (quoting *Rollex Corp. v. Associated Materials, Inc. (In re Superior Siding & Window, Inc.)*, 14 F.3d 240, 243 (4th Cir. 1994)).

While the Examiner recommended the appointment of a chapter 11 trustee, the Court agrees with the US Trustee and the Committee. Due to the Debtor's lack of income, it does not have the funds to pay for a trustee and the requisite professionals that would come with it. While the liquidation value of the Debtor is low, a chapter 7 trustee will be able to both liquidate the Debtor as well as pursue avoidance actions. If the Court were to appoint a chapter 11 trustee, that would simply drain the *de minimis* assets of the Debtor further and would continue to harm the creditors. As such, conversion to chapter 7 is in the best interests of all creditors.

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Given that the Court is converting this case to chapter 7 and appointing a trustee, the Court will not rule on the Motion to Seal and instead leave the chapter 7 trustee to decide that matter.

2. The Settlement Motion

As the Court is converting this case to chapter 7 and appointing a trustee, the Settlement Motion is rendered moot. Nevertheless, the Court notes that, even if the Settlement Motion were still pending before it, the Court would have serious doubts about granting it. For example, the Settlement Motion only requires Wang to repay \$126,409.05 in cash and the remainder in various "credits." A repayment of over \$200,000 in credits is unacceptable. First, there is a \$48,000 credit for pre-petition business and car expenses. However, if Wang actually had a claim for that amount, he should have filed a proof of claim. If the Court were to allow Wang that credit, it would be elevating his claim against the estate against all others. Next, as the Court is converting this case to one under chapter 7, Wang will no longer be CEO. Therefore, any monthly car allowance, business allowance, or salary for 2021 will no longer be paid to him, and any "credit" would therefore not be of benefit to the creditors. Finally, the agreement between the Debtor and Wang is an insider transaction. As such, it is subject to a much higher standard of review, beyond the "lowest point of reasonableness." The Debtor's vague contentions that the settlement agreement was reached "with the assistance of [the] Debtor's in-house counsel and outside professionals" does not suffice to meet a heightened standard of scrutiny. Settlement Motion at 4.

III. Conclusion

For the reasons set forth above, the case is converted to one under chapter 7 and a trustee will be appointed.

The US Trustee is directed to lodge a conforming proposed order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the

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court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

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Hearing Room 1568

9:00 AM

2:17-13016 Sharp Edge Enterprises

Chapter 7

Adv#: 2:18-01163 Leslie v. Reihanian et al

#1.00 Trial Date Set

RE: [10] Amended Complaint by Christian T Kim on behalf of Sam S. Leslie, Sam S Leslie (TR) against Leon Reihanian. (RE: related document(s)1 Adversary case 2:18-ap-01163. Complaint by Sam S. Leslie against Leon Reihanian. (Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) filed by Plaintiff Sam S. Leslie. (Kim, Christian)

fr. 6-11-19; 7-29-19; 1-15-20; 8-24-20

Docket 10

***** VACATED *** REASON: CONTINUED 2-22-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharp Edge Enterprises

Represented By
Peter A Davidson

Defendant(s):

Leon Reihanian

Represented By
Raymond H. Aver

DOES 1-20, inclusive

Pro Se

Abraham Reihanian, as Trustee of

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Christian T Kim
James A Dumas Jr

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CONT... Sharp Edge Enterprises

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim
James A Dumas Jr

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Hearing Room 1568

9:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01392 Mastan v. Flintridge Preparatory School, Inc. et al

#2.00 Trial Date Set

RE: [37] Amended Complaint First Amended Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)]; and (4) Preservation of Avoided Transfer [11 U.S.C. § 551] by Meghann A Triplett on behalf of Peter Mastan against Flintridge Preparatory School, Inc., Nam Soo Hwang, Young J. Hwang, Young Jae Hwang. (RE: related document(s)1 Adversary case 2:19-ap-01392. Complaint by Peter Mastan against Flintridge Preparatory School, Inc., Hee Young Hwang, Young J. Hwang, Joyce J. Hwang, Nam Soo Hwang. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) filed by Plaintiff Peter Mastan). (Triplett, Meghann)

Docket 37

***** VACATED *** REASON: PER ORDER ENTERED 2-27-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Flintridge Preparatory School, Inc.

Pro Se

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CONT... Keystone Textile, Inc.

Chapter 7

Joyce J. Hwang

Represented By
Christian T Kim

Nam Soo Hwang

Represented By
Christian T Kim

DOES 1 through 10

Pro Se

Hee Young Hwang

Represented By
Christian T Kim

Young J. Hwang

Represented By
Christian T Kim

Young Jae Hwang

Represented By
Christian T Kim

Hee Youn Hwang

Represented By
Christian T Kim

Plaintiff(s):

Peter Mastan

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

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9:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01034 Howard M. Ehrenberg, Chapter 7 Trustee v. Juwono

#3.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01034. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Sugio Juwono. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Sugio Juwono

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

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2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01035 Howard M. Ehrenberg, Chapter 7 Trustee v. Lee

#4.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01035. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Heidi Lee. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Heidi Lee

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

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Hearing Room 1568

9:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01036 Howard M. Ehrenberg, Chapter 7 Trustee v. Leem

#5.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01036. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Alvin Leem. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Alvin Leem

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01037 Howard M. Ehrenberg, Chapter 7 Trustee v. Park

#6.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01037. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Justin Park. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Justin Park

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01038 Howard M. Ehrenberg, Chapter 7 Trustee v. Poon

#7.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01038. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against David Poon. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

David Poon

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

Adv#: 2:20-01039 Howard M. Ehrenberg, Chapter 7 Trustee v. Wong

#8.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01039. Complaint by Howard M. Ehrenberg, Chapter 7 Trustee against Anthony Wong. (Charge To Estate). Complaint for Avoidance and Recovery of Liens Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Horoupian, Mark)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Defendant(s):

Anthony Wong

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Chapter 7

Represented By

Steven Werth

Mark S Horoupian

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01453 Mastan (TR) v. Zendedel

#9.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01453. Complaint by Peter J. Mastan (TR) against Nazila Zendedel. (Charge To Estate). Complaint for: (1) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.07]; (2) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.05, 3439.07]; (3) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (4) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (5) Turnover of Property [11 U.S.C. § 362] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(11 (Recovery of money/property - 542 turnover of property)),(91 (Declaratory judgment)) (Mang, Tinho)

fr. 4-14-20

Docket 1

***** VACATED *** REASON: PRETRIAL 4-13-2021 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Nazila Zendedel

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Bahram Zendedel

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Monday, January 25, 2021

Hearing Room 1575

9:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:20-01062 Mastan (TR) v. Shamekh

#10.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01062. Complaint by Peter J. Mastan (TR) against Pedram Shamekh. (Charge To Estate). Complaint for: (1) Avoidance, Recovery, and Preservation of Preferential Transfers [11 U.S.C. §§ 547, 550, and 551]; (2) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; and (3) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Mang, Tinho)

Docket 1

***** VACATED *** REASON: PRETRIAL 4-13-2021 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Pedram Shamekh

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-12402 Ryan James McMillin

Chapter 7

Adv#: 2:19-01137 Elite Optoelectronics Co., Ltd a China Limited Lia v. McMillin et al

#11.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01137. Complaint by G-Sight Solutions, LLC against Ryan James McMillin, G-Sight Solutions, Inc., a California Corporation. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(14 (Recovery of money/property - other)) (Zshornack, Errol)

Docket 1

***** VACATED *** REASON: CONTINUED TO 3-29-21 AT 9:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan James McMillin

Represented By
John A Harbin

Defendant(s):

Ryan James McMillin

Represented By
Steven J Renshaw
Errol J Zshornack
Peter J Tormey

G-Sight Solutions, Inc., a California

Pro Se

Plaintiff(s):

Elite Optoelectronics Co., Ltd a

Represented By
Peter J Tormey
Errol J Zshornack

G-Sight Solutions, LLC, a California

Represented By
Peter J Tormey
Errol J Zshornack

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Ryan James McMillin

Chapter 7

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-13059 Norberto Pimentel

Chapter 7

Adv#: 2:19-01146 Wesley H Avery, Chapter 7 Trustee v. Pimentel et al

#12.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01146. Complaint by WESLEY Howard AVERY against Norberto Pimentel, Erica Pimentel. (Charge To Estate). Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Stevens, Adam)

fr. 3-12-20; 3-24-2020; 6-24-20; 7-29-20; 10-27-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-26-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norberto Pimentel

Represented By
Marcus Gomez

Defendant(s):

Norberto Pimentel

Pro Se

Erica Pimentel

Pro Se

Joint Debtor(s):

Erica Pimentel

Represented By
Marcus Gomez

Plaintiff(s):

Wesley H Avery, Chapter 7 Trustee

Represented By
Georgeann H Nicol
Adam Stevens

Trustee(s):

Wesley H Avery (TR)

Represented By
Adam Stevens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Norberto Pimentel

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01505 Strategic Funding Source, Inc. v. Tardaguila

#13.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01505. Complaint by Strategic Funding Source, Inc. against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Harvey, Brian)

FR. 10-26-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-26-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.

Represented By
Brian T Harvey

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-24904 Nicholas Rene Ortiz

Chapter 7

Adv#: 2:20-01024 Winfund Investment LLC v. Ortiz

#14.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01024. Complaint by Winfund Investment LLC against Nicholas rene Ortiz. willful and malicious injury)),(65 (Dischargeability - other)) (Chang, Peiwen)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 5-13-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas Rene Ortiz

Represented By
Daniel G McMeekin

Defendant(s):

Nicholas Rene Ortiz

Pro Se

Plaintiff(s):

Winfund Investment LLC

Represented By
Peiwen Chang

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

#15.00 Trial Date Set

RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

FR. 1-27-20; 2-24-20; 4-27-20; 5-25-20; 9-28-20

Docket 13

***** VACATED *** REASON: CONTINUED 3-25-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy

Defendant(s):

HERITAGE PROVIDER

Pro Se

Plaintiff(s):

VERITY HEALTH SYSTEM OF

Represented By
Steven J Kahn

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01051 California Nurses Association v. VERITY HEALTH SYSTEM OF

#16.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01051. Complaint by California Nurses Association against VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, St. Vincent Dialysis Center, Inc., ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, Verity Holdings, LLC, a California limited liability company, De Paul Ventures, LLC, Richard Adcock, Steven Sharrer. (d),(e)),(14 (Recovery of money/property - other)),(21 (Validity, priority or extent of lien or other interest in property)),(81 (Subordination of claim or interest)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Skogstad, Kyrsten)

Docket 1

***** VACATED *** REASON: DISMISSED 10-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Defendant(s):

VERITY HEALTH SYSTEM OF

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

ST. VINCENT MEDICAL	Pro Se
St. Vincent Dialysis Center, Inc.	Pro Se
ST. FRANCIS MEDICAL	Pro Se
Seton Medical Center, a California	Pro Se
Verity Holdings, LLC, a California	Pro Se
De Paul Ventures, LLC	Pro Se
Richard Adcock	Pro Se
Steven Sharrer	Pro Se
St. Francis Medical Center of	Pro Se
Does 1 through 500	Pro Se

Plaintiff(s):

California Nurses Association

Represented By
Carol A Igoe
Kyrsten Skogstad

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01377 Packaging Corporation of America v. Bonert et al

#17.00 Trial Date Set RE: [10] Amended Complaint with proof of service by Scott E Blakeley on behalf of Packaging Corporation of America against Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's 3144, LLC, Bonert's Incorporated dba Bonert's Slice of Pie, Bonert's Jadahasa, LLC, Bonert's MV, LLC, Bonert's Mibon LLC, DOES 1-10. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Judgement) (Blakeley, Scott)

FR. 3-11-20

Docket 0

***** VACATED *** REASON: PER HEARING HELD ON 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By
Lawrence M Jacobson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Michael Bonert

Chapter 11

Bonert's Mibon LLC

Represented By
Lawrence M Jacobson

Beefam, LLC

Represented By
Lawrence M Jacobson

DOES 1-10

Pro Se

3144 Bonert's LLC

Represented By
Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Plaintiff(s):

Packaging Corporation of America

Represented By
Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01378 Coastal Carriers, LLC v. Bonert et al

#18.00 Trial Date Set RE: [10] Amended Complaint with proof of service by Scott E Blakeley on behalf of Coastal Carriers, LLC against Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's 3144, LLC, Bonert's Incorporated dba Bonert's Slice of Pie, Bonert's Jadahasa, LLC, Bonert's MV, LLC, Bonert's Mibon LLC, DOES 1-10. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Judgement) (Blakeley, Scott)

fr 3-11-20

Docket 0

***** VACATED *** REASON: PER HEARING HELD ON 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Beefam, LLC

Represented By
Lawrence M Jacobson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT... Michael Bonert

Chapter 11

DOES 1-10

Pro Se

Bonert's MV, LLC

Represented By
Lawrence M Jacobson

Bonert's Mibon LLC

Represented By
Lawrence M Jacobson

3144 Bonert's LLC

Represented By
Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Plaintiff(s):

Coastal Carriers, LLC

Represented By
Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01405 Capitol Distribution Company, LLC v. Bonert et al

#19.00 Trial Date Set

RE: [9] Amended Complaint with proof of service by Scott E Blakeley on behalf of Capitol Distribution Company, LLC against 3144 Bonert's LLC, Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's Inc., a California corporation, Bonert's Jadasaha, LLC, Bonert's MV, LLC, Bonert's Mibon, LLC, DOES 1 through 10, inclusive. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Statement of Account) (Blakeley, Scott)

FR. 8-24-20; 9-28-20

Docket 9

***** VACATED *** REASON: PER HEARING HELD 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Inc., a California

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadasaha, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT...

Michael Bonert

Chapter 11

Lawrence M Jacobson

Bonert's Mibon, LLC

Represented By

Lawrence M Jacobson

3144 Bonert's LLC

Represented By

Lawrence M Jacobson

DOES 1 through 10, inclusive

Pro Se

Beefam, LLC

Represented By

Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By

Alan W Forsley

Plaintiff(s):

Capitol Distribution Company, LLC

Represented By

Sean Lowe

Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01406 Stratas Foods LLC v. Bonert et al

#20.00 Trial Date Set

RE: [9] Amended Complaint with proof of service by Scott E Blakeley on behalf of Stratas Foods LLC against 3144 Bonert's LLC, Beefam, LLC, Michael Bonert, Vivien Bonert, Bonert Management Company, Inc., Bonert's Incorporated dba Bonert's Slice of Pie, Bonert's Jadasaha, LLC, Bonert's MV, LLC, Bonert's Mibon, LLC, DOES 1 through 10, inclusive. (Attachments: # 1 Exhibit 1 - Invoices # 2 Exhibit 2 - Statement of Account) (Blakeley, Scott)

fr: 8-24-20; 3-11-20

Docket 9

***** VACATED *** REASON: PER HEARING HELD ON 9-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadasaha, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

9:00 AM

CONT...

Michael Bonert

Chapter 11

Lawrence M Jacobson

Bonert's Mibon, LLC

Represented By

Lawrence M Jacobson

Beefam, LLC

Represented By

Lawrence M Jacobson

3144 Bonert's LLC

Represented By

Lawrence M Jacobson

DOES 1 through 10, inclusive

Pro Se

Joint Debtor(s):

Vivien Bonert

Represented By

Alan W Forsley

Plaintiff(s):

Stratas Foods LLC

Represented By

Sean Lowe

Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

2:20-20790 Jahvaur L. Williams and Yira Griego

Chapter 7

#100.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Dodge Ram 2500, VIN: 3C6UD5CLXCG301150 . (Ith, Sheryl)

Docket 9

Tentative Ruling:

1/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT... Jahvaur L. Williams and Yira Griego

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing.

Party Information

Debtor(s):

Jahvaur L. Williams

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Yira Griego

Represented By
Rabin J Pournazarian

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

2:20-12770 Wise Choice Plumbing and Rooter, Inc.

Chapter 7

#101.00 HearingRE: [58] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Express Cargo VIN#1GCWGAFF2G1186426 with proof of service. (Delmotte, Joseph)

Docket 58

Tentative Ruling:

1/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT... Wise Choice Plumbing and Rooter, Inc.

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Wise Choice Plumbing and Rooter,

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

2:20-12770 Wise Choice Plumbing and Rooter, Inc.

Chapter 7

#102.00 HearingRE: [62] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford F550 with 100 Gallon Aluminum Vacuum Tank, Serial No. 1FDUF5GT2HEE06370 . (Warrington, Gerrick)

Docket 62

Tentative Ruling:

1/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT... Wise Choice Plumbing and Rooter, Inc.

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Wise Choice Plumbing and Rooter,

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

2:20-20929 Faisal Zuliyandi

Chapter 7

#103.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota C-HR . (Martinez, Kirsten)

Docket 9

Tentative Ruling:

1/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT... Faisal Zuliyandi

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Faisal Zuliyandi

Represented By
Nancy Hanna

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

2:20-20871 Carlos A. Flores

Chapter 7

#104.00 HearingRE: [13] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Ford Ranger, VIN: 1FTR4EH5KLA79636 . (Ith, Sheryl)

Docket 13

Tentative Ruling:

1/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT... Carlos A. Flores

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing.

Party Information

Debtor(s):

Carlos A. Flores

Represented By
John M Boyko

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

2:21-10194 Leonid A Markin

Chapter 7

#105.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 714 N. Rexford Drive, Beverly Hills, CA 90210 ; Memorandum of Points and Authorities; and Proof of Service.

Docket 8

Tentative Ruling:

1/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. Oppositions, if any, will be considered at the hearing.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after the Debtor agreed to vacate the premises by June 30, 2020. The Movant filed an unlawful detainer action on July 2, 2020.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT...

Leonid A Markin

Chapter 7

change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

The court also finds that there is sufficient evidence to grant relief pursuant to 11 U.S.C. § 362(d)(4). The filing of the petition was part of a scheme to delay, hinder, and defraud creditors, which involved filing no schedules or statement of financial affairs, listing Movant as the only creditor in the Debtor's case commencement documents, and filing this bankruptcy petition the day before a motion for summary judgment was to be heard in the state court proceeding. The extraordinary relief requested in the Motion is also GRANTED.

The Movant's request to allow a law enforcement officer to evict the Debtor and other occupants without further notice is DENIED since there is no judgment for possession from this court.

This order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

This order shall also be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion without further notice and upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. This order shall also be binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise as to the Property. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, January 25, 2021

Hearing Room 1568

10:00 AM

CONT...

Leonid A Markin

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Leonid A Markin

Pro Se

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01198 St. Francis Medical Center v. Arthur J. Edelstein, M.D., A Professional

#1.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01198. Complaint by St. Francis Medical Center against Arthur J. Edelstein, M.D., A Professional Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Arthur J. Edelstein, M.D., A

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01199 St. Vincent Medical Center v. Axiom Anesthesia Group, Inc.

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01199. Complaint by St. Vincent Medical Center against Axiom Anesthesia Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Axiom Anesthesia Group, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01202 Seton Medical Center v. Fred F. Naraghi, M.D., Inc.

#3.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01202. Complaint by Seton Medical Center
against Fred F. Naraghi, M.D., Inc.. (14 (Recovery of money/property - other))
(Moyron, Tania)

fr. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Fred F. Naraghi, M.D., Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01204 St. Francis Medical Center v. Hossein Eftekhari MD Inc

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01204. Complaint by St. Francis Medical Center against Hossein Eftekhari MD Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hossein Eftekhari MD Inc

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01205 St. Vincent Medical Center v. RehabCare Group of California, LLC

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01205. Complaint by St. Vincent Medical Center against RehabCare Group of California, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

RehabCare Group of California,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01211 Verity Health System of California, Inc. v. 3M Health Information Systems,

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01211. Complaint by Verity Health System of California, Inc. against 3M Health Information Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

3M Health Information Systems,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01214 St. Francis Medical Center v. ACCO Engineered Systems, Inc.

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01214. Complaint by St. Francis Medical Center against ACCO Engineered Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ACCO Engineered Systems, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01216 St. Vincent Medical Center v. Advanced Cardiothoracic Surgery Medical

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01216. Complaint by St. Vincent Medical Center against Advanced Cardiothoracic Surgery Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Advanced Cardiothoracic Surgery

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01219 St. Francis Medical Center v. Alliance Environmental Group, LLC

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01219. Complaint by St. Francis Medical Center against Alliance Environmental Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alliance Environmental Group, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01220 St. Vincent Medical Center v. AmerisourceBergen Corporation

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01220. Complaint by St. Vincent Medical Center against AmerisourceBergen Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AmerisourceBergen Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01222 St. Vincent Medical Center v. AOSS Medical Supply, L.L.C.

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01222. Complaint by St. Vincent Medical Center against AOSS Medical Supply, L.L.C.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

*** VACATED *** REASON: DISMISSED 11-17-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AOSS Medical Supply, L.L.C.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01223 Verity Health System of California, Inc. v. Applied Statistics & Management

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01223. Complaint by Verity Health System of California, Inc. against Applied Statistics & Management Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Applied Statistics & Management

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01224 St. Vincent Medical Center v. Ascend Clinical, LLC

#13.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01224. Complaint by St. Vincent Medical Center against Ascend Clinical, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Ascend Clinical, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01225 St. Vincent Medical Center v. Atlantic Business Organizations Corp.

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01225. Complaint by St. Vincent Medical Center against Atlantic Business Organizations Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Atlantic Business Organizations

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01226 St. Francis Medical Center v. Automac Parking, Inc.

#15.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01226. Complaint by St. Francis Medical Center against Automac Parking, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-2-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Automac Parking, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01228 O'Connor Hospital v. BioFire Diagnostics, LLC

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01228. Complaint by O'Connor Hospital against BioFire Diagnostics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-21

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

BioFire Diagnostics, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01230 Verity Health System of California, Inc. v. Blackbaud, Inc.

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01230. Complaint by Verity Health System of California, Inc. against Blackbaud, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blackbaud, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01231 Verity Health System of California, Inc. v. Blue Shield of California

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01231. Complaint by Verity Health System of California, Inc. against Blue Shield of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blue Shield of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01234 Verity Health System of California, Inc. v. California Statewide

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01234. Complaint by Verity Health System of California, Inc. against California Statewide Communities Development Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

California Statewide Communities

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01235 Verity Health System of California, Inc. v. Canadian Travel Nurses

#20.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01235. Complaint by Verity Health System of California, Inc. against Canadian Travel Nurses. (14 (Recovery of money/property - other)) (Moyron, Tania)

de. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Canadian Travel Nurses

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01236 St. Francis Medical Center v. Cardio Medical Consultants Medical Group of

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01236. Complaint by St. Francis Medical Center against Cardio Medical Consultants Medical Group of Long Beach, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardio Medical Consultants Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01237 O'Connor Hospital v. Centinel Spine, LLC

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01237. Complaint by O'Connor Hospital against Centinel Spine, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Centinel Spine, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01238 Verity Health System of California, Inc. v. Cerner Health Services Inc.

#23.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01238. Complaint by Verity Health System of California, Inc. against Cerner Health Services Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

*** VACATED *** REASON: DISMISSED 11-24-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cerner Health Services Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01240 Verity Health System of California, Inc. v. Change Healthcare Technologies,

#24.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01240. Complaint by Verity Health System of California, Inc. against Change Healthcare Technologies, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Technologies,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01241 O'Connor Hospital v. Chem-Aqua, Inc.

#25.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01241. Complaint by O'Connor Hospital against Chem-Aqua, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-21

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Chem-Aqua, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01242 Verity Health System of California, Inc. v. Cigna Dental Health, Inc.

#26.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01242. Complaint by Verity Health System of California, Inc. against Cigna Dental Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-30-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cigna Dental Health, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01243 Verity Health System of California, Inc. v. Cigna Healthcare, Inc.

#27.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01243. Complaint by Verity Health System of California, Inc. against Cigna Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cigna Healthcare, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01244 Verity Business Services v. Ciox Health, LLC

#28.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01244. Complaint by Verity Business Services against Ciox Health, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Ciox Health, LLC

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01246 St. Francis Medical Center v. City of Lynwood, California

#29.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01246. Complaint by St. Francis Medical Center against City of Lynwood, California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

City of Lynwood, California

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01247 Verity Health System of California, Inc. v. Clinicomp International, Inc.

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01247. Complaint by Verity Health System of California, Inc. against Clinicomp International, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clinicomp International, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01550 St. Vincent Medical Center et al v. Pacific Litho, LLC

#31.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01550. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Pacific Litho, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Pacific Litho, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01551 St. Vincent Medical Center et al v. Paragon 28, Inc.

#32.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01551. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Paragon 28, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Paragon 28, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01552 St. Vincent Medical Center et al v. PDL Enterprises, Inc.

#33.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01552. Complaint by St. Vincent Medical Center, Verity Health System of California, Inc. against PDL Enterprises, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

PDL Enterprises, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01553 Verity Health System of California, Inc. et al v. Peregrine Lab Corp.

#34.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01553. Complaint by Verity Health System of California, Inc., St. Vincent Medical Center against Peregrine Lab Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Peregrine Lab Corp.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01554 St. Francis Medical Center et al v. Pronk Technologies Inc.

#35.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01554. Complaint by St. Francis Medical Center, Seton Medical Center against Pronk Technologies Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Pronk Technologies Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01555 Verity Business Services et al v. Randstad North America, Inc.

#36.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01555. Complaint by Verity Business Services, Verity Medical Foundation against Randstad North America, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Randstad North America, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01556 St. Vincent Medical Center et al v. Rehab Alliance

#37.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01556. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Rehab Alliance. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Rehab Alliance

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01557 O'Connor Hospital et al v. Roche Diagnostics Corporation

#38.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01557. Complaint by O'Connor Hospital, St. Vincent Medical Center against Roche Diagnostics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Roche Diagnostics Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01558 Verity Health System of California, Inc. et al v. Sagewell Healthcare Benefits

#39.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01558. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Sagewell Healthcare Benefits Trust. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-6-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sagewell Healthcare Benefits Trust

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01560 St. Vincent Medical Center et al v. Sharp Electronics Corporation

#40.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01560. Complaint by St. Vincent Medical Center, Verity Health System of California, Inc. against Sharp Electronics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sharp Electronics Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01561 St. Francis Medical Center et al v. Smith & Nephew, Inc.

#41.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01561. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Smith & Nephew, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Smith & Nephew, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01562 Verity Health System of California, Inc. et al v. Sonrai Group LLC

#42.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01562. Complaint by Verity Health System of California, Inc., St. Louise Regional Hospital against Sonrai Group LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sonrai Group LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01563 St. Francis Medical Center et al v. Southern California Gas Company

#43.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01563. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Southern California Gas Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Southern California Gas Company

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01564 St. Vincent Medical Center et al v. Stryker Sustainability Solutions, Inc.

#44.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01564. Complaint by St. Vincent Medical Center, St. Louise Regional Hospital against Stryker Sustainability Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stryker Sustainability Solutions, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01565 Seton Medical Center et al v. Terumo Cardiovasulcar Systems Corporation

#45.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01565. Complaint by Seton Medical Center, St. Vincent Medical Center against Terumo Cardiovasulcar Systems Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Terumo Cardiovasulcar Systems

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01566 St. Francis Medical Center et al v. Terumo Medical Corporation

#46.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01566. Complaint by St. Francis Medical Center, O'Connor Hospital against Terumo Medical Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Terumo Medical Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01567 Verity Holdings, LLC et al v. Universal Protection Service, LP

#47.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01567. Complaint by Verity Holdings, LLC, St. Francis Medical Center against Universal Protection Service, LP. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Universal Protection Service, LP

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01568 St. Francis Medical Center et al v. RightSourcing, Inc.

#48.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01568. Complaint by St. Francis Medical Center, St. Vincent Medical Center against RightSourcing, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

RightSourcing, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01569 St. Vincent Medical Center et al v. ISO-MED Inc.

#49.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01569. Complaint by St. Vincent Medical Center, St. Francis Medical Center against ISO-MED Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

ISO-MED Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01570 Seton Medical Center et al v. Agiliti Health, Inc.

#50.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01570. Complaint by Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, Saint Louise Regional Hospital against Agiliti Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Agiliti Health, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01571 St. Francis Medical Center et al v. Applied Medical Resources Corporation

#51.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01571. Complaint by St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital against Applied Medical Resources Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Applied Medical Resources

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01572 St. Vincent Medical Center et al v. ARUP Laboratories, Inc.

#52.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01572. Complaint by St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital, St. Francis Medical Center against ARUP Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ARUP Laboratories, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01573 O'Connor Hospital et al v. Bio-Rad Laboratories, Inc.

#53.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01573. Complaint by O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center against Bio-Rad Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bio-Rad Laboratories, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01574 St. Vincent Medical Center et al v. BIOTRONIK, Inc

#54.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01574. Complaint by St. Vincent Medical Center, O'Connor Hospital, St. Francis Medical Center, Saint Louise Regional Hospital against BIOTRONIK, Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

BIOTRONIK, Inc

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01576 Verity Health System of California, Inc. et al v. CareFusion Solutions, LLC

#55.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01576. Complaint by Verity Health System of California, Inc., Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center against CareFusion Solutions, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CareFusion Solutions, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01577 St. Francis Medical Center et al v. Cellco Partnership

#56.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01577. Complaint by St. Francis Medical Center, Verity Health System of California, Inc., O'Connor Hospital, St. Vincent Medical Center against Cellco Partnership. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Cellco Partnership

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01578 St. Francis Medical Center et al v. CEP America LLC

#57.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01578. Complaint by St. Francis Medical Center, Verity Medical Foundation, St. Vincent Medical Center, Seton Medical Center against CEP America LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CEP America LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01579 O'Connor Hospital et al v. Cintas Corporation

#58.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01579. Complaint by O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center against Cintas Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cintas Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01580 O'Connor Hospital et al v. Compression Therapy Concepts, Inc.

#59.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01580. Complaint by O'Connor Hospital, Seton Medical Center, St. Vincent Medical Center, St. Francis Medical Center against Compression Therapy Concepts, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Compression Therapy Concepts, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01581 St. Vincent Medical Center et al v. Integra LifeSciences Corporation

#60.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01581. Complaint by St. Vincent Medical Center, O'Connor Hospital, St. Francis Medical Center, Seton Medical Center against Integra LifeSciences Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Integra LifeSciences Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01582 St. Francis Medical Center et al v. Johnson & Johnson Health Care Systems

#61.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01582. Complaint by St. Francis Medical Center, O'Connor Hospital, St. Vincent Medical Center, Seton Medical Center against Johnson & Johnson Health Care Systems Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Johnson & Johnson Health Care

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01583 St. Francis Medical Center et al v. Philips Healthcare Informatics, Inc.

#62.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01583. Complaint by St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center, Saint Louise Regional Hospital against Philips Healthcare Informatics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Philips Healthcare Informatics, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01584 Saint Louise Regional Hospital et al v. Praxair, Inc.

#63.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01584. Complaint by Saint Louise Regional Hospital, O'Connor Hospital, St. Francis Medical Center, St. Vincent Medical Center against Praxair, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Praxair, Inc.

Pro Se

Plaintiff(s):

Saint Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01585 St. Francis Medical Center et al v. Precision Dynamics Corporation

#64.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01585. Complaint by St. Francis Medical Center, Seton Medical Center, O'Connor Hospital, Saint Louise Regional Hospital against Precision Dynamics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Precision Dynamics Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01586 Seton Medical Center et al v. Q-Centrix LLC

#65.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01586. Complaint by Seton Medical Center, O'Connor Hospital, St. Francis Medical Center, Saint Louise Regional Hospital against Q-Centrix LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Q-Centrix LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01587 Seton Medical Center et al v. Siemens Medical Solutions USA, Inc.

#66.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01587. Complaint by Seton Medical Center, St. Vincent Medical Center, O'Connor Hospital, St. Francis Medical Center against Siemens Medical Solutions USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 A 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Siemens Medical Solutions USA,

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01588 O'Connor Hospital et al v. SourceHOV Healthcare, Inc.

#68.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01588. Complaint by O'Connor Hospital, Saint Louise Regional Hospital, Verity Business Services, Verity Medical Foundation against SourceHOV Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

SourceHOV Healthcare, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Saint Louise Regional Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01589 St. Vincent Medical Center et al v. Spectranetics LLC

#69.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01589. Complaint by St. Vincent Medical Center, O'Connor Hospital, Seton Medical Center, St. Francis Medical Center against Spectranetics LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Spectranetics LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01590 O'Connor Hospital et al v. Taylor Communications, Inc.

#70.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01590. Complaint by O'Connor Hospital, St. Vincent Medical Center, Seton Medical Center, Verity Medical Foundation against Taylor Communications, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Taylor Communications, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01591 O'Connor Hospital et al v. W. L. Gore & Associates, Inc.

#71.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01591. Complaint by O'Connor Hospital, Seton Medical Center, St. Vincent Medical Center, St. Francis Medical Center against W. L. Gore & Associates, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

W. L. Gore & Associates, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01592 Saint Louise Regional Hospital et al v. Zimmer US, Inc.

#72.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01592. Complaint by Saint Louise Regional Hospital, O'Connor Hospital, St. Vincent Medical Center, Seton Medical Center against Zimmer US, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Zimmer US, Inc.

Pro Se

Plaintiff(s):

Saint Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01593 St. Vincent Medical Center et al v. Abbott Laboratories

#73.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01593. Complaint by St. Vincent Medical Center, O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, Saint Louise Regional Hospital against Abbott Laboratories. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Abbott Laboratories

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01594 O'Connor Hospital et al v. Baxter Healthcare Corporation

#74.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01594. Complaint by O'Connor Hospital, St. Vincent Medical Center, St. Francis Medical Center, Seton Medical Center, Saint Louise Regional Hospital against Baxter Healthcare Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Baxter Healthcare Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01595 St. Vincent Medical Center et al v. Becton Dickinson and Company

#75.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01595. Complaint by St. Vincent Medical Center, St. Francis Medical Center, O'Connor Hospital, Seton Medical Center, Saint Louise Regional Hospital against Becton Dickinson and Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Becton Dickinson and Company

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01596 Verity Health System of California, Inc. et al v. CDW Government LLC

#76.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01596. Complaint by Verity Health System of California, Inc., St. Francis Medical Center, Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center against CDW Government LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CDW Government LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01597 St. Francis Medical Center et al v. Depuy Synthes Sales, Inc.

#77.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01597. Complaint by St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital, Saint Louise Regional Hospital against Depuy Synthes Sales, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-4-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Depuy Synthes Sales, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Saint Louise Regional Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01600 Seton Medical Center et al v. GE Healthcare Inc.

#78.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01600. Complaint by Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, Verity Medical Foundation, Saint Louise Regional Hospital against GE Healthcare Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

GE Healthcare Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01601 Seton Medical Center et al v. Language Line Services, Inc.

#79.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01601. Complaint by Seton Medical Center, Verity Health System of California, Inc., O'Connor Hospital, St. Francis Medical Center, Verity Business Services against Language Line Services, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-11-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Language Line Services, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

CONT...	Verity Health System of California, Inc.	Chapter 11
	Joseph L Steinfeld Jr Tania M Moyron	
O'Connor Hospital	Represented By Joseph L Steinfeld Jr Tania M Moyron	
St. Francis Medical Center	Represented By Joseph L Steinfeld Jr Tania M Moyron	
Verity Business Services	Represented By Joseph L Steinfeld Jr Tania M Moyron	

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, January 26, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#80.00 Hearing re [33] Defendants' respective motions

Docket 0

Tentative Ruling:

1/25/2021:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motions to Dismiss are both DENIED.

Pleadings Filed and Reviewed:

- 1) First Amended Complaint for: (1) Avoidance and Recovery of Fraudulent Transfers; (2) Avoidance and Recover of Preferential Transfers; (3) Preservation of Avoided Transfers; (4) Disallowance of Claims; and (4) Declaratory Relief [Adv. Doc. No. 23]
- 2) Assured's Notice of Motion and Motion to Dismiss the Assured Claims [Adv. Doc. No. 40]
 - a) Assured's Request for Judicial Notice [Adv. Doc. No. 42]
 - i) Declaration of Chet A. Kronenberg in Support of Assured's Motion to Dismiss [Adv. Doc. No. 43]
- 3) Integrity Healthcare, LLC's Notice of Motion and Motion to Dismiss the First Amended Complaint and Joinder in Assured Investment Management LLC's Motion to Dismiss [Adv. Doc. No. 45]
 - a) Request for Judicial Notice [Doc. No. 46]
 - b) Declaration of Danielle R. Leneck in Support of Integrity Healthcare, LLC's Motion to Dismiss First Amended Complaint [Doc. No. 47]
- 4) Liquidating Trustee of the VHS Liquidating Trust's Omnibus Opposition to (I) Assured's Motion to Dismiss the Assured Claims and (II) Integrity Healthcare, LLC's Motion to Dismiss First Amended Complaint and Joinder in Assured

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- Investment Management LLC's Motion to Dismiss [Adv. Doc. No. 64]
- a) Liquidating Trustee of the VHS Liquidating Trust's Objection to and Motion to Strike Assured's Request for Judicial Notice and Declaration of Chet A. Kronenberg [Adv. Doc. No. 65]
 - 5) Assured's Reply in Further Support of Motion to Dismiss the Assured Claims [Adv. Doc. No. 66]
 - a) Assured's Opposition to the Liquidating Trustee of the VHS Liquidating Trust's Motion to Strike Assured's Request for Judicial Notice and Declaration of Chet A. Kronenberg [Adv. Doc. No. 67]
 - 6) Integrity Healthcare, LLC's Reply Brief in Support of Motion to Dismiss and Joinder in Assured Investment Management LLC's Reply Brief in Support of its Motion to Dismiss [Adv. Doc. No. 68]

I. Facts and Summary of Pleadings

A. Procedural Background

On August 31, 2018 (the "Petition Date"), Verity Health System of California, Inc. ("VHS") and certain of its subsidiaries (collectively, the "Debtors") filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors' Chapter 11 cases are being jointly administered. On August 14, 2020, the Court confirmed the *Modified Second Amended Joint Chapter 11 Plan of Liquidation (Dated July 2, 2020) of the Debtors, the Prepetition Secured Creditors, and the Committee* [Bankr. Doc. No. 5468, Ex. A] (the "Plan"). See Bankr. Doc. No. 5504 (the "Confirmation Order"). The Plan provides for the creation of a Liquidating Trust which is required to, among other things, prosecute avoidance actions. Howard Grobstein has been appointed as the Liquidating Trustee.

On August 28, 2020, the Official Committee of Unsecured Creditors (the "Committee") filed a complaint against Integrity Healthcare, LLC ("Integrity") and other John-Doe defendants [Adv. Doc. No. 1] (the "Original Complaint"), commencing this adversary proceeding. The action is now being prosecuted by the Liquidating Trustee, as successor-in-interest to the Committee.

On October 6, 2020, the Court approved a stipulated extension of Integrity's deadline to respond to the Original Complaint. Adv. Doc. No. 11. On November 2, 2020, the Court approved a stipulation fixing November 11, 2020 as the deadline for the Liquidating Trustee to file a First Amended Complaint, which is the operative complaint (the "Complaint"). Adv. Doc. No. 15. On December 4, 2020, the Court approved a stipulation setting a briefing schedule on the instant Motions to Dismiss

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filed by Defendants (1) Integrity and (2) Assured Investment Management, LLC (fka BlueMountain Capital Management), BlueMountain Guadalupe Peak Fund LP, BlueMountain Summit Opportunities Fund II (US) LP, BMSB LP, BlueMountain Foinaven Master Fund LP, BlueMountain Logan Opportunities Master Fund LP, and BlueMountain Monteners Master Fund SCA SICAV-SIF (collectively, "Assured").

B. Summary of the Complaint

The allegations of the Complaint may be summarized as follows:

From 2002 through 2015, the hospitals that were owned and operated by VHS as of the Petition Date were owned and operated by the Daughters of Charity of St. Vincent de Paul, Province of the West, a nonprofit charitable organization backed by the Catholic Church, and were known as the Daughters of Charity Health System ("DHCS"). Complaint at ¶ 33.

In early 2014 DHCS began evaluating "strategic alternatives for the health system." *Id.* at ¶ 37. In October 2014, DHCS entered into an agreement with Prime Healthcare Foundation ("Prime"), under which Prime would purchase DHCS (the "Prime Transaction"). *Id.* In early 2015, the California Attorney General (the "Attorney General") approved the Prime Transaction, subject to certain conditions. *Id.* In 2015, Prime terminated the Prime Transaction after determining that the conditions imposed by the Attorney General were unduly onerous. *Id.*

Following the termination of the Prime Transaction, DHCS continued to seek other potential buyers. *Id.* at ¶ 38. In 2015, DHCS selected BlueMountain Capital, a private investment firm, to recapitalize its operations and transfer leadership of the health system to VHS (the "BlueMountain Transaction"). *Id.* As part of that recapitalization, DHCS entered into a System Restructuring and Support Agreement, dated July 15, 2015 (the "Restructuring Agreement"), with BlueMountain Capital and its affiliates. Pursuant to the Restructuring Agreement, DHCS changed its name to VHS and entered into a Health System Management Agreement (the "Management Agreement") with Integrity. *Id.*

The Management Agreement called for Integrity to provide oversight, supervision, direction, implementation, or performance services with respect to a broad range of management services and authorized Integrity to employ any number of personnel to provide the services called for under the Management Agreement. *Id.* at ¶ 3. To that end, Integrity employed and provided to VHS four c-suite executives—a Chief Executive Officer ("CEO"), Chief Operating Officer ("COO"), Chief Financial Officer

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("CFO"), and Director of Medical and Clinical Affairs (the "CMO")—to perform essentially all the management services under the Management Agreement. *Id.*

In exchange for those services, the Management Agreement required VHS to incur obligations to Integrity for management fees totaling over \$58 million annually (the "Management Fees"). *Id.* at ¶ 4. As of the Petition Date, VHS had paid approximately \$65 million in Management Fees in under three years and had deferred payment of almost \$100 million in additional Management Fees that were due and owing in the same period. *Id.* The term of the Management Agreement extended through 2030, and had it remained in place it would have resulted in VHS paying Integrity hundreds of millions of dollars of additional Management Fees over the life of the contract. *Id.*

All or a significant portion of the Management Fees paid by VHS to Integrity under the Management Agreement were then transferred by Integrity to Assured (formerly known as BlueMountain) through upstream payments by virtue Assured's ownership of Integrity. *Id.* at ¶ 5.

The Debtors did not receive reasonably equivalent value in exchange for the Management Fee obligations imposed by the Management Agreement. *Id.* at ¶ 6. By way of example, after the Debtors entered chapter 11, they promptly rejected the Management Agreement and hired the same four executives directly at salaries totaling only \$3.1 million annually—roughly \$55 million less than the Debtors were obligated to pay under the Management Agreement for the same executives performing substantially the same services. *Id.*

Integrity has filed multiple proofs of claim against the Debtors (collectively, the "Integrity Claim"). The Integrity Claim is an unsecured claim in the total amount of \$826,219,034, consisting of \$98,435,306 in deferred Management Fees which Integrity alleges are owed under the Management Agreement and a \$727,783,728 termination fee (the "Termination Fee") which Integrity alleges is owed under the Management Agreement. *Id.* at ¶ 7.

Based on the foregoing allegations, the Complaint seeks the following relief as to both Assured and Integrity: (1) avoidance of the Management Agreement and the Management Fees paid thereunder as constructively fraudulent transfers (Claims I–III); (2) avoidance of Management Fees paid within the preference period as a preferential transfer (Claims IV–V); and (3) a request for a determination that the amounts avoided be preserved for the benefit of the estate (Claim VI).

As to Integrity only, the Complaint seeks the following relief: (1) disallowance of the Integrity Claim (Claims VII–VIII and X–XII) and (2) a declaration that the

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Termination Fee is unenforceable as a penalty pursuant to Cal. Civ. Code § 1671 (Claim IX).

C. Summary of Papers Filed in Connection with Assured's Motion to Dismiss

Assured moves to dismiss the Complaint for failure to state a claim upon which relief can be granted. Assured's Motion to Dismiss has been joined by Integrity (Assured and Integrity collectively, "the "Movants"). (Integrity has also filed a separate Motion to Dismiss, which Assured has *not* joined. The arguments made by Integrity alone are summarized in Section I.D., below.)

I. Assured's Motion to Dismiss

Movants make the following arguments in support of the Motion:

First, the Complaint does not plead facts sufficient to show that VHS was insolvent at the time of the transfers at issue. The Liquidating Trustee's claim of insolvency appears to be based entirely on the obligations imposed on VHS by the Termination Fee, but the Liquidating Trustee makes no effort to reduce the amount of the Termination Fee—a contingent liability—to its present or expected value or set forth *any* allegations regarding VHS' total assets to demonstrate that its liabilities were greater than its assets at the time VHS entered into the Management Agreement or paid any of the Management Fees.

Second, in *BFP v. Resolution Trust Corp.*, the Supreme Court held that, as a matter of law, a mortgage foreclosure sale conducted in accordance with state law is not a fraudulent transfer because compliance with state law conclusively established that the price obtained at that sale was for a "reasonably equivalent value." 511 U.S. 531, 544 (1994). The Ninth Circuit has applied *BFP*'s reasoning outside the mortgage foreclosure context. In *In re Blesdoe*, the court applied the *BFP* rationale to a state court's dissolution judgment that followed a divorce proceeding. 569 F.3d 1106, 1112 (9th Cir. 2009). The *Blesdoe* court held that "[a]voiding transfers made pursuant to a state-court dissolution judgment would seriously impinge on [a] traditional state interest," and concluded that "[t]o displace traditional state regulation in such a manner, the federal statutory purpose must be 'clear and manifest.'" *Id.* at 1112. Finding that the "state's traditional interest in the regulation of marriage and divorce is at least as powerful as its traditional interest in regulating sales of real property," the *Blesdoe* court found that "a state court's dissolution judgment, following a regularly conducted, contested proceeding, conclusively establishes 'reasonably equivalent

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value' for the purpose of § 548, in the absence of actual fraud." *Id.*

The Attorney General's review and approval of the Blue Mountain Transaction conclusively establishes that the terms of the Management Agreement were for "reasonably equivalent value." All three factors that were important in *Blesdoe*—an applicable state interest, the lack of a "clear and manifest" statutory purpose in the Bankruptcy Code to override the relevant state law, and a state law proceeding to establish value—are satisfied here. The applicable state interest at issue is California's objective of insuring that the public interest is fully protected when charitable assets are transferred. There is no "clear and manifest" purpose within the Bankruptcy Code to override California's ability to regulate the transfer of charitable assets. Finally, in reviewing the Blue Mountain Transaction, the Attorney General was required to consider whether the terms of the transaction were "at fair market value" and were "fair and reasonable to the nonprofit corporation." Cal. Code Regs., tit. 11, § 999.5(f).

The Attorney General did, in fact, review and approve the BlueMountain Transaction pursuant to which the Management Agreement—including its associated Management Fees—was entered into by the parties. As the Attorney General's office explained in a Press Release following approval of the transaction:

The conditional approval of the transaction conclude[d] an in-depth review process by the Office of the Attorney General, including five Health Care Impact Statements by an independent health care expert, six public meetings, and a public comment period. The Attorney General's decision [came] after careful consideration of public comments, consultation with an independent health care expert, and discussions with concerned community members.

Dec. 3, 2015 Press Release [Adv. Doc. No. 43].

2. The Liquidating Trustee's Opposition

The Liquidating Trustee makes the following arguments in opposition to Assured's Motion to Dismiss:

The Complaint alleges facts sufficient to satisfy the insolvency element of the fraudulent transfer claims. The Complaint alleges that VHS was required to enter into the BlueMountain Transaction and incur hundreds of millions of dollars of debt in order to avoid bankruptcy. At this stage, the Liquidating Trustee is not required to allege specific facts concerning the valuation of VHS' assets or apply a discount rate

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to the Termination Fee when alleging insolvency. *See, e.g., In re Covenant Partners, L.P.*, 531 B.R. 84, 93 (Bankr. E.D. Pa. 2015) (even in the absence of "specific financial information," complaint sufficiently alleged insolvency where court could "reasonably infer that the Debtor's financial health was . . . tenuous" during the period at issue).

Movants' reliance upon *BFP* for the proposition that the Attorney General's consent to the BlueMountain Transaction conclusively establishes "reasonably equivalent value" is misplaced. In *BFP*, the Supreme Court specifically narrowed its holding by stating that "[t]his conclusion does not render § 548(a)(2) superfluous, since the 'reasonably equivalent value' criterion will continue to have independent meaning . . . outside the foreclosure context," and by emphasizing that "our opinion today covers only mortgage foreclosures of real estate [and that] considerations bearing upon other foreclosures and forced sales (to satisfy tax liens, for example) may be different." *Id.* at 537 n.3 and 545. Unlike the situation in *BFP* or *Blesdoe*, the Attorney General's review of the BlueMountain Transaction involves neither a foreclosure of real property or a state court's judgment for property division in a contested dissolution proceeding.

The Court should decline Movants' request to take judicial notice of documents pertaining to the Attorney General's conditional consent to the BlueMountain Transaction (including the Press Release announcing the Attorney General's conditional consent (the "AG Press Release") and the document setting forth the terms of that conditional consent (the "AG Conditional Consent")). These documents do not fall within the scope of the exception under which matters extraneous to the complaint may be judicially noticed in the context of a motion to dismiss, because the documents do not form an integral basis to the Complaint's fraudulent transfer claims.

3. Assured's Reply

Movants make the following arguments in their Reply to the Liquidating Trustee's Opposition to the Motion to Dismiss:

The Complaint's insolvency allegations are not sufficiently pleaded because the Liquidating Trustee relies on VHS' historical financial difficulties, most of which *predate* the \$100 million capital infusion by BlueMountain and the \$150 million in additional capital raised in connection with the BlueMountain Transaction.

The Liquidating Trustee's contention that *BFP* and *Blesdoe* have no precedential value ignores that the common principles animating those cases are present here.

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Specifically, those cases, like this one, involved decisions by authorized state actors under governing state law involving valuation issues, and a plaintiff that subsequently alleged a lack of reasonably equivalent value as a predicate to a fraudulent transfer claim.

It is entirely appropriate for the Court to judicially notice the AG Press Release and the AG Conditional Consent. The AG Conditional Consent is incorporated by reference into the Complaint. The Complaint describes the AG Conditional Consent, including paraphrasing nine of the conditions. With respect to the AG Press Release, courts routinely take judicial notice of matters of public record in the context of motions to dismiss. The Liquidating Trustee has failed to identify anything it disputes about the AG Press Release.

D. Summary of Papers Filed in Connection with Integrity's Motion to Dismiss

1. Integrity's Motion to Dismiss

In addition to joining Assured's Motion to Dismiss, Integrity makes the following additional arguments as to why dismissal for failure to state a claim is warranted:

First, the Complaint must be dismissed as to Integrity because the claims against Integrity have been released by the Plan. Although § 13.9(a)(xii) of the Plan appears to preserve the Complaint's claims against Integrity, § 13.9 is trumped by § 13.5.

Section 13.9(a)(xii) provides:

Except as provided in Section 7.1 hereof, nothing contained in this Plan shall be deemed a waiver or relinquishment of any claims or Causes of Action of the Debtors that are not settled with respect to Allowed Claims or specifically waived or relinquished by this Plan, which shall vest in the Liquidating Trust, subject to any existing valid and perfected security interest or lien in such Causes of Action. The Causes of Action preserved hereunder include, without limitation, claims, rights or other causes of action: ... (xii) all claims against Integrity Healthcare, LLC and BlueMountain Capital Management LLC.

The § 13.9(a)(xii) release is trumped by the release contained in § 13.5, which releases all "Causes of Action"—excepting claims for gross negligence or willful misconduct—"based on or relating to, or in any manner arising from, in whole or in part, ... the business or contractual arrangements between the Debtors and any Released Party." The term "Released Party" is defined to include "... the Debtors ...

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and their affiliates, and each current and/or former member, manager, officer, director, employee, counsel, advisor, professional, or agents of each of the foregoing who were employed or otherwise serving in such capacity before or after the Petition Date." Plan § 1.147. Importantly, the last sentence of Section 13.5(d) clarifies that "Claims against any Released Party that are released pursuant to this Section 13.5(d) shall be deemed waived and relinquished by this Plan *for purposes of Section 13.9.*" Plan § 13.5(d) (emphasis added). Section 13.5(d) of the Plan thus resolves any ambiguity and conclusively discharges any claim or cause of action that could have been brought by the Debtors against Integrity, other than claims for gross negligence or willful misconduct, which are not alleged here.

In addition, Integrity is also released by a provision contained within the Plan Settlement Agreement. Specifically, § 15 of the Plan Settlement Agreement provides that all parties thereto agree to:

[F]ully, finally, unconditionally, irrevocably and completely release and forever discharge each other and each of their predecessors, successors (including, without limitation, any chapter 11 or chapter 7 trustee of the Debtors or their estates), assigns, affiliates, subsidiaries, parents, partners, constituents, officers, directors, employees, attorneys and agents (past, present or future) and each of their respective heirs, successors, and assigns, of and from any and all claims, . . . causes of action, litigation claims, avoidance actions (including those that may arise under Chapter 5 of the Bankruptcy Code) and any other debts, obligations, rights, suits, damages, actions, remedies, judgments and liabilities whatsoever, whether known or unknown, foreseen or unforeseen, liquidated or unliquidated, fixed or contingent, matured or unmatured, in law or at equity, whether for tort, contract or otherwise, based in whole or in part upon any act or omission, transaction, event or other occurrence or circumstance existing, whether arising from or in any way related to the Debtors, their assets or property, the Chapter 11 Cases, or any aspect thereof

Second, Assured's Motion to Dismiss shows that the Attorney General's approval of the BlueMountain Transaction conclusively established that the transaction was complete for "reasonably equivalent value." The doctrine of issue preclusion prevents the Liquidating Trustee from attempting to relitigate the issue of reasonably equivalent value.

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2. The Liquidating Trustee's Opposition

The Liquidating Trustee makes the following arguments in opposition to Integrity's Motion to Dismiss:

There is no merit to Integrity's assertion that the claims asserted against it in the Complaint have been released by the Plan. Integrity ignores the fact that § 13.5(d)—the provision that it claims trumps the releases contained within § 13.9(a)(xii)—qualifies the scope of the release with the language "except as otherwise specifically provided in this Plan" Section 13.9(a)(xii) specifically provides that the claims against Integrity are not released. Integrity's reliance upon the release contained in the Plan Settlement is misplaced for the same reason: that release only applies "*except as expressly provided in the Plan*" Plan Settlement at § 15.

In support of its argument that § 13.5(d) trumps the release contained in § 13.9(a)(xii), Integrity points to the last sentence of § 13.5(d), which states that "[c]laims against any Released Party that are released pursuant to this Section 13.5(d) shall be deemed waived and relinquished by this Plan for purposes of Section 13.9." However, this provision does not rescue Integrity from the operation of § 13.9(a)(xii). The quoted language merely refers to the waiver and relinquishment mechanism set forth in § 13.9—namely, that "nothing contained in this Plan shall be deemed a waiver or relinquishment of any claims or Causes of Action of the Debtors that are not settled with respect to Allowed Claims or specifically waived or relinquished by this Plan, which shall vest in the Liquidating Trust" In other words, any claims not expressly preserved in § 13.9 are thereby waived and relinquished.

Even if there is some ambiguity in the Plan's release provisions, the more specific language of § 13.9(a)(xii) should be given effect over the broader language of § 13.5(d) and § 15 of the Plan Settlement.

Integrity's contention that the Liquidating Trustee is precluded from avoiding the Management Agreement and the Management Fees as constructively fraudulent is mistaken. Issue preclusion cannot apply because there was no full and fair opportunity to litigate the issue of "reasonably equivalent value" in connection with the Attorney General's review of the Blue Mountain Transaction.

3. Integrity's Reply

Integrity makes the following arguments in its Reply to the Liquidating Trustee's Opposition to its Motion to Dismiss:

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The Liquidating Trustee does not dispute that § 13.5(d) of the Plan and § 15 of the Settlement Agreement releases the claims against Integrity. He argues only that § 13.9 resurrects the released claims. This argument fails because § 13.5(d) expressly provides that the releases contained therein control over § 13.9: "Claims against any Released Party that are released pursuant to this Section 13.5(d) shall be deemed waived and relinquished by this Plan *for purposes of Section 13.9.*"

The Liquidating Trustee's argument that the final sentence of § 13.5(d) should be read to mean that "any claims not expressly preserved in section 13.9 are thereby waived and relinquished" impermissibly reads § 13.5(d) out of existence.

II. Findings and Conclusions

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.' A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citations omitted). To state a plausible claim for relief, a complaint must satisfy two working principles:

First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitations of the elements of a cause of action, supported by mere conclusory statements, do not suffice.... Second, only a complaint that states a plausible claim for relief survives a motion to dismiss. Determining whether a complaint states a plausible claim for relief will ... be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. But where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not "show[n]"—"that the pleader is entitled to relief."

Id. (citing Civil Rule 8(a)(2)).

Although the pleading standard Civil Rule 8 announces "does not require 'detailed factual allegations,' ... it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.... A pleading that offers 'labels and conclusions' or a 'formulaic recitation of the elements of a cause of action will not do.' Nor does a complaint suffice if it tenders 'naked assertion[s]' devoid of 'further factual

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enhancement.”” *Id.* (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

A. The Plan Did Not Release the Claims Against Integrity

The release provisions contained in § 13.5(d) of the Plan and § 15 of the Plan Settlement did not release the Liquidating Trustee’s claims against Integrity. The interpretation of § 13.5(d) advocated by Integrity would completely read § 13.9(a)(xii) out of the Plan. Section 13.9(a)(xii) clearly specifies that *all* claims against Integrity are preserved:

Except as provided in Section 7.1 hereof, nothing contained in this Plan shall be deemed a waiver or relinquishment of any claims or Causes of Action of the Debtors that are not settled with respect to Allowed Claims or specifically waived or relinquished by this Plan, which shall vest in the Liquidating Trust, subject to any existing valid and perfected security interest or lien in such Causes of Action. The Causes of Action preserved hereunder include, without limitation, claims, rights or other causes of action: ... (xii) *all claims* against Integrity Healthcare, LLC and BlueMountain Capital Management LLC.

Section 13.9(a)(xii) (emphasis added).

Integrity argues that § 13.9(a)(xii) does not mean what it says—that the Plan does not preserve *all* claims against Integrity. To make this argument, Integrity relies upon the final sentence in § 13.5(d), which provides that "Claims against any Released Party that are released pursuant to this Section 13.5(d) shall be deemed waived and relinquished by this Plan for purposes of Section 13.9." According to Integrity, this language means that the Plan discharges any claim against Integrity except for claims for gross negligence or willful misconduct.

The Court declines to adopt Integrity’s interpretation, because it does not square with the plain language of § 13.9(a)(xii). As noted above, § 13.9(a)(xii) preserves *all claims* against Integrity—not the preservation of only claims for gross negligence or willful misconduct. Had the Plan Proponents intended the result advocated by Integrity, they could have easily drafted § 13.9(a)(xii) to state that "[t]he Causes of Action preserved hereunder include ... (xii) only those claims arising from gross negligence or willful misconduct against Integrity Healthcare, LLC and BlueMountain Capital Management LLC." That is not what § 13.9(a)(xii) says.

Reading the Plan such that the Liquidating Trustee’s claims against Integrity are preserved gives meaning to both § 13.9 and the final sentence of § 13.5(d). Under this

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interpretation, the final sentence of § 13.5(d) means that any claims that are not expressly preserved in § 13.9 are deemed waived and relinquished. Because a confirmed Plan is a contract, the Court must read the Plan in a manner that gives meaning to each of its provision. *See Cree v. Waterbury*, 78 F.3d 1400, 1405 (9th Cir.1996) ("a court must give effect to every word or term employed by the parties and reject none as meaningless or surplusage . . .").

Integrity's assertion that claims against it were released by § 15 of the Plan Settlement fails because such an interpretation of § 15 would also read § 13.9(a)(xii) out of the Plan. In addition, the construction advocated by Integrity is not consistent with the plain language of § 15 of the Plan Settlement. Specifically, the releases set forth in § 15 are prefaced by the qualifier "*except as expressly provided in the Plan . . .*" Plan Settlement at § 15. Since § 13.9(a)(xii) expressly provides that the Plan does *not* release claims against Integrity, this prefatory qualifying languages renders § 15 of the Plan Settlement inapplicable to Integrity.

B. The Attorney General's Approval of the BlueMountain Transaction Did Not Establish that the Transaction was for "Reasonably Equivalent Value"

In *BFP v. Resolution Trust Corp.*, the Supreme Court held that, as a matter of law, a mortgage foreclosure sale conducted in accordance with state law is not a fraudulent transfer because compliance with state law conclusively established that the price obtained at that sale was for a "reasonably equivalent value." 511 U.S. 531, 544 (1994). Movants argue under the rationale of *BFP*, the Attorney General's approval of the BlueMountain Transaction establishes that the transaction was also for "reasonably equivalent value." This is so, Movants asserts, because the statute and regulations governing the Attorney General review process require the Attorney General to consider whether the transaction's terms were "at fair market value" and were "fair and reasonable to the nonprofit corporation." Cal. Code Regs., tit. 11, § 999.5(f).

Movants cite *In re Blesdoe* in support of their contention that *BFP*'s rationale applies to the present case. Movants note that in *Blesdoe*, the Ninth Circuit found that "a state court's dissolution judgment, following a regularly conducted, contested proceeding, conclusively establishes 'reasonably equivalent value' for the purpose of § 548, in the absence of actual fraud." *Id.* According to Movants, *Blesdoe* requires that *BFP*'s rationale be applied whenever there exists (1) an applicable state interest in support of (2) a state law proceeding to establish value (3) that is not contradicted by a "clear and manifest" statutory purpose in the Bankruptcy Code to override the relevant

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state law.

The Court declines to apply *BFP* and *Blesdoe* in the manner advocated by Movants. Cal. Corp. Code §§ 5914 *et seq.* requires the Attorney General to review a non-profit corporation's proposed transfer of a material amount of its assets. After conducting such review, the Attorney General may consent to the transfer, consent to the transfer with conditions, or decline to consent to the transfer. The purpose of the statute is "to ensure that the public [is] not deprived of the benefits of charitable health facilities as a result of the transfer of those facilities' assets" *In re Verity Health Sys. Of California, Inc.*, 598 B.R. 283, 294–95 (Bankr. C.D. Cal. 2018).

In reviewing a proposed transfer, the Attorney General "shall consider any factors that the Attorney General deems relevant," including but not limited to whether any of the following apply:

- a) The terms and conditions of the agreement or transaction are fair and reasonable to the nonprofit corporation.
- b) The agreement or transaction will result in inurement to any private person or entity.
- c) Any agreement or transaction that is subject to this article is at fair market value. In this regard, "fair market value" means the most likely price that the assets being sold would bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and in their own best interest, and a reasonable time being allowed for exposure in the open market.
- d) The market value has been manipulated by the actions of the parties in a manner that causes the value of the assets to decrease.
- e) The proposed use of the proceeds from the agreement or transaction is consistent with the charitable trust on which the assets are held by the health facility or by the affiliated nonprofit health system.
- f) The agreement or transaction involves or constitutes any breach of trust.
- g) The Attorney General has been provided, pursuant to Section 5250, with sufficient information and data by the nonprofit corporation to evaluate adequately the agreement or transaction or the effects thereof on the public.
- h) The agreement or transaction may create a significant effect on the availability or accessibility of health care services to the affected community.
- i) The proposed agreement or transaction is in the public interest.
- j) The agreement or transaction may create a significant effect on the availability

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and accessibility of cultural interests provided by the facility in the affected community.

Cal. Corp. Code § 5917.

The statute thus requires the Attorney General to consider a myriad of factors in determining whether to approve a nonprofit's proposed transfer of its assets—only one of which is whether the transfer is for "reasonably equivalent value." In this way, the Attorney General review process differs markedly from the transactions at issue in *BFP* and *Blesdoe*. In contrast to the multiple factors considered in the Attorney General review process, the only consideration in *BFP* was whether a foreclosure sale conducted in accordance with state law established "reasonably equivalent value." Similarly, in *Blesdoe*, the equitable distribution of marital property in a dissolution judgment—that is, whether the property distributed to each spouse was reasonably equivalent—was, if not the sole consideration, at least a primary consideration. Unlike the decision reached in the Attorney General review process, the decisions reached in the underlying state proceedings at issue in *BFP* and *Blesdoe* were not driven by consideration of multiple other factors completely unrelated to reasonably equivalent value—such as the effects of those decisions on the availability of healthcare resources or the effects of those decisions on the public at large.

In addition, nothing before the Court gives any indication of how much emphasis the Attorney General placed upon the issue of "reasonably equivalent value" in reviewing the BlueMountain Transaction. [**Note 1**] The only thing that is apparent from the record is that the Attorney General reviewed the BlueMountain Transaction, announced that the transaction would be approved with conditions, and announced that the review had included the consideration of five Health Care Impact Statements as well as "careful consideration" of public comments, "consultation with an independent health care expert, and discussions with concerned community members." AG Press Release. There has been no showing that the question of whether the transfer was for reasonably equivalent value was among the primary factors governing the decision.

The Court is also cognizant of the dangers of extending *BFP*'s holding to any transfer that occurs in connection with a regulated state procedure. As Judge O'Scannlain cautioned in a concurring opinion in *Blesdoe*:

In my view, we must guard against transforming *BFP* into a presumption that all transfers are for reasonably equivalent value simply because they occur

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pursuant to a regulated state procedure. We should rest our analysis as closely as possible on the reasoning of *BFP* and on a clear understanding of the nature of the specific state court judgment at issue. Practically, I fear that the majority's approach might insulate from attack as constructively fraudulent those conveyances in which, although they occur pursuant to a state procedure, the debtor clearly receives less than reasonably equivalent value in exchange for the property transferred.

Bledsoe, 569 F.3d 1106, 1120 (9th Cir. 2009).

The Court notes that in today's complex regulatory environment, a great number of transfers involve at least some review by state regulatory agencies in which valuation is among the factors that regulators consider. The broad interpretation of *BFP* advanced by Movants would severely limit the utility of the Bankruptcy Code's fraudulent transfer provisions. Any number of transactions could conceivably be insulated from attack on the ground that in approving the transfer, the state regulatory body found that reasonably equivalent value was received.

In view of the Court's finding that the AG Conditional Consent does not establish as a matter of law that transfers made in connection with the BlueMountain Transaction were for reasonably equivalent value, there is no merit to Integrity's argument that the fraudulent transfer claims are barred under principles of issue preclusion.

C. The Complaint Sufficiently Alleges Insolvency

The Complaint sufficiently alleges that VHS was insolvent at the time it entered into the Management Agreement and paid the Management Fees. The Complaint alleges that prior to entering into the BlueMountain Transaction, "VHS struggled to find a solution to continuing operating losses." Complaint at ¶ 3. Although BlueMountain agreed to contribute \$100 million and to arrange loans for another \$150 million in connection with the BlueMountain Transaction, *id.* at ¶ 38, the Complaint alleges that this capital infusion was largely offset by (a) the substantial obligations imposed by the Management Agreement and (b) VHS' need to repay a \$125 million short-term bridge loan by December 2015. *Id.* at ¶¶ 4 and 39(a). With respect to the obligations imposed by the Management Agreement, the Complaint alleges that as of the Petition Date, VHS had paid approximately \$65 million in Management Fees and was liable for an additional \$100 million in deferred Management Fees. *Id.* at ¶ 4. Moreover, the Complaint alleges that VHS could not escape its obligations under the

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Management Agreement, which extended through 2030, unless VHS paid a Termination Fee of "hundreds of millions of dollars." *Id.* at ¶ 48.

As long as a complaint contains "some factual basis as to the debtors' financial condition," it is not necessary for the complaint to contain detailed factual allegations regarding insolvency, because "[i]nsolvency is a factual inquiry that often evades determination at the motion to dismiss stage." *Emerald Capital Advisors Corp. v. BMW (In re FAH Liquidating Corp.)*, 572 B.R. 117, 128 (Bankr. D. Del. 2017); *see also Kaye v. Lone Star Fund V (U.S.), L.P.*, 453 B.R. 645, 675 (N.D. Tex. 2011) (rejecting argument that complaint's insolvency allegations were insufficient and finding that to plausibly allege insolvency, it was not necessary for the complaint to contain allegations regarding the relevant time period covered by a balance sheet or whether goodwill was included in a table of assets). A fraudulent transfer complaint need not allege "specific financial information" with respect to every aspect of the debtor's financial affairs, provided that "the Court can reasonably infer that the Debtor's financial health was either tenuous at the time of, or irreparably harmed by, the transfers" at issue. *Seitz v. Frorer (In re Covenant Partners, L.P.)*, 531 B.R. 84, 93 (Bankr. E.D. Pa. 2015).

Here, the Complaint alleges that VHS entered into the BlueMountain Transaction because it desperately needed additional capital after suffering years of operating losses. Complaint at ¶¶ 4 and 39(a). The Complaint further alleges that VHS remained insolvent even after the capital infusion provided by the BlueMountain Transaction, because the funds had to be used to repay substantial outstanding short-term debt and because of the significant additional obligations imposed by the Management Agreement. Complaint at ¶¶ 4, 39(a), and 48. Based upon these allegations, the Court can reasonably infer VHS' insolvency. Contrary to Movants' argument, it is not necessary for the Complaint to contain additional factual allegations regarding the value of VHS' assets at the time of the transfers or the expected value of the contingent Termination Fee obligation.

III. Conclusion

Based upon the foregoing, the Motions to Dismiss are both **DENIED**. Within seven days of the hearing, the Liquidating Trustee shall submit orders incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel

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Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

The Liquidating Trustee's objection to the Movants' request that the Court take judicial notice of the AG Press Release and the AG Conditional Consent is overruled. In the context of a motion to dismiss, a court may judicially notice documents extraneous to the Complaint if "the complaint refers to or necessarily relies on" the extraneous documents and "neither party disputes the authenticity" of the documents. *Grant v. Aurora Loan Services, Inc.*, 736 F.Supp. 2d 1257, 1265 n.37 (C.D. Cal. 2010). Here, the Complaint refers to the Attorney General's review of and consent to the BlueMountain Transaction. Therefore, the AG Press Release—which merely announced that the Attorney General had consented to the transaction—and the AG Conditional Consent may be judicially noticed without converting the instant Motions to Dismiss to Motions for Summary Judgment.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

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CONT... Verity Health System of California, Inc.

Chapter 11

Anna Kordas
Mary H Haas

Defendant(s):

Integrity Healthcare, LLC, John Doe	Represented By Bruce Bennett
Assured Investment Management	Pro Se
Bluemountain Guadalupe Peak Fund	Pro Se
Bluemountain Summit Opportunities	Pro Se
BMSP L.P., A Delaware Limited	Pro Se
Bluemountain Foinaven Master	Pro Se
Bluemountain Logan Opportunities	Pro Se
Bluemountain Monteners Master	Pro Se
John Doe Individuals 1 50	Pro Se
John Doe Companies 1 50	Pro Se
Integrity Healthcare, Llc, A	Represented By Bruce Bennett

Plaintiff(s):

Official Committee of Unsecured	Represented By Steven J. Katzman
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**United States Bankruptcy Court
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#81.00 HearingRE: [45] Motion to Dismiss Adversary Proceeding / Integrity Healthcare, LLC's Notice of Motion and Motion to Dismiss the First Amended Complaint and Joinder in Assured Investment Management LLC's Motion to Dismiss; Memorandum of Points and Authorities (Bennett, Bruce)

Docket 45

Tentative Ruling:

See Cal. No. 80, above, incorporated in full by reference.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Defendant(s):

Integrity Healthcare, LLC, John Doe

Represented By

Bruce Bennett

**United States Bankruptcy Court
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CONT... Verity Health System of California, Inc.

Chapter 11

Assured Investment Management	Represented By Chet Kronenberg
Bluemountain Guadalupe Peak Fund	Represented By Chet Kronenberg
Bluemountain Summit Opportunities	Represented By Chet Kronenberg
BMSP L.P., A Delaware Limited	Pro Se
Bluemountain Foinaven Master	Represented By Chet Kronenberg
Bluemountain Logan Opportunities	Represented By Chet Kronenberg
Bluemountain Monteners Master	Represented By Chet Kronenberg
John Doe Individuals 1 50	Pro Se
John Doe Companies 1 50	Pro Se
Integrity Healthcare, Llc, A	Represented By Bruce Bennett

Plaintiff(s):

Official Committee of Unsecured	Represented By Steven J. Katzman
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**United States Bankruptcy Court
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#82.00 HearingRE: [40] Motion to dismiss Assured Claims [FRCP 12(b)(6),FRBP 7012] and notice of motion , BlueMountain Guadalupe Peak Fund L.P., BlueMountain Summit Opportunities 13 Fund II (US) L.P., BlueMountain Foinaven Master Fund L.P., BlueMountain Logan Opportunities 14 Master Fund L.P., and BlueMountain Monteners Master Fund SCA SICA V-SIF (Lewis, Litaun)

Docket 40

Tentative Ruling:

See Cal. No. 80, above, incorporated in full by reference.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Defendant(s):

Integrity Healthcare, LLC, John Doe

Represented By

**United States Bankruptcy Court
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Bruce Bennett

Assured Investment Management	Pro Se
Bluemountain Guadalupe Peak Fund	Pro Se
Bluemountain Summit Opportunities	Pro Se
BMSP L.P., A Delaware Limited	Pro Se
Bluemountain Foinaven Master	Pro Se
Bluemountain Logan Opportunities	Pro Se
Bluemountain Monteners Master	Pro Se
John Doe Individuals 1 50	Pro Se
John Doe Companies 1 50	Pro Se
Integrity Healthcare, Llc, A	Represented By Bruce Bennett

Plaintiff(s):

Official Committee of Unsecured	Represented By Steven J. Katzman
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**United States Bankruptcy Court
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Los Angeles
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Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01248 Verity Business Services v. Collecto, Inc.

#1.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01248. Complaint by Verity Business Services against Collecto, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Collecto, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01249 Verity Holdings, LLC v. Colliers International Greater Los Angeles, Inc.

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01249. Complaint by Verity Holdings, LLC against Colliers International Greater Los Angeles, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-21

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Colliers International Greater Los

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01250 Verity Business Services v. Computer Credit, Inc.

#3.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01250. Complaint by Verity Business Services against Computer Credit, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Computer Credit, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01251 St. Francis Medical Center v. Cope Health Solutions

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01251. Complaint by St. Francis Medical Center against Cope Health Solutions. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cope Health Solutions

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01253 St. Vincent Medical Center v. Cross Country Healthcare Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01253. Complaint by St. Vincent Medical Center against Cross Country Healthcare Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cross Country Healthcare Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01254 Verity Medical Foundation v. CSI Medical Group

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01254. Complaint by Verity Medical Foundation against CSI Medical Group. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CSI Medical Group

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01256 St. Francis Medical Center v. Lemay, M.D., Ph.D., Inc.

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01256. Complaint by St. Francis Medical Center against Daniel R. Lemay, M.D., Ph.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Daniel R. Lemay, M.D., Ph.D., Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01258 Verity Health System of California, Inc. v. DataSite LLC

#8.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01258. Complaint by Verity Health System of California, Inc. against DataSite LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

DataSite LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 2, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01259 St. Francis Medical Center v. Datex-Ohmeda, Inc.

#9.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01259. Complaint by St. Francis Medical Center against Datex-Ohmeda, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Datex-Ohmeda, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01260 St. Francis Medical Center v. Friedberg, M.D., Inc.

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01260. Complaint by St. Francis Medical Center against David Friedberg, M.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

David Friedberg, M.D., Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 2, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01261 Verity Health System of California, Inc. v. Delta Dental of California

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01261. Complaint by Verity Health System of California, Inc. against Delta Dental of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Delta Dental of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01262 Seton Medical Center v. Diagnostica Stago Inc.

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01262. Complaint by Seton Medical Center against Diagnostica Stago Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Diagnostica Stago Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01263 O'Connor Hospital v. Diasorin Inc.

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01263. Complaint by O'Connor Hospital against Diasorin Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-4-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Diasorin Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01265 Verity Health System of California, Inc. v. Discovery Economics, Inc.

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01265. Complaint by Verity Health System of California, Inc. against Discovery Economics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Discovery Economics, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01266 St. Francis Medical Center v. DVA Renal Healthcare, Inc.

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01266. Complaint by St. Francis Medical Center against DVA Renal Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 10-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

DVA Renal Healthcare, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01268 Verity Health System of California, Inc. et al v. DYSEC 360, Corp. et al

#16.00 Status Hearing

RE: [7] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against Global 360 Protective Services. (RE: related document(s)1 Adversary case 2:20-ap-01268. Complaint by Verity Health System of California, Inc. against DYSEC 360, Corp.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Underdahl, Gary)

fr: 11-10-20

Docket 7

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

DYSEC 360, Corp.

Pro Se

Global 360 Protective Services

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Howard Grobstein

Represented By
Gary D Underdahl

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01272 Verity Medical Foundation v. Omron

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01272. Complaint by Verity Medical Foundation against Edward Omron. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

*** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Edward Omron

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01273 St. Vincent Medical Center v. Elsevier Inc.

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01273. Complaint by St. Vincent Medical Center against Elsevier Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-19-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Elsevier Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01275 Verity Health System of California, Inc. v. Emmi Solutions LLC

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01275. Complaint by Verity Health System of California, Inc. against Emmi Solutions LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Emmi Solutions LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01276 Verity Holdings, LLC v. Environmental Service Partners, Inc.

#20.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01276. Complaint by Verity Holdings, LLC against Environmental Service Partners, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Environmental Service Partners, Inc.

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01278 Verity Health System of California, Inc. v. Equinix, Inc.

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01278. Complaint by Verity Health System of California, Inc. against Equinix, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Equinix, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01279 O'Connor Hospital v. ER Express, LLC

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01279. Complaint by O'Connor Hospital against ER Express, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ER Express, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01280 Seton Medical Center v. Erbe USA, Inc.

#23.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01280. Complaint by Seton Medical Center against Erbe USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Erbe USA, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01281 Verity Health System of California, Inc. v. Escoffier Culinary, Inc.

#24.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01281. Complaint by Verity Health System of California, Inc. against Escoffier Culinary, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Escoffier Culinary, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01283 St. Vincent Medical Center v. Finished Floors, Inc.

#25.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01283. Complaint by St. Vincent Medical Center against Finished Floors, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-21-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Finished Floors, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01285 O'Connor Hospital v. FS Medical Technology

#26.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01285. Complaint by O'Connor Hospital against FS Medical Technology. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

FS Medical Technology

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01286 St. Francis Medical Center v. FUJIFILM Sonosite, Inc.

#27.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01286. Complaint by St. Francis Medical Center against FUJIFILM Sonosite, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

FUJIFILM Sonosite, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01289 Verity Health System of California, Inc. v. GE Medical Systems Information

#28.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01289. Complaint by Verity Health System of California, Inc. against GE Medical Systems Information Technologies, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

GE Medical Systems Information

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01290 Seton Medical Center v. Glaukos Corporation

#29.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01290. Complaint by Seton Medical Center
against Glaukos Corporation. (14 (Recovery of money/property - other))
(Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Glaukos Corporation

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01291 Verity Health System of California, Inc. v. Global Healthcare Exchange,

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01291. Complaint by Verity Health System of California, Inc. against Global Healthcare Exchange, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-4-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Global Healthcare Exchange, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01294 Verity Health System of California, Inc. v. Grant Thornton LLP

#31.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01294. Complaint by Verity Health System of California, Inc. against Grant Thornton LLP. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Grant Thornton LLP

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01295 St. Francis Medical Center v. Greg Owens Construction, Inc

#32.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01295. Complaint by St. Francis Medical Center against Greg Owens Construction, Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Greg Owens Construction, Inc

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01297 Verity Medical Foundation v. HD Ultrasound, LLC

#33.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01297. Complaint by Verity Medical Foundation against HD Ultrasound, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

HD Ultrasound, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01298 Verity Business Services v. Healthcare Cost Solutions, Inc.

#34.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01298. Complaint by Verity Business Services against Healthcare Cost Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr: 11-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Healthcare Cost Solutions, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01300 Verity Medical Foundation v. HIM Services, LLC

#35.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01300. Complaint by Verity Medical Foundation against HIM Services, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

HIM Services, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01301 Verity Health System of California, Inc. v. Hodges-Mace, LLC, an Alight

#36.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01301. Complaint by Verity Health System of California, Inc. against Hodges-Mace, LLC, an Alight company. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-4-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hodges-Mace, LLC, an Alight

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01304 Verity Holdings, LLC v. HSS Inc.

#37.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01304. Complaint by Verity Holdings, LLC
against HSS Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

HSS Inc.

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01311 St. Vincent Medical Center v. IntraNerve Neuroscience Holdings, LLC

#38.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01311. Complaint by St. Vincent Medical Center against IntraNerve Neuroscience Holdings, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

IntraNerve Neuroscience Holdings,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, February 2, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01312 Seton Medical Center v. ISI Inspection Services, Inc.

#39.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01312. Complaint by Seton Medical Center against ISI Inspection Services, Inc. Services, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-4-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ISI Inspection Services, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01313 St. Francis Medical Center v. J L and J Inc.

#40.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01313. Complaint by St. Francis Medical Center against J L and J Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

J L and J Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01314 St. Francis Medical Center v. J.A. Neurodiagnostics Medical Services, Inc.

#41.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01314. Complaint by St. Francis Medical Center against J.A. Neurodiagnostics Medical Services, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

J.A. Neurodiagnostics Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01315 O'Connor Hospital v. Bielski

#42.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01315. Complaint by O'Connor Hospital against Jamie Ann Bielski. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Jamie Ann Bielski

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01317 O'Connor Hospital v. Jet Medical Electronics, Inc.

#43.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01317. Complaint by O'Connor Hospital against Jet Medical Electronics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-8-2021**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Jet Medical Electronics, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01327 Verity Health System of California, Inc. v. LinkedIn Corporation

#44.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01327. Complaint by Verity Health System of California, Inc. against LinkedIn Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-25-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

LinkedIn Corporation

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01329 Seton Medical Center v. LivaNova USA, Inc.

#45.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01329. Complaint by Seton Medical Center against LivaNova USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

LivaNova USA, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01340 Verity Health System of California, Inc. v. MD Insider, Inc.

#46.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01340. Complaint by Verity Health System of California, Inc. against MD Insider, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MD Insider, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01343 St. Francis Medical Center v. Medical Electronics, Inc.

#47.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01343. Complaint by St. Francis Medical Center against Medical Electronics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Medical Electronics, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01349 O'Connor Hospital v. MGA Home Healthcare, L.L.C.

#48.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01349. Complaint by O'Connor Hospital against MGA Home Healthcare, L.L.C.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MGA Home Healthcare, L.L.C.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01351 Verity Medical Foundation v. MIREF Century, LLC

#49.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01351. Complaint by Verity Medical Foundation against MIREF Century, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

MIREF Century, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01354 Verity Health System of California, Inc. v. MoreDirect, Inc.

#50.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01354. Complaint by Verity Health System of California, Inc. against MoreDirect, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MoreDirect, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01383 Verity Medical Foundation v. Priority Healthcare Distribution, Inc.

#51.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01383. Complaint by Verity Medical Foundation against Priority Healthcare Distribution, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Priority Healthcare Distribution, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01438 Verity Medical Foundation et al v. TCPrince, LLC

#52.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01438. Complaint by Verity Medical Foundation, Verity Health System of California, Inc., Saint Louise Regional Hospital against TCPrince, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 AM..**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

TCPrince, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01481 St. Francis Medical Center v. Vista Paint Corporation

#53.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01481. Complaint by St. Francis Medical Center against Vista Paint Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Vista Paint Corporation

Represented By

Rachelle Singer

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Gary D Underdahl

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01549 St. Vincent Medical Center et al v. Otis Elevator Company

#54.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01549. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Otis Elevator Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr: 1-19-21

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Otis Elevator Company

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron
Gary D Underdahl

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, February 2, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01602 Seton Medical Center et al v. Optum360, LLC

#55.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01602. Complaint by Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, St. Francis Medical Center, Saint Louise Regional Hospital against Optum360, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-13-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Optum360, LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, February 2, 2021

Hearing Room 1575

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01603 St. Vincent Medical Center et al v. Ortho-Clinical Diagnostics, Inc.

#56.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01603. Complaint by St. Vincent Medical Center, Saint Louise Regional Hospital, St. Francis Medical Center, Seton Medical Center, O'Connor Hospital against Ortho-Clinical Diagnostics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Ortho-Clinical Diagnostics, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1645 Calendar**

Tuesday, February 2, 2021

Hearing Room 1645

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01604 O'Connor Hospital et al v. Osiris Therapeutics, Inc.

#57.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01604. Complaint by O'Connor Hospital, Saint Louise Regional Hospital, St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center against Osiris Therapeutics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 5-18-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Osiris Therapeutics, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Saint Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1645 Calendar**

Tuesday, February 2, 2021

Hearing Room 1645

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01605 O'Connor Hospital et al v. Pacific Gas and Electric Company

#58.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01605. Complaint by O'Connor Hospital, Seton Medical Center, Verity Holdings, LLC, Verity Medical Foundation, Saint Louis Regional Hospital against Pacific Gas and Electric Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 TA 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Pacific Gas and Electric Company

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01606 O'Connor Hospital et al v. Sodexo CTM LLC

#59.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01606. Complaint by O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital against Sodexo CTM LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-7-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sodexo CTM LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01607 St. Francis Medical Center et al v. Stryker Sales Corporation

#60.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01607. Complaint by St. Francis Medical Center, O'Connor Hospital, Saint Louise Regional Hospital, St. Vincent Medical Center, Seton Medical Center against Stryker Sales Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Stryker Sales Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01609 O'Connor Hospital et al v. Cardinal Health Pharmacy Service, LLC

#61.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01609. Complaint by O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital, Verity Health System of California, Inc. against Cardinal Health Pharmacy Service, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health Pharmacy Service,

Represented By

Lei Lei Wang Ekvall

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT...	Verity Health System of California, Inc.	Chapter 11
	Joseph L Steinfeld Jr Tania M Moyron	
St. Francis Medical Center	Represented By Joseph L Steinfeld Jr Tania M Moyron	
St. Vincent Medical Center	Represented By Joseph L Steinfeld Jr Tania M Moyron	
Saint Louise Regional Hospital	Represented By Joseph L Steinfeld Jr Tania M Moyron	
Verity Health System of California,	Represented By Joseph L Steinfeld Jr Tania M Moyron	

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01610 O'Connor Hospital et al v. Cardinal Health, Inc.

#62.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01610. Complaint by O'Connor Hospital, St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital, Verity Health System of California, Inc. against Cardinal Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health, Inc.

Represented By

Lei Lei Wang Ekvall

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01611 O'Connor Hospital et al v. Constellation Newenergy, Inc.

#63.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01611. Complaint by O'Connor Hospital, Saint Louise Regional Hospital, Verity Holdings, LLC, St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center against Constellation Newenergy, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Constellation Newenergy, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Saint Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01612 Verity Business Services et al v. MModal Services, Ltd.

#64.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01612. Complaint by Verity Business Services, St. Vincent Medical Center, Seton Medical Center, St. Francis Medical Center, Verity Health System of California, Inc., O'Connor Hospital against MModal Services, Ltd.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONITNUED 6-8-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MModal Services, Ltd.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT...	Verity Health System of California, Inc.	Chapter 11
Seton Medical Center	Represented By Joseph L Steinfeld Jr Tania M Moyron	
St. Francis Medical Center	Represented By Joseph L Steinfeld Jr Tania M Moyron	
Verity Health System of California,	Represented By Joseph L Steinfeld Jr Tania M Moyron	
O'Connor Hospital	Represented By Joseph L Steinfeld Jr Tania M Moyron	

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01613 Verity Medical Foundation et al v. Stericycle, Inc.

#65.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01613. Complaint by Verity Medical Foundation, Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, St. Francis Medical Center, Saint Louise Regional Hospital against Stericycle, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stericycle, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01614 St. Francis Medical Center et al v. Office Depot, Inc.

#66.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01614. Complaint by St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital, Verity Medical Foundation, Verity Business Services, Verity Health System of California, Inc. against Office Depot, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Office Depot, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 2, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01615 O'Connor Hospital v. Toyon Associates, Inc.

#67.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Toyon Associates, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01615. Complaint by O'Connor Hospital against Toyon Associates, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

Docket 2

***** VACATED *** REASON: DISMISSED 9-11-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Toyon Associates, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 3, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01387 Mastan, Chapter 7 Trustee v. Bank of Hope et al

#1.00 Hearing re [38] dispositive motions

Docket 0

***** VACATED *** REASON: NO DISPOSITIVE MOTIONS ARE ON
FILE. HEARING TO BE RESET IN THE EVENT A DISPOSITIVE
MOTION IS FILED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Bank of Hope

Represented By
J. Alexandra Rhim

Jason Young Cho

Pro Se

Youngduk Duk Cho

Pro Se

DOES 1-10 inclusive

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 3, 2021

Hearing Room 1568

10:00 AM

2:19-22227 Eric Ara Sanvelian

Chapter 7

#2.00 Hearing
RE: [22] Motion to Reopen Chapter 7 Case

Docket 22

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Debtor's Motion is **GRANTED**. A trustee shall be appointed by the U.S. trustee.

Pleadings Filed and Reviewed

1. Motion of Debtor to Vacate Order Closing Case and to Reopen; Memorandum of Points and Authorities and Declaration of Debtor in Support (the "Motion to Reopen") [Doc. No. 22]
 - a. Amended Notice of Motion for: Motion of Debtor to Vacate Order Closing Case and to Reopen; Memorandum of Points and Authorities and Declaration of Debtor in Support [Doc. No. 28]
2. Opposition of Ryder Truck Rental, Inc., Danny Zwerling, and Andre Guillaume to Debtor's Motion to Reopen Bankruptcy Case (the "Opposition") [Doc. No. 29]
 - a. Request for Judicial Notice in Support of Opposition of Ryder Truck Rental, Inc., Danny Zwerling, and Andre Guillaume to Debtor's Motion to Reopen Bankruptcy Case (the "Request for Judicial Notice") [Doc. No. 30]
3. Reply to Opposition to Motion of Debtor to Vacate Order Closing Case and to Reopen; Memorandum of Points and Authorities and Declaration of Debtor in Support of Motion (the "Reply") [Doc. No. 31]

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 3, 2021

Hearing Room 1568

10:00 AM

CONT... Eric Ara Sanvelian

Chapter 7

I. Facts and Summary of Pleadings

On October 16, 2019, Eric Ara Sanvelian (the "Debtor") filed his chapter 7 petition. On his schedules, the Debtor did not list that he was party to any pending proceedings, nor that he had any potential legal claims against anyone. The Debtor attended his 341(a) meeting and, on December 17, 2019, the chapter 7 trustee issued a report of no distribution. The Debtor received his discharge on January 27, 2020.

On January 2, 2021, the Debtor filed his Motion to Reopen. The Debtor is currently the plaintiff in a pending state court proceeding against Ryder Truck Rental, Inc., Danny Zwerling, and Andre Guillaume (the "Defendants"), asserting claims of discrimination, retaliation, wrongful termination, and others. The Debtor filed his state court complaint on October 29, 2019, while he was still a Debtor in this Court. Prior to filing for bankruptcy, the Debtor avers that he spoke with an attorney about his potential pre-petition employment claims and the attorney responded that "harassment and wrongful termination claims are extremely difficult to prove and that any such claim requires a great deal of evidence." Motion to Reopen at 3. Therefore, the Debtor decided that the claim was worthless and did not list it on his bankruptcy petition. Now, with the state court proceeding nearing a close, the Debtor seeks to reopen his bankruptcy case and list his employment discrimination claims. The Debtor argues that the claims could result in a settlement between \$10,000 and \$50,000, and he has unsecured obligations of approximately \$40,492. *Id.* at 4. The Debtor argues that this potential settlement would be for the benefit of his creditors.

On January 20, 2021, the Defendants filed their Opposition. The Defendants argue that the Debtor knew his employment claims had value but purposefully did not list them. Opposition at 2. The Defendants point to the fact that the Debtor filed his state court proceeding on October 29, 2019 and on the same day he filed a statement of financial affairs claiming that he was not party to any lawsuit or court action. Opposition at 3. The Debtor also did not disclose the state court proceeding at his 341(a) meeting on December 16, 2019. Currently the Defendants have a pending motion for summary judgment in the state court proceeding, which argues that the Debtor is estopped from pursuing an action against the Defendants because he did not list his interest in the case on his bankruptcy petition. That motion was scheduled to be heard on February 9, 2021. The Defendants argue that the Debtor does not have standing to pursue the state court proceeding because pre-petition claims are property of the bankruptcy estate and only the chapter 7 trustee can prosecute those claims. *Id.*

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 3, 2021

Hearing Room 1568

10:00 AM

CONT... Eric Ara Sanvelian

Chapter 7

at 5. The Defendants believe that the only reason the Debtor filed his Motion to Reopen was to prevent summary judgment in the state court proceeding. *Id.* at 6. Furthermore, the Defendants assert that, even if the suit settles, "[a]ll claims asserted in the state action are claims for personal injury arising prepetition. As such, the claims, if any, might be exempt pursuant to California Civil Code § 704.140." *Id.* The Defendants argue that "there is little likelihood creditors will benefit if the Debtor fully exempts the claim." *Id.* at 7. Finally, the Defendants assert that the Court ought to consider the Debtor's "willful omission of the claim notwithstanding having had ample opportunity to correct his misstatements both during his bankruptcy case and the 15-month period after he filed the state action." *Id.*

On January 27, 2021, the Debtor filed his Reply. The Debtor argues that the Opposition mischaracterizes his request for reopening because the Opposition points to no "credible evidence of any intentional concealment by the Debtor." Reply at 3. In addition, the Debtor notes that the Opposition characterizes the Debtor's state court claims as for personal injury, but the Debtor states that they are for "wrongful termination, discrimination, harassment, and other employment related claims." *Id.* Therefore, the contention that any recovery would be exempt and not payable to creditors is incorrect.

II. Findings of Fact and Conclusions of Law

A. The Creditor's Request for Judicial Notice

Federal Rule of Evidence 201 allows a court to take judicial notice of facts that are not subject to reasonable dispute because they are either "(1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." *In re Blumer*, 95 B.R. 143, 147 (B.A.P. 9th Cir. 1988). Accordingly, the Court will take notice of the documents in the Defendants' request, including the state court complaints and the Debtor's schedules.

B. The Debtor's Motion to Reopen

Section 350(b) provides: "A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause." In determining whether a case should be reopened, the Court must consider "whether further administration appears to be warranted" and "whether a trustee should be

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CONT... Eric Ara Sanvelian

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appointed." *Lopez v. Specialty Restaurants Corp. (In re Lopez)*, 283 B.R. 22, 26 (B.A.P. 9th Cir. 2002). A case must be reopened "where 'assets of such probability, administrability, and substance' appear to exist 'as to make it unreasonable under all the circumstances for the court not to deal with them.' A motion to reopen can be denied, however, where the chance of any substantial recovery for creditors appears 'too remote to make the effort worth the risk.'" *Id.* at 27 (internal citations omitted).

Here, there is a potential asset to be administered for the benefit of the creditors of the Debtor's estate. The Bankruptcy Court must therefore reopen the case to help facilitate administration of the Debtor's estate. The Defendants' first argument, that "[t]he prepetition claims asserted in the state action are property of the bankruptcy estate that can only be prosecuted by the bankruptcy trustee," is correct, but irrelevant. Opposition at 5. Upon the reopening of this case, a chapter 7 trustee will be appointed, and the trustee will decide whether to pursue the claims, not the Debtor. That the Debtor does not have standing to pursue a state court claim has no bearing on whether the Court will reopen his case. *See In re Lopez*, 283 B.R. at 27 (finding that any potential claims a debtor has belong to the bankruptcy estate and the trustee will determine their value and whether to prosecute them).

The Defendants' second argument, that there would be no benefit to the creditors of the estate because the asset would supposedly be exempt under California law from administration, is unlikely. The Debtor's state court complaint lists causes of action for:

1. Discrimination in Violation of the Fair Employment and Housing Act;
2. Harassment in Violation of the Fair Employment and Housing Act;
3. Retaliation in Violation of the Fair Employment and Housing Act;
4. Retaliation in Violation of Labor Code § 1102.5;
5. Wrongful Termination in Violation of Public Policy;
6. Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of the Fair Employment and Housing Act

Ex. 9 to Request for Judicial Notice. Currently, the Debtor has utilized California Code of Civil Procedure ("CCP") § 703 for his exemptions. *See* Ex. 3 to Request for Judicial Notice. Between § 703.140(b)(1) and (b)(5), the Debtor exempted a total of \$22,737.62, while the maximum exemption amount is \$30,825, leaving \$8,087.38 unused. The Debtor notes that his state court action may result in a settlement of

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between \$10,000 and \$50,000. Motion to Reopen at 2. Even if the settlement were on the lower end and the Debtor were to exempt a portion of the settlement, it is still possible that creditors could receive a payout. Furthermore, the Defendants argue that "all of the claims asserted in the State Action are claims for personal injury arising prepetition" and thus would be exempt under CCP § 704.140. If the Debtor were to switch to § 704 exemptions, he would be giving up his § 703.140(b)(1) and (b)(5) wildcard exemptions, which the Debtor has stated would be "imprudent."

Furthermore, even if it were to be assumed, *arguendo*, that the Debtor would refile his schedules and take an exemption under § 704.140, none of his state court causes of action are for personal injury. The Court in *Grego v. Pacific Western Bank* found that claims for "conversion, trespassing, [and] theft" do not fit within § 704.140(b). 551 B.R. 33, 39 (Bankr. E.D. Cal. 2016). The Court noted that even though in some instances "emotional distress" may be considered personal injury, it found that when the "crux of the action" was not emotional distress, the debtor could not claim an exemption under § 704.140(b). *Id.* Here, any emotional distress claim the Debtor may have is ancillary to his primary claims of wrongful termination and employment discrimination. Therefore, he could not claim any exemption under § 704.140(b).

Finally, the Defendants' argument that the Debtor's bad conduct should prevent the reopening of the case misstates the holding in *In re Lopez*. There, the debtor "signed a form provided by the California Department of Fair Employment and Housing . . . alleging sexual harassment by her employer." 283 B.R. at 24. Shortly thereafter, she declared bankruptcy and did not list her sexual harassment claim on any of her schedules. *Id.* After she filed her petition, she filed a state court action, asserting a sexual harassment claim, but still did not update her schedules. *Id.* The trustee in the bankruptcy case filed a no asset report and she received her discharge. *Id.* Over a year and a half later, the defendant in her state court told Lopez that it was going to file a motion for summary judgment, alleging that Lopez was estopped from asserting a claim of sexual harassment because she did not list it in her bankruptcy petition. *Id.* at 25. Lopez filed a motion to reopen her bankruptcy case, but the court denied the motion. The Bankruptcy Appellate Panel of the Ninth Circuit reversed and reopened her case, holding that "a former debtor's alleged bad faith is never a sufficient basis by itself to deny a motion to reopen to schedule an asset that has the potential to benefit creditors." *Id.* at 24. The facts of the instant case are virtually identical to *Lopez*. The Debtor's declaration categorically states that he believed the claims to be worthless and that if he had realized the claims' value, he would have

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scheduled it. Declaration of Eric Sanvelian at ¶¶ 7 & 11. Therefore, because there is a potential asset to be administered for the benefit of creditors, the Court must reopen the Debtor's case.

III. Conclusion

For the reasons set forth above, the Debtor's Motion to Reopen is **GRANTED and a trustee shall be appointed by the U.S. trustee.**

The Debtor is directed to lodge a conforming proposed order, incorporating the tentative ruling by reference, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Eric Ara Sanvelian

Represented By
Khachik Akhkashian

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:19-24704 Jesus Navarro Jr

Chapter 7

#3.00 APPLICANT: Timothy J Yoo, Trustee

Hearing re [53] and [54] re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$1,950.00 [*see* Doc. No. 53]

Total Trustee's Expenses: \$8.80 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

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CONT... Jesus Navarro Jr

Chapter 7

Debtor(s):

Jesus Navarro Jr

Represented By
Daniel King

Trustee(s):

Timothy Yoo (TR)

Represented By
Kristofer R McDonald

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10:00 AM

2:19-24704 Jesus Navarro Jr

Chapter 7

#4.00 APPLICANT: Lane & Nach, P.C., Attorney

Hearing re [53] and [54] re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$7,238.87 approved (the total amount requested reflects a voluntary waiver of \$3,343.63 in order to allow for a higher distribution to the creditors of the estate [*See* Doc. Nos. 43 & 49])

Expenses: \$211.13 approved [*See* Doc. No. 43]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

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CONT... Jesus Navarro Jr

Chapter 7

Party Information

Debtor(s):

Jesus Navarro Jr

Represented By
Daniel King

Trustee(s):

Timothy Yoo (TR)

Represented By
Kristofer R McDonald

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2:19-24704 Jesus Navarro Jr

Chapter 7

#5.00 United States Bankruptcy Court; Clerk of the Court Costs

Hearing re [53] and [54] re Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/2/2021

See calendar no. 3, incorporated by reference in full.

Party Information

Debtor(s):

Jesus Navarro Jr

Represented By
Daniel King

Trustee(s):

Timothy Yoo (TR)

Represented By
Kristofer R McDonald

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2:20-19227 Angela Sallis

Chapter 7

#6.00 Hearing
RE: [10] Motion to disgorge attorney's fees under 11 U.S.C. section 329 by U.S.
Trustee

Docket 10

***** VACATED *** REASON: PER ORDER ENTERED 1-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Sallis

Represented By
David R Chase

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, February 3, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#7.00 Hearing

RE: [6278] Motion to Allow Claim /Motion of Smith & Nephew, Inc. for Allowance and Payment of Post-Petition Administrative Expense Claim

fr: 1-6-21

Docket 6278

***** VACATED *** REASON: PER ORDER ENTERED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

United States Bankruptcy Court
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10:00 AM

2:20-20772 FDZ Homes, Inc.

Chapter 11

#8.00 Status Hearing

RE: [1] Chapter 11 Subchapter V Voluntary Petition Non-Individual. Inc. Chapter 11 Plan Small Business Subchapter V Due by 03/8/2021

Docket 1

*** VACATED *** REASON: PER ORDER ENTERED 2-1-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FDZ Homes, Inc.

Represented By
Andrew S Bisom

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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Hearing Room 1568

10:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 11

#9.00 Hearing
RE: [289] Notice of Motion and Motion in Individual Ch 11 Case for Order
Employing Professional (LBR 2014-1): Marshack Hays LLP as Counsel for
Examiner

Docket 289

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Employment Application is **GRANTED** with employment effective as of December 16, 2020.

Pleadings Filed and Reviewed

1. Application by Chapter 11 Examiner to Employ Marshack Hays LLP as Counsel; and Declaration of David A. Wood in Support (the "Employment Application") [Doc. No. 289]
 - a. Notice of Application by Chapter 11 Examiner to Employ Marshack Hays LLP as Counsel [Doc. No. 290]
2. Debtor's Opposition to the Examiner's Application to Employ Marshack Hays LLP as Counsel and Declaration in Support Thereof (the "Opposition") [Doc. No. 306]
3. Reply to Debtor's Opposition to the Application by Chapter 11 Examiner to Employ Marshack Hays LLP as Counsel; and Declaration of David A. Wood in Support (the "Reply") [Doc. No. 314]
 - a. Signature Page of Chapter 11 Examiner Howard B. Grobstein Re: Reply to Debtor's Opposition to the Application by Chapter 11 Examiner to Employ Marshack Hays LLP as Counsel; and Declaration of David A. Wood in Support [Doc. No. 318]

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CONT... Chineseinvestors.com, Inc.

Chapter 11

I. Facts and Summary of Pleadings

On June 18, 2020, Chineseinvestors.com, Inc. (the "Debtor") filed its voluntary chapter 11 petition. On January 25, 2021, the Court entered an order converting the case to one under chapter 7 of the Bankruptcy Code. Prior to entering said order, there was a lengthy dispute between the chapter 11 Examiner (the "Examiner") and the Debtor over whether portions of the Examiner's Report [Doc. No. 281] would need to be filed under seal. In determining whether documents that the Examiner received from the Debtor were subject to certain privacy laws, the Examiner employed Marshack Hays LLP ("Marshack Hays") to advise him. The Examiner filed a redacted version of the Examiner's Report on January 4, 2021.

On January 8, 2021, the Examiner filed his Employment Application. The Examiner recounts certain email discussions with the Debtor's counsel and their exchange of documents. Notably, after the Examiner requested that the Debtor's counsel and the Creditors' Committee confirm that information contained in his Examiner's Report could be published in an unredacted format, on December 16, 2020, the Debtor's counsel responded:

[i]f you cannot work out some kind of deal that is acceptable to Rachel [the Debtor's counsel] and the Debtor, and if you file the Examiner's Final Report [and it] exposes the private indemnity or data of third parties [*sic*], the Debtor and its Professionals will support any third-party claims made against the Examiner for said violations of the California Constitution.

Employment Application at 3. The Examiner, not being an attorney, was concerned and "felt the need to retain counsel, in order to fulfill his duties as set forth in the Examiner Order." *Id.* He claims that he "needed the assistance of counsel to advise him on the matter, file the motion to file under seal, and to [re]present him in any meritless claims asserted by the Debtor and/or third parties." *Id.* at 4. The Examiner, in line with Federal Rule of Bankruptcy Procedure ("FRBP") 2014, provides details about the proposed firm, including its extensive experience in the bankruptcy field, that the firm has no interest adverse to the Debtor, and the attorneys' hourly rates. *Id.* at 5.

On January 20, 2021, the Debtor filed its Opposition. The Debtor first argues that its email to the Examiner was not a threat because it was merely "protecting the

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CONT... **Chineseinvestors.com, Inc.**

Chapter 11

rights of innocent third parties." Opposition at 2. The Debtor believes that the email was inviting the Examiner to "engage in good faith with the Debtor's counsel to resolve these issues." *Id.* at 3. The Debtor also asserts that there is no need for the Examiner to retain counsel because the Debtor's argument that the Examiner's Report must be filed under seal is correct since the Examiner's Report contains personal information of the Debtor's employees that is protected by the California Constitution. *Id.* The Debtor also argues that because it is unclear exactly how Marshack Hays will be compensated, the Employment Application should be denied. The Debtor thinks that the Employment Application implies that Marshack Hays will be "retained by the Estate on a contingency fee basis and not an hourly basis." *Id.* Finally, the Debtor argues that the estate in this case is small and cannot afford to pay another professional. *Id.* at 6.

On January 27, 2021, the Examiner filed his Reply. He reiterates most of his arguments from his Employment Application. He also clarifies that Marshack Hays will be compensated based on an hourly structure that is laid out in the Employment Application, and not based on a contingency agreement as the Opposition suggests. Reply at 4. In addition, the Examiner states that Marshack Hays will not be paid until it files a fee application with the Court and the Court approves such fees, assuaging the Debtor's concerns that Marshack Hays' fees could unnecessarily drain what little capital the Debtor has. *Id.* at 5.

II. Findings of Fact and Conclusions of law

Pursuant to 11 U.S.C. § 327(a), a debtor-in-possession may employ a professional or professional organization that does not hold or represent an interest adverse to the estate, and that qualifies as a disinterested person, to represent or assist the debtor-in-possession in carrying out the debtor-in-possession duties under Title 11. Pursuant to FRBP 2014, an employment application brought under § 327 must state:

the specific facts showing the necessity for the employment, the name of the person to be employed, the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and, to the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States

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CONT... **Chineseinvestors.com, Inc.**
trustee.

Chapter 11

Fed. R. Bankr. P. 2014(a). Additionally, Local Bankruptcy Rule ("LBR") 2014-1(b) (3)(A)-(E) sets forth a list of information to be included in any notice of an employment application.

Having reviewed the Employment Application and the Declaration of David Wood in Support, the Court determines that the Employment Application contains sufficient information to satisfy the requirements of FRBP 2014 and LBR 2014-1(b) (3). The Examiner's concern about the Debtor's counsel's threat of litigation was not unfounded and it was understandable that the Examiner would feel the need to hire counsel in order to review the Examiner's Report and determine what portions, if any, needed to be filed under seal. In addition, the Debtor's argument, that certain portions of the Examiner's Report are subject to the California Constitution and they must be filed under seal, is essentially moot as this Court entered an order on January 26, 2021 converting the case to one under chapter 7 of the Bankruptcy Code. *See* Doc. No. 310. Therefore, the issue of whether certain portions of the Examiner's Report must be filed under seal is not something that this Court is in a place to adjudicate. The Court also finds that the Employment Application sufficiently describes the payment scheme for Marshack Hays by noting the hourly rates for the attorneys and that payment will be pursuant to 11 U.S.C. §§ 330 & 331. However, the driving force behind the Examiner's Employment Application was the threat of *litigation* from the Debtor's counsel. Now that the case has been converted to chapter 7 and the chapter 7 trustee will decide how to proceed with respect to the Examiner's Report, the threat of litigation against the Examiner seems to have gone away. Marshack Hays' work for the estate consisted of determining which portions of the Examiner's Report may have needed to be filed under seal, and filing the *Motion to File Under Seal the Examiner's Report*. *See* Doc. No. 279 Accordingly, should Marshack Hays seek fees, the Court expects those fees to be minimal and only with respect to the work done surrounding the possible sealing of the Examiner's Report.

Finally, the Examiner's request for an effective date of December 1, 2020 is a request for a *nunc pro tunc* order. Courts may issue *nunc pro tunc* orders "to reflect the reality of what has already occurred." *Roman Catholic Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano*, 140 S. Ct. 696, 700-01 (2020) (citing *Missouri v. Jenkins*, 495 U.S. 33, 49 (1990)). However, a Court's ability to do so is severely limited: "[p]ut plainly, the court 'cannot make the record what it is not.'" *Id.* at 701

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(quoting *Jenkins*, 495 U.S. at 49). The Ninth Circuit held that a *nunc pro tunc* approval of employment "should be limited to situations in which 'exceptional circumstances' exist." *In re Atkins*, 69 F.3d 970, 974 (9th Cir. 1995). "To establish the presence of exceptional circumstances, professionals seeking retroactive approval must satisfy two requirements: they must (1) satisfactorily explain their failure to receive prior judicial approval; and (2) demonstrate that their services benefitted the bankrupt estate in a significant manner." *Id.* Here, the Examiner has failed to address the delay in filing the Employment Application. In addition, while Marshack Hays reviewed the Examiner's Report and filed the *Motion to File Under Seal the Examiner's Report*, the Examiner has not met the high burden of demonstrating that Marshack Hays' services "benefitted the bankruptcy estate in a significant manner." In addition, the Examiner claims that he did not seek to retain counsel prior to receiving the December 16, 2020 email from the Debtor's counsel. Therefore, the Examiner's request for a *nunc pro tunc* order is denied. The effective date of Marshack Hays' employment will be December 16, 2020.

III. Conclusion

Based upon the foregoing, the Employment Application is GRANTED with employment effective as of December 16, 2020.

The Examiner shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

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Hearing Room 1568

11:00 AM

2:19-17051 Marlon Camar Salamat

Chapter 7

Adv#: 2:19-01416 Linsangan v. Salamat et al

#100.00 Hearing
RE: [65] Motion Notice of Motion and Motion For Attorney's Fees and Costs As
the Prevailing Party After Trial,

Docket 65

Tentative Ruling:

2/2/2021

See Cal. No. 100.10, below, incorporated in full by reference.

Party Information

Debtor(s):

Marlon Camar Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Defendant(s):

Marlon Salamat

Represented By
David Brian Lally

Daisy Salamat

Represented By
David Brian Lally

DOES 1-10, Inclusive

Pro Se

Joint Debtor(s):

Daisy Anne Boiser Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Plaintiff(s):

Maria Linsangan

Represented By
Sergio A Rodriguez

**United States Bankruptcy Court
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CONT... Marlon Camar Salamat

David Brian Lally

Chapter 7

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1568

11:00 AM

2:19-17051 Marlon Camar Salamat

Chapter 7

Adv#: 2:19-01416 Linsangan v. Salamat et al

#100.10 HearingRE: [71] Application for Compensation Notice of Motion and Motion For Attorney's Fees and Costs As the Prevailing Party After Trial, and Declaration of Marlon Salamat, with Proof of Service for David Brian Lally, Debtor's Attorney, Period: 10/8/2019 to 12/31/2020, Fee: \$20946.25, Expenses: \$233.00.

Docket 71

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, Defendants are entitled to an award of attorneys' fees in the amount of \$20,946.25 and costs in the amount of \$233.00, pursuant to Cal. Civ. Code § 1717(a).

Pleadings Filed and Reviewed:

- 1) Defendants' Notice of Motion and Motion for Attorney's Fees and Costs After Trial as the Prevailing Party [Doc. No. 71] (the "Motion")
 - a) Declaration of David B. Lally, Esq. in Support of Defendants' Notice of Motion and Motion for Attorney's Fees and Costs After Trial as the Prevailing Party [Doc. No. 72]
- 2) Plaintiff's Opposition to Defendant's Motion for Attorney's Fees and Costs [Doc. No. 74]
- 3) Defendants' Reply to Opposition to Motion for Attorney's Fees and Costs After Trial as the Prevailing Party [Doc. No. 76]

I. Facts and Summary of Pleadings

On December 30, 2020, the Court entered a *Memorandum of Decision Finding that Plaintiff is Not Entitled to a Judgment of Non-Dischargeability Against*

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CONT... **Marlon Camar Salamat**

Chapter 7

Defendants [Doc. No. 63] (the “Memorandum”) and a corresponding *Judgment in Favor of Defendants* [Doc. No. 64] (the “Judgment”). Plaintiff did not timely appeal the Judgment, which is now final.

The Memorandum found that Plaintiff was not entitled to a judgment of non-dischargeability against the Defendants under § 523(a)(2)(A), (a)(2)(B), or (a)(6). In making these findings, the Court found that Defendants were personally liable for the indebtedness arising in connection with a Loan Agreement dated March 4, 2017 (the “Loan Agreement”). The Court noted that under the express terms of the Loan Agreement, At Home Therapy (an LLC solely owned by the Defendants) was liable for the indebtedness at issue. However, the Court found that the Defendants were personally liable for At Home Therapy’s debts under the alter ego doctrine, because Defendant Marlon Salamat had used At Home Therapy’s business account to pay his personal expenses and the personal expenses of his spouse, Daisy Salamat. Although finding that Defendants were personally liable under the Loan Agreement, the Court found that Plaintiff had failed to show that Defendants’ liability should be excepted from discharge under § 523(a)(2)(A), (a)(2)(B), or (a)(6).

Defendants now seek attorneys’ fees in the amount of \$20,946.25 and costs in the amount of \$233.00, pursuant to Cal. Civ. Code § 1717(a). In support of the alleged entitlement to fees and costs, Defendants point to ¶ 12 of the Loan Agreement, which provides that Plaintiff is entitled to “the complete legal costs incurred by enforcing this Agreement as a result of any default by the Borrower” Defendants argue that they are entitled to attorneys’ fees and costs under the fee-shifting provision set forth in Cal. Civ. Code § 1717(a).

Plaintiff opposes the Motion. She argues that fees are not warranted under Cal. Civ. Code § 1717(a) because the action involved dischargeability issues, did not require interpretation of the underlying contract, and was not an attempt to enforce the contract. She also asserts that awarding Defendants fees would reward Defendants for their breach of the Loan Agreement.

In their Reply, Defendants argue that Cal. Civ. Code § 1717(a)’s fee provision applies because Plaintiff’s action attempted to enforce the Loan Agreement by, among other things, seeking to hold Defendants personally liable for the indebtedness established by the Loan Agreement.

II. Findings and Conclusions

A. Defendants Are Entitled to Attorneys’ Fees and Costs Under Cal. Civ. Code § 1717(a)

Cal. Civ. Code § 1717(a) provides in relevant part:

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In any action on a contract, where the contract specifically provides that attorney's fees and costs, which are incurred to enforce that contract, shall be awarded either to one of the parties or to the prevailing party, then the party who is determined to be the party prevailing on the contract, whether he or she is the party specified in the contract or not, shall be entitled to reasonable attorney's fees in addition to other costs.

The Ninth Circuit has explained the operation of this provision as follows:

California Civil Code § 1717 makes reciprocal an otherwise unilateral contractual obligation to pay attorney's fees. Three conditions must be met before the statute applies. First, the action in which the fees are incurred must be an action "on a contract," a phrase that is liberally construed. Second, the contract must contain a provision stating that attorney's fees incurred to enforce the contract shall be awarded either to one of the parties or to the prevailing party. And third, the party seeking fees must be the party who "prevail[ed] on the contract," meaning ... "the party who recovered a greater relief in the action on the contract."

Penrod v. AmeriCredit Fin. Svcs., Inc. (In re Penrod), 802 F.3d 1084, 1087–88 (9th Cir. 2015) (internal citations omitted).

"Under California law, an action is 'on a contract' when a party seeks to enforce, or avoid enforcement of, the provisions of the contract." *Id.* at 1088. In the context of a non-dischargeability proceeding, whether an action is "on a contract" depends upon whether adjudicating the dischargeability question requires the Court to assess the validity or enforceability of any provision in the underlying contract. For example, in *Bos v. Bd. of Trustees*, the Ninth Circuit held that a dischargeability proceeding was not an "action on a contract" because the proceeding did not require consideration of the enforceability of the contract giving rise to the indebtedness that was alleged to be non-dischargeable:

As the parties agree, "[t]here was no 'breach of contract' claim in the Trust Funds' adversary complaint." The non-dischargeability proceeding arose entirely under the federal Bankruptcy Code, and in no way required the bankruptcy court to determine whether or to what extent the Trust Agreements or the Note were enforceable against Bos, or whether Bos had violated their

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terms. Those questions had been answered in arbitration, and confirmed by a State Court; indeed, in the non-dischargeability action Bos conceded that such contracts were valid and that he had breached them. The litigation from that point forward asked only whether federal bankruptcy law forbade Bos from discharging the debts everyone agreed he owed to the Funds. Such litigation is collateral to a contract rather than “on a contract”

818 F.3d 486, 490 (9th Cir. 2016).

The Ninth Circuit reached a similar conclusion in *American Express Travel Rel. Svcs. Co. Inc. v. Hashemi (In re Hashemi)*, 104 F.3d 1122 (9th Cir. 1997). In that case, the court held that a dischargeability proceeding was not an action “on a contract” because the “bankruptcy court did not need to ‘determine the enforceability of the ... agreement to determine dischargeability’” *Id.* at 1126.

In contrast to *Bos* and *Hashemi*, in the present case the Court was required to examine the enforceability of the underlying contract (the Loan Agreement) to determine the dischargeability issues. Specifically, the Court was required to examine whether the Loan Agreement was enforceable against the Defendants under alter ego principles, as opposed to being enforceable only against At Home Therapy. Only after finding that the Loan Agreement was enforceable against the Defendants was the Court able to consider the dischargeability issues. As the Court explained in the Memorandum:

As the Ninth Circuit has explained, a non-dischargeability action requires consideration of two distinct issues: first, a determination of whether the Defendants are indebted to the Plaintiff; and second, a determination of whether the indebtedness is non-dischargeable. *Banks v. Gill Distribution Centers, Inc.*, 263 F.3d 862, 868 (9th Cir. 2001).

Under the express terms of the Loan Agreement, At Home Therapy, not the Defendants, are liable for the indebtedness. Nothing in the Loan Agreement indicates that Defendants guaranteed repayment of the indebtedness incurred by At Home Therapy. In addition, the Loan Agreement contains an integration clause providing that “[t]his Agreement constitutes the entire agreement between the parties and there are no further items or provisions, either oral or otherwise.” However, Linsangan has shown that Defendants are personally liable for At Home Therapy’s debts by proving that Defendants are the alter ego of At Home Therapy....

[T]he circumstances under which shareholders of a corporation may be

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held liable for the corporation's debt are governed by state law. The Loan Agreement provides that it "will be construed in accordance with and governed by the laws of the State of California." California law governs whether the corporate veil may be pierced to hold Defendants liable for At Home Therapy's debts.

Memorandum at 6–7 (footnotes omitted).

As the Memorandum illustrates, in examining the enforceability of the Loan Agreement against the Defendants, the Court was required to construe various provisions of the Loan Agreement—including the Loan Agreement's integration clause and choice-of-law provisions. Unlike the courts in *Bos* and *Hashemi*, the Court analyzed and construed the Loan Agreement in determining the dischargeability issue. The Loan Agreement was not merely collateral to the dischargeability litigation; it formed an integral part of that litigation. Consequently, for purposes of Cal. Civ. Code § 1717(a), the dischargeability litigation qualifies as an action "on a contract."

The other requirements of Cal. Civ. Code § 1717(a) are also satisfied. The Loan Agreement contains a provision stating that the attorney's fees incurred to enforce the contract shall be awarded to the Plaintiff. Specifically, the Loan Agreement provides:

All costs, expenses and expenditures including, without limitation, the complete legal costs incurred by enforcing this Agreement as a result of any default by the Borrower, will be added to the principal then outstanding and will immediately be paid by the Borrower.

Loan Agreement at ¶ 12.

In addition, the party seeking attorneys' fees—the Defendants—prevailed against Plaintiff's attempt to enforce the Loan Agreement against them. Defendants are entitled to an award of the reasonable attorneys' fees and costs incurred in defeating Plaintiff's attempts to enforce the Loan Agreement.

Plaintiff cites *Fobian v. Western Farm Credit Bank (In re Fobian)*, 951 F.2d 1149 (9th Cir. 1991) for the proposition that attorneys' fees are not recoverable because the litigation involved issues arising under bankruptcy law. Plaintiff's reliance upon *Fobian* is misplaced because it was overruled by the Supreme Court in *Travelers Cas. & Sur. Co. of Am. v. Pac. Gas & Elec. Co.*:

In rejecting Travelers' claim for contractual attorney's fees, the Court of

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Appeals ... [relied] solely on a rule of that court's own creation—the so-called *Fobian* rule—which dictates that “attorney fees are not recoverable in bankruptcy for litigating issues ‘peculiar to federal bankruptcy law.’” 167 Fed.Appx., at 594 (quoting *Fobian*, 951 F.2d, at 1153)....

The *Fobian* rule finds no support in the Bankruptcy Code, either in § 502 or elsewhere. In *Fobian*, the court did not identify any provision of the Bankruptcy Code as providing support for the new rule.

549 U.S. 443, 451–52, 127 S. Ct. 1199, 1205, 167 L. Ed. 2d 178 (2007).

Finally, Plaintiff argues that allowing Defendants to recover attorneys' fees would be inequitable because Defendants breached the Loan Agreement, and an award of attorneys' fees would effectively award Defendants damages for breaching the contract. Plaintiff is incorrect. The award of attorneys' fees to Defendants is not an award of damages in connection with the breach of the Loan Agreement. Instead, the award compensates Defendants for the costs incurred to defeat Plaintiff's attempts to enforce the Loan Agreement against them, and is dictated by the fee-shifting provision set forth in Cal. Civ. Code § 1717(a).

B. Defendants Are Entitled to Attorneys' Fees in the Amount of \$20,946.25 and Costs in the Amount of \$233.00

The Court "must calculate awards for attorneys' fees using the 'lodestar' method, and the amount of that fee must be determined on the facts of each case. The 'lodestar' is calculated by multiplying the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008) (internal citations and quotations omitted).

Plaintiff has not challenged the reasonableness of the fees and costs sought by Defendants. The Court has reviewed the billing records of Defendants' counsel, and finds the fees and costs sought to be reasonable. Counsel's billing rate is \$325 per hour. Counsel has practiced bankruptcy litigation for 31 years.

"The 'prevailing market rates in the relevant community' set the reasonable hourly rate for purposes of computing the lodestar amount.... 'Generally, when determining a reasonable hourly rate, the relevant community is the forum in which the district court sits.' Within this geographic community, the district court should 'tak[e] into consideration the experience, skill, and reputation of the attorney [or paralegal].'" *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1205–1206 (9th Cir. 2013) (internal citations omitted).

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Taking into account the experience, skill, and reputation of Defendants' counsel, the Court finds that the hourly rate charged is reasonable. The rate is well within the prevailing market rate for practitioners of comparable experience, skill, and reputation in the Central District of California.

The Court must next determine whether the number of hours expended on the litigation by Defendants' counsel was reasonable. "Ultimately, a 'reasonable' number of hours equals '[t]he number of hours ... [which] could reasonably have been billed to a private client.'" *Gonzalez*, 729 F.3d at 1202 (internal citations omitted).

Counsel spent 64.45 hours litigating the matter. A total of 64.45 hours for representing Defendants throughout the entire course of a dischargeability proceeding is more than reasonable. Counsel was required to prepare an Answer to the Complaint, propound and respond to discovery, prepare a trial brief, prepare a proposed Pretrial Order, and appear at trial.

Costs of \$233.00 for CourtCall appearance fees and photocopying are also reasonable.

III. Conclusion

Based upon the foregoing, Defendants are entitled to an award of attorneys' fees in the amount of \$20,946.25 and costs in the amount of \$233.00, pursuant to Cal. Civ. Code § 1717(a). Within seven days of the hearing, Defendants shall submit a judgment for fees and costs incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Marlon Camar Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

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Defendant(s):

Marlon Salamat

Represented By
David Brian Lally

Daisy Salamat

Represented By
David Brian Lally

DOES 1-10, Inclusive

Pro Se

Joint Debtor(s):

Daisy Anne Boiser Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Plaintiff(s):

Maria Linsangan

Represented By
Sergio A Rodriguez
David Brian Lally

Trustee(s):

Timothy Yoo (TR)

Pro Se

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2:19-13763 Ya-Chuan Victor Lee

Chapter 11

#101.00 HearingRE: [151] Motion for approval of chapter 11 disclosure statement

Docket 151

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Disclosure Statement is **APPROVED**.

Pleadings Filed and Reviewed

1. Individual Debtor's Disclosure Statement in Support of Plan of Reorganization (the "Disclosure Statement") [Doc. No. 151]
2. Individual Debtor's Chapter 11 Plan of Reorganization (the "Plan") [Doc. No. 152]
3. Notice of Hearing on Adequacy and Approval of Debtor's Disclosure Statement in Support of Individual Chapter 11 Plan [Doc. No. 153]
 - a. Declaration of Mailing Certificate of Service [Doc. No. 154]
4. As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession Ya-Chuan Victor Lee (the "Debtor") filed his individual chapter 11 petition on April 3, 2019. The Debtor worked at and holds a 100% ownership interest in Advanced Body Collision, Inc. Auto Body and Paint ("ABC"). The Debtor's bankruptcy was precipitated by the Debtor's attempt to keep another business he had an interest in afloat. The Debtor took loans to support his other business and used ABC as collateral, as well as providing a personal guaranty. Disclosure Statement at 6. The Debtor was unable to keep up with the loans and their high interest rates (between 40%-60%), and sought help from "debtor assistance programs." *Id.* at 7. None of his attempts were successful in reorganizing any of his

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debts and he determined that his only option was bankruptcy.

After filing for bankruptcy, and with the Court's permission, the Debtor sold two assets: a parcel of real property located at 1820 West 146th St., Gardena, CA, and personal property/equipment located at ABC. The Debtor used the proceeds from these sales to meet payroll, purchase parts, and other operating expenses. Currently, the Debtor's only major asset is his interest in ABC. On February 11, 2020, the US Trustee filed a motion to determine the value of ABC. On March 11, 2020, the Court determined that ABC was worth \$401,000. However, presumably due to the COVID-19 pandemic, the Debtor then listed ABC for sale at a price of \$250,000. ABC continued to struggle and the Debtor was forced to shut down his business in November 2020 due to decreased revenues brought on by the pandemic. *Id.* at 9. As such, the value of ABC decreased significantly, and the Debtor currently values his interest in ABC at between \$100,000 and \$120,000. *Id.* However, the California Department of Tax & Fee Administration (the "CDTFA") currently has a statutory lien against ABC (not the Debtor) in the amount of approximately \$125,990.86. *See* App'x. 2 to the Disclosure Statement. The Debtor believes that the sale proceeds from ABC will cover most, if not all, of the amount owed to the CDTFA. Because only the Debtor filed for chapter 11 bankruptcy, the lien against ABC is not listed as a claim in either the Disclosure Statement or the Plan.

On December 30, 2020, the Debtor filed his Disclosure Statement and Plan. As set forth in the Disclosure Statement, the Debtor has \$4,000 in cash on hand. In addition, the Debtor took a position as a full-time insurance salesperson in September of 2020 where his average monthly gross income is \$3,547.41 and net is \$2,847.16. *Id.* at 6. The Debtor's expenses are \$1,834 (inclusive of his Class 1 claim, below), leaving his disposable net income as \$1,013.16. The Debtor proposes a liquidation plan that will be funded by his cash on hand and income from his insurance job. Should ABC be sold for an amount greater than the lien the CDTFA holds against it, payout to creditors could increase.

The Plan proposes the following classification scheme and treatments:

Administrative Claims

The Debtor anticipates that administrative fees for professionals will be approximately \$23,000, of which \$13,000 will be sought by the Debtor's counsel and \$10,000 by the Debtor's accountant. The professionals have agreed that, due to the

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limited amount of funds available on the Effective Date, they will set up other payment arrangements with the Debtor after the Effective Date. The Debtor's real estate broker will be paid fully upon the sale of ABC. Other administrative fees for the Clerk's Office and Office of the US Trustee will be paid in full on the Effective Date.

Priority Tax Claims

The Internal Revenue Service ("IRS") holds a priority tax claim against the Debtor. The Debtor proposed to fully pay the IRS' claim of \$4,681 plus 6% interest over the course of 30 months.

Class 1 – Priority Domestic Support Claim

The Debtor's former spouse holds a priority claim against the Debtor in the amount of \$4,000 per month in domestic support obligations. However, the former spouse has agreed to accept a reduced payment of \$1,000 per month in order to assist the Debtor in consummating his plan of reorganization.

Class 6 – General Unsecured Claims

Class 6 consists of seven claims against ABC with the Debtor as a personal guarantor. The claims are: Royal Business Bank (\$200,000), On-Deck Capital/Celtic Bank (\$94,769.10), Quicksilver Capital (\$84,186), Saturn Funding (\$20,958), Kalamata Capital Group (\$69,212.61), Complete Business Solutions (\$81,343), and DMKA, LLC dba: The Smarter Merchant (\$31,999). All seven of these claims are in relation to the Debtor's personal guaranty of a business factoring loan for ABC. While the loans are secured under a UCC-1 Financing Statement against certain assets of ABC, the Plan provides that the claimants shall be treated as unsecured claimants as to the Debtor (assuming there will be a deficiency balance) due to the superior CDTF claim. The Debtor proposes to pay each of these claims at least 5% per month for 5 years. The Debtor states that this class is impaired and entitled to vote. Class 6 also consists of a convenience class: should any unsecured claimholder have a claim less than \$100 or greater than 100% and agree to reduce its claim to \$100, that claimholder will receive 100%.

Class 7 – General Unsecured Claim

Class 7 consists of one personal guaranty claim against the Debtor held by Royal Business Bank for \$74,000. This claim is in relation to the Debtor's personal guaranty of a business loan for a former business of the Debtor, Le Brilliant Lighting

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Corporation ("LBLC"). While this claim is secured under a UCC-1 Financing Statement against certain assets of LBLC, the Plan provides that the claimant shall be treated as an unsecured claimant as to the Debtor (assuming there will be a deficiency balance). The Debtor proposes to pay this claim at least 5% per month for 5 years. The Debtor states that this class is impaired and entitled to vote.

Class 8 – General Unsecured Claims

Class 8 consists of credit card and auto parts supplier debts to which the Debtor is personally responsible, totaling \$537,804 [Note 1]. The Debtor proposes to pay these claims at least 3% per month for 5 years. The Debtor states that this class is impaired and entitled to vote.

Disputed Claims

There are five disputed claims that will not receive any distribution under the Plan, totaling approximately \$21,750. The Debtor reserves the right to settle a disputed claim with Court approval, unless the agreed upon amount is less than \$5,000, in which case Court approval is not necessary.

Means of Implementation

The Debtor's Plan will be funded by his cash on hand as well as monthly income from his job as an insurance salesperson. Should ABC be sold for more than the CDFTA lien, the Plan will also be funded using proceeds from that sale.

Additional Material Terms

The Effective Date of the Plan is 14 days following the date of the entry of the order confirming the Plan.

II. Findings of Fact and Conclusions of Law

Section 1125 requires a disclosure statement to contain "information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records . . . that would enable. . . a hypothetical investor of the relevant class to make an informed judgment about the plan." In determining whether a disclosure statement provides adequate information, "the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information." 11 U.S.C. § 1125(a). Courts interpreting §

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1125(a) have explained that the "primary purpose of a disclosure statement is to give the creditors the information they need to decide whether to accept the plan." *In re Monnier Bros.*, 755 F.2d 1336, 1342 (8th Cir. 1985). "According to the legislative history, the parameters of what constitutes adequate information are intended to be flexible." *In re Diversified Investors Fund XVII*, 91 B.R. 559, 560 (Bankr. C.D. Cal. 1988). "Adequate information will be determined by the facts and circumstances of each case." *Oneida Motor Freight, Inc. v. United Jersey Bank*, 848 F.2d 414, 417 (3d Cir. 1988), accord. *In re Ariz. Fast Foods, Inc.*, 299 B.R. 589 (Bankr. D. Ariz. 2003).

Relevant factors for evaluating the adequacy of a disclosure statement may include: (1) the events which led to the filing of a bankruptcy petition; (2) a description of the available assets and their value; (3) the anticipated future of the company; (4) the source of information stated in the disclosure statement; (5) a disclaimer; (6) the present condition of the debtor while in Chapter 11; (7) the scheduled claims; (8) the estimated return to creditors under a Chapter 7 liquidation; (9) the accounting method utilized to produce financial information and the name of the accountants responsible for such information; (10) the future management of the debtor; (11) the Chapter 11 plan or a summary thereof; (12) the estimated administrative expenses, including attorneys' and accountants' fees; (13) the collectability of accounts receivable; (14) financial information, data, valuations or projections relevant to the creditors' decision to accept or reject the Chapter 11 plan; (15) information relevant to the risks posed to creditors under the plan; (16) the actual or projected realizable value from recovery of preferential or otherwise voidable transfers; (17) litigation likely to arise in a nonbankruptcy context; (18) tax attributes of the debtor; and (19) the relationship of the debtor with affiliates.

In re Metrocraft Pub. Services, Inc., 39 B.R. 567, 568 (Bankr. Ga. 1984). However, "[d]isclosure of all factors is not necessary in every case." *Id.*

The Court finds that the Disclosure Statement contains adequate information. It describes 1) significant events that occurred during the Chapter 11 case, (2) the classification structure of the Plan, (3) a liquidation

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analysis, (4) a disclaimer, (5) risk factors, (6) a 5-year budget projection, (7) a record of the Debtor's historical income and expenses for the past 6 months, and (8) the means for execution of the Plan. There are two discrepancies in the Plan. The first is the fluctuation in the the Debtor's recent income and expenses, as compared with his future earnings and expenses. However, the Debtor sufficiently explains that his expenses in the future months will be less than prior months because he is no longer paying for business related expenses. Disclosure Statement at 11. In addition, the Debtor notes that his income projections are inconsistent with the last six months because he has recently taken a new job as an insurance salesperson and is no longer operating ABC. *Id.* at 9 & 11. Therefore, his income projections are slightly higher for the upcoming months.

The other minor discrepancy in the Disclosure Statement is one that the Debtor must fix. In Exhibit A-1 to the Disclosure Statement, the Debtor lists his total Class 8 debt as \$537,804. However, in Exhibit C to the Disclosure Statement, the Debtor correctly calculates the full amount as \$546,522.77. The Debtor should fix this error in the solicitation package that he sends out to the creditors.

III. Conclusion

For the reasons set forth above, and subject to the above amendment, the Disclosure Statement is **APPROVED**. The following dates and deadlines will apply to solicitation and confirmation of the Debtor's Plan:

- 1) A hearing will be held on the confirmation of the Debtor's Amended Plan on **May 5, 2021, at 10:00 a.m.**
- 2) In accordance with FRBP 3017(a), the Disclosure Statement, the Plan, a notice of hearing on confirmation of the Plan and, if applicable, a ballot conforming to Official Form No. 14, shall be mailed to all creditors, equity security holders and to the Office of the United States Trustee, pursuant to Federal Rule of Bankruptcy Procedure 3017(d), on or before **February 17, 2021**.
- 3) **March 17, 2021** is fixed as the last day for creditors and equity security holders to return to Debtor's counsel ballots containing written acceptances or rejections of the Plan, which ballots must be actually

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received by Debtor's counsel by 5:00 p.m. on such date.

- 4) **April 14, 2021** is fixed as the last day on which the Debtor must file and serve a motion for an order confirming the Plan (the "Confirmation Motion") including declarations setting forth a tally of the ballots cast with respect to the Plan ("Ballots"), and attaching thereto the original Ballots, and setting forth evidence that the Debtor has complied with all the requirements for the confirmation of the Plan as set forth in Section 1129 of the Bankruptcy Code.
- 5) **April 21, 2021** (the "Objection Date"), is fixed as the last day for filing and serving written objections to confirmation of the Amended Plan, as provided in Rule 3020(b)(1) of the Federal Rules of Bankruptcy Procedure.
- 6) **April 28, 2021** is fixed as the last day on which the Debtor may file and serve a reply to any opposition to the Confirmation Motion ("Reply").

The Debtor is directed to lodge a conforming proposed order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the Court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: In Exhibit C to the Disclosure Statement, the Debtor lists all of his unsecured Class 8 debt. In the Plan, it appears as though part of the chart may have been cut off, possibly due to an error with the court approved form. Therefore, for purposes of Plan confirmation, Exhibit C to the Disclosure Statement will be the complete list.

Party Information

Debtor(s):

Ya-Chuan Victor Lee

Represented By
Marcus G Tiggs

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2:20-19727 Titus Emil Iovita

Chapter 11

#102.00 Hearing
RE: [32] MOTION TO: AWARD SANCTIONS AND FEES AND COSTS
AGAINST DEBTOR AND HIS COUNSEL VAHE KHOJAYAN AND HIS FIRM
PURSUANT TO FRBP 9011; AND/OR LBR 9011; AND/OR 28 USC SECTION
1927; AND/OR 11 USC SECTION 105

Docket 32

***** VACATED *** REASON: PER ORDER ENTERED 1-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 3, 2021

Hearing Room 1568

11:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

#103.00 Hearing
RE: [48] MOTION TO EXTEND TIME TO OBJECT TO EXEMPTIONS

Docket 48

Tentative Ruling:

2/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion to Extend Time is **DENIED**.

Pleadings Filed and Reviewed

- 1) Notice of Motion and Motion to Extend Time to Object to Exemptions; Declaration of Paul M. Brent in Support ("Motion to Extend Time") [Doc. No. 48]
- 2) Debtor's Opposition to Motion to Extend Time to Object to Exemptions (the "Opposition") [Doc. No. 73]
- 3) Reply to Objection to Motion to Extend Time to Object to Exemptions; Declaration of Paul M. Brent (the "Reply") [Doc. No. 74]

I. Facts and Summary of Pleadings

On October 28, 2020, Titus Emil Iovita (the "Debtor") filed his voluntary chapter 11 petition. The primary asset in the case is real property located at 18604 Newman Ave., Riverside, CA 92508 (the "Property"). Siboney Monge ("Monge") asserts that she has a valid lien on the Property, and the Debtor disagrees. Before objecting to any of the Debtor's exemptions, Monge filed a Motion to Dismiss on December 15, 2020, and the Court denied it on January 6, 2021. *See* Doc. No. 57.

On December 23, 2020, Monge filed her Motion to Extend Time. Monge argues that cause exists to grant the Motion to Extend Time because the current

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period to object to the Debtor's exemptions expired on December 31, 2020, and the Motion to Dismiss was set for hearing on January 6, 2021. At the time the Motion to Extend Time was filed, the Motion to Dismiss was pending and, had the Motion to Dismiss been granted, that would have rendered the investigation into exemptions moot. Motion to Extend Time at 3. Monge argues that the "Debtor has a number of assets and has taken exemptions that require additional investigation as to whether the exemptions taken are appropriate." *Id.* at 4. She also claims that she only had 30 days following the conclusion of the 341(a) hearing to object to exemptions. *Id.*

On January 20, 2021, the Debtor filed his Opposition. The Debtor argues that cause does not exist under Rule 4003 and the Debtor has sufficient non-exempt assets to ensure that the creditors will receive full payment in the event of his reorganization. Opposition at 2. The Debtor further argues that Monge's Motion to Extend Time is disingenuous and she has not proven why she needs more time to investigate the Debtor's assets. *Id.* at 3. He also argues that the he has over \$100,000 in unencumbered liquid assets and, if Monge's claim against the Riverside Property is valid, the unsecured portion of the Debtor's debts will be approximately \$43,340. Therefore, "it is unclear what practical purpose" objecting to the Debtor's exemptions would serve. *Id.*

On January 27, 2021, Monge filed her Reply. Monge argues that the Debtor has conceded that he would not be prejudiced by an extension of the time to file an objection because "his exemptions should, by his own logic, not effect [*sic*] nor prejudice his reorganization efforts." Reply at 2. Monge further reiterates the arguments made in her Motion to Extend Time, asserting that she has shown cause exists because there was a dispositive motion pending until January 6, 2021. Monge also provides one example of an exemption she may object to: the Debtor exempted \$31,131 in wages paid 30 days prior to filing for bankruptcy pursuant to California Code of Civil Procedure § 704.070, but Monge avers that it was only possible for the Debtor to have made \$4,487.67 in that time period. *Id.* at 3.

II. Findings of Fact and Conclusions of Law

Federal Rule of Bankruptcy Procedure ("FRBP") 4003(b)(1) states:

Except as provided in paragraphs (2) and (3), a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under §341(a) is concluded or within 30 days after

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Titus Emil Iovita

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any amendment to the list or supplemental schedules is filed, whichever is later. The court may, for cause, extend the time for filing objections if, before the time to object expires a party in interest files a request for an extension.

"Because 'cause' has no clear definition in the Bankruptcy Code, bankruptcy courts determine cause on a case-by-case basis." *Green v. Brotman Med. Ctr., Inc. (In re Brotman Med. Ctr., Inc.)*, 2008 Bankr. LEXIS 4692, 15 (B.A.P. 9th Cir. Aug 15, 2008). The court in *Matter of Marion* noted that "cause" could be that "the trustee needs additional information which the debtor has failed or refused to provide." No. 15-40002, 2015 WL 3492472, *1 (Bankr. N.D. Ind. Mar. 10, 2015). The Court in *In re Carlson* agreed, finding that "a debtor's failure to respond to discovery requests may constitute 'cause' for a brief extension of the deadlines under Rule[] 4003" 380 B.R. 906, 907 (Bankr. S.D. Fla. 2008). There, the Court granted the Trustee's motion to extend the deadline to object to exemptions where the trustee "requested numerous documents and information that [have] not been provided." *In re Carlson*, Case No. 07-13423 (JKO) (Bankr. S.D. Fla. Sept. 7, 2007) [Doc. Nos. 48 & 53].

Here, Monge asserts that she ought to receive an extension to object to some of the Debtor's exemptions because he "has a number of assets and has taken exemptions that require additional investigation as to whether the exemptions taken are appropriate." Motion to Extend Time at 4. In addition, Monge argues that, at the time she filed the instant motion, her Motion to Dismiss was still pending and it could have mooted her need to file an objection to the Debtor's exemptions. Monge's quandary is one of her own making. She *chose* not to object to the Debtor's exemptions because she was hoping that this Court would grant her Motion to Dismiss. The Court finds that the Debtor has provided all information necessary for Monge to determine whether or not to object to exemptions; she simply decided that she would rather wait. There is no evidence that the Debtor has failed to provide information sufficient to make this decision. As the Debtor wrote, "Monge had sufficient time to file numerous [other] motions during the month of December, and it is unclear why she could not file her objection to the claim of exemption[s] timely." Opposition at 3. In addition, Monge has failed to meet the "cause" standard because she has not shown exactly what effect any objections would have on the Debtor's reorganization. The Debtor has more than enough non-exempt liquid assets to pay his unsecured debt (his unsecured debt is, at most, approximately \$43,340, and he has over \$100,000 in non-exempt liquid assets). Any objection Monge could have to the Debtor's exemptions would not play any role in the Debtor's filing of a disclosure

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CONT... Titus Emil Iovita

Chapter 11

statement or plan, considering his disclosure statement and plan will result in a 100% payout to unsecured creditors [Note 1].

III. Conclusion

For the reasons set forth above, Monge's Motion to Extend Time is DENIED. The Court will prepare the order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: While Monge's instant motion is not in bad faith, one can make an argument that this motion, read in connection with the motion to dismiss and other arguments made by Monge, may be an attempt to drive up litigation and administrative costs for the debtor.

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 8, 2021

Hearing Room 1568

10:00 AM

2:20-20929 Faisal Zuliyandi

Chapter 7

#1.00 HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 209 N. Bushnell Ave., Apt. E, Alhambra, CA 91801 with Proof of Service. (Lally, David)

Docket 12

Tentative Ruling:

2/5/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). In addition, the Motion requests a finding of bad faith under § 362(d)(4) on the grounds that the Debtor's schedules show that he has the income to pay rent, but has instead chosen not to. Motion at 9. On January 25, 2021, the Debtor filed a *Response to Motion Regarding the Automatic Stay* (the "Response") [Doc. No. 14]. In the Response, the Debtor argues that the case was not filed in bad faith and that the Motion must be denied because "the Debtor cannot be evicted as this time" due to the various COVID-19 eviction moratoria in place. Response at 5. The Debtor avers that he has given the movant the appropriate "Financial Distress" documentation that prevents the movant from evicting the Debtor. *Id.* In addition, the Debtor argues that any arrearages will be cured before the hearing date, but it is unclear whether the Debtor actually plans to pay the rent due, or he is arguing that he does not owe any rent because of the moratoria. *Id.* at 3.

On January 25, 2021, the Movant filed his *Reply to Opposition to Motion for Relief from the Automatic Stay* (the "Reply") [Doc. No. 15]. The Movant argues that this is not a state court unlawful detainer trial; rather, this is a motion for relief from the automatic stay. Therefore, a determination of whether the automatic stay should

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Chapter 7

be lifted does not violate any of the COVID-19 moratoria. Reply at 1. The Movant notes that motions for relief from the automatic stay are "summary proceeding[s]" that should not involve "an adjudication of the merits of claims." *Id.* at 2; *see also Grella v. Salem Five Cent Sav. Bank*, 42 F.3d 26, 31 (1st Cir. 1994) and *In re Johnson*, 756 F.2d 738, 740 (9th Cir. 1985). The Movant also argues that the Debtor has not yet cured the arrearages. Reply at 1.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Movant's request for a finding of bad faith under is DENIED, as ability to pay rent does not qualify as bad faith under § 362(d)(4).

The Debtor continues to occupy the property after Movant served a notice to quit upon him.

To address the Debtor's arguments: this proceeding is not an unlawful detainer trial. Rather, this Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. *See In re Butler*, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002). Whatever moratoriums may or may not be in effect and whatever documentation the Debtor gave to the Movant does not have any bearing on a relief from stay proceeding. **The result of this Motion does not result in an order for possession.** The Movant has met his burden of proving that he has a "colorable claim to property of the estate." *Grella*, 42 F.3d at 33. To be clear, this order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

This order shall also be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion without further notice and upon

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CONT... Faisal Zuliyandi

Chapter 7

recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Faisal Zuliyandi

Represented By
Nancy Hanna

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 8, 2021

Hearing Room 1568

10:00 AM

2:20-21197 Hovhannes Babakhanyan and Mari Msryan

Chapter 7

#2.00 HearingRE: [15] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Equinox, VIN: 3GNAXHEV8JL330077 . (Ith, Sheryl)

Docket 15

Tentative Ruling:

2/5/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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Central District of California
Los Angeles
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CONT... Hovhannes Babakhanyan and Mari Msryan

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Hovhannes Babakhanyan

Represented By
Henrik Mosesi

Joint Debtor(s):

Mari Msryan

Represented By
Henrik Mosesi

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 8, 2021

Hearing Room 1568

10:00 AM

2:20-21185 Denise Marie Hernandez

Chapter 7

#3.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Harley XL 1200 Iron 1200 .

Docket 8

Tentative Ruling:

2/5/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
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10:00 AM

CONT... Denise Marie Hernandez

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Denise Marie Hernandez

Represented By
Chirnese L Liverpool

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:16-25740 QUIGG LA11, LLC

Chapter 7

Adv#: 2:18-01407 Elissa D. Miller, solely in her capacity as chapte v. HD Supply Construction

#1.00 Status Conference to monitor consummation of the settlementPre-Trial Conference RE: [1] Adversary case 2:18-ap-01407. Complaint by Elissa D. Miller, solely in her capacity as chapter 7 trustee against HD Supply Construction Supply Group, Inc., a Delaware corporation. (Charge To Estate). Complaint for (1) Avoidance and Recovery of Preferential Transfers, (2) Preservation of Preferential Transfers, and (3) Disallowance of Claims Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Lev, Daniel)

FR. 10-15-19; 3-10-20; 6-16-20; 8-11-20; 11-17-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-1-20**

Party Information

Debtor(s):

QUIGG LA11, LLC

Represented By
David M Reeder

Defendant(s):

HD Supply Construction Supply

Pro Se

Plaintiff(s):

Elissa D. Miller, solely in her

Represented By
Asa S Hami
Daniel A Lev

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Asa S Hami
Jessica Vogel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:18-24265 Neilla M Cenci

Chapter 7

Adv#: 2:19-01065 BALL C M, Inc. v. Cenci et al

#2.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01065. Complaint by BALL C M, Inc. against Neilla M Cenci. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Slates, Ronald)

FR. 5-14-19; 8-13-19; 1-14-20; 7-14-20; 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Neilla M Cenci

Represented By
James R Selth

Defendant(s):

Neilla M Cenci

Pro Se

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

BALL C M, Inc.

Represented By
Ronald P Slates

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01453 Mastan (TR) v. Zendedel

#3.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01453. Complaint by Peter J. Mastan (TR) against Nazila Zendedel. (Charge To Estate). Complaint for: (1) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.07]; (2) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.05, 3439.07]; (3) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (4) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (5) Turnover of Property [11 U.S.C. § 362] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(11 (Recovery of money/property - 542 turnover of property)),(91 (Declaratory judgment)) (Mang, Tinho)

fr. 1-14-20; 4-14-20; 6-16-20; 6-17-20; 10-13-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-13-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Nazila Zendedel

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

CONT... Bahram Zendedel

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:20-01062 Mastan (TR) v. Shamekh

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01062. Complaint by Peter J. Mastan (TR) against Pedram Shamekh. (Charge To Estate). Complaint for: (1) Avoidance, Recovery, and Preservation of Preferential Transfers [11 U.S.C. §§ 547, 550, and 551]; (2) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; and (3) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Mang, Tinho)

fr. 6-17-20; 10-13-20

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 2-1-21**

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Pedram Shamekh

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:19-13660 Michelle Claudia Mathis

Chapter 7

Adv#: 2:20-01619 Mathis v. United States Department of Education

#5.00 Status Hearing
RE: [12] Amended Complaint by Michelle C Mathis against United States Department of Education . (RE: related document(s)1 Adversary case 2:20-ap-01619. Complaint by Michelle C Mathis against United States Department of Education - (\$350.00 Fee Not Required) - Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)) filed by Plaintiff Michelle C Mathis). (Lomeli, Lydia R.)

Docket 12

***** VACATED *** REASON: SECOND AMENDED COMPLAINT
FILED 11-13-20**

Party Information

Debtor(s):

Michelle Claudia Mathis Pro Se

Defendant(s):

United States Department of Represented By
Elan S Levey

Plaintiff(s):

Michelle C Mathis Pro Se

Trustee(s):

Heide Kurtz (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:19-13660 Michelle Claudia Mathis

Chapter 7

Adv#: 2:20-01619 Mathis v. United States Department of Education

#6.00 Status Hearing

RE: [21] Amended Complaint (SECOND AMENDED) by Michelle C Mathis against Michelle C Mathis . (RE: related document(s)1 Adversary case 2:20-ap-01619. Complaint by Michelle C Mathis against United States Department of Education - (\$350.00 Fee Not Required) - Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)) filed by Plaintiff Michelle C Mathis). (Lomeli, Lydia R.)

Docket 21

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 AM**

Party Information

Debtor(s):

Michelle Claudia Mathis	Pro Se
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Defendant(s):

United States Department of	Represented By
	Elan S Levey

Plaintiff(s):

Michelle C Mathis	Pro Se
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Trustee(s):

Heide Kurtz (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:19-17841 Soul Hollywood, LLC

Chapter 7

Adv#: 2:20-01269 Ehrenberg, Trustee v. Carmi et al

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01269. Complaint by Howard M Ehrenberg, Trustee against Eliot Carmi, Carmi Flavor & Fragrance, Inc., a California corporation. (\$350.00 Fee Charge To Estate). Complaint For: (1) Declaratory Relief; (2) Avoidance Of Preferential Transfers; (3) Avoidance Of Fraudulent Transfers; (4) Avoidance Of Unauthorized Post-Petition Transfers; (5) Recovery Of Avoided Transfers; (6) Turnover Of Property; (7) Contempt For Violation Of Automatic Stay; (8) Disallowance Of Claim; And (9) Subordination Of Claim Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(81 (Subordination of claim or interest)),(91 (Declaratory judgment))(Wu, Claire)

fr. 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-13-21 AT 10:00 AM**

Party Information

Debtor(s):

Soul Hollywood, LLC

Represented By
David S Hagen

Defendant(s):

Eliot Carmi

Pro Se

Carmi Flavor & Fragrance, Inc., a

Pro Se

Plaintiff(s):

Howard M Ehrenberg, Trustee

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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

CONT... Soul Hollywood, LLC

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:19-19064 2379 Westwood Group Inc.

Chapter 7

Adv#: 2:20-01094 Ehrenberg, Chapter 7 Trustee v. Levy

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01094. Complaint by Howard M Ehrenberg, Chapter 7 Trustee against David Levy, David Levi. (Charge To Estate).
Complaint For: (1) Avoidance Of Voidable Transfer Pursuant To 11 U.S.C. §§ 544, 548 And Cal. Civ. Code § 3439.04; (2) Recovery Of Transfer Or Value Thereof Pursuant To 11 U.S.C. § 550; (3) Preservation Of Avoided Transfer Pursuant To 11 U.S.C. § 551; And (4) Turnover Of Property Pursuant To 11 U.S.C. § 542 Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Wu, Claire)

FR. 7-14-20; 8-11-21

Docket 1

***** VACATED *** REASON: CONTINUED 2-15-22 AT 10:00 A.M.**

Party Information

Debtor(s):

2379 Westwood Group Inc.

Represented By
Linda M Blank

Defendant(s):

David Levy

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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:20-14515 Holly Wayne Roberson

Chapter 7

Adv#: 2:20-01659 Strategic Funding Source Inc. dba Kapitus v. Roberson

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01659. Complaint by Strategic Funding Source, Inc. d/bb/a Kapitus against Holly Wayne Roberson. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Myers, Michael)

Docket 1

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Holly Wayne Roberson

Represented By
David H Chung

Defendant(s):

Holly Wayne Roberson

Pro Se

Plaintiff(s):

Strategic Funding Source Inc. dba

Represented By
Michael S Myers

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:20-16883 Michael Anthony McClain

Chapter 7

Adv#: 2:20-01651 WarDrobe Designs, LLC v. McClain

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01651. Complaint by WarDrobe Designs, LLC against Michael Anthony McClain. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Prout, Shanen)

Docket 1

***** VACATED *** REASON: DISMISSED 11-30-20**

Party Information

Debtor(s):

Michael Anthony McClain

Represented By
Timothy McFarlin

Defendant(s):

Michael Anthony McClain

Pro Se

Joint Debtor(s):

Tanya McClain

Represented By
Timothy McFarlin

Plaintiff(s):

WarDrobe Designs, LLC

Represented By
Shanen R Prout

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:20-17266 YUEYING REN

Chapter 7

Adv#: 2:20-01654 Fan et al v. REN

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01654. Complaint by Chi Ming Fan, Chi-Ming Fan and Ru-Yu Fan, Co-Trustees of the Fan Family Trust, dated September 20, 1988 against YUEYING REN. fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Lesnick, Matthew)

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Party Information

Debtor(s):

YUEYING REN

Represented By
Rosendo Gonzalez

Defendant(s):

YUEYING REN

Pro Se

Plaintiff(s):

Chi Ming Fan

Represented By
Matthew A Lesnick

Chi-Ming Fan and Ru-Yu Fan, Co-

Represented By
Matthew A Lesnick

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#12.00 Status Hearing
RE: [23] Amended Complaint (First Amended Complaint) by Anthony Bisconti on behalf of Howard B Grobstein against Assured Investment Management LLC (f/k/a BlueMountain Capital Management, LLC) and affiliated entities, Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (Bisconti, Anthony)

Docket 23

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Integrity Healthcare, LLC, John Doe

Represented By

Bruce Bennett

Assured Investment Management

Pro Se

Bluemountain Guadalupe Peak Fund

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Bluemountain Summit Opportunities Pro Se

BMSP L.P., A Delaware Limited Pro Se

Bluemountain Foinaven Master Pro Se

Bluemountain Logan Opportunities Pro Se

Bluemountain Monteners Master Pro Se

John Doe Individuals 1 50 Pro Se

John Doe Companies 1 50 Pro Se

Integrity Healthcare, Llc, A
Represented By
Bruce Bennett

Plaintiff(s):

Official Committee of Unsecured
Represented By
James Cornell Behrens
Steven J. Katzman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#100.00 PRETRIAL RE: [234] Amended Complaint Fourth Amended Complaint Against: (1) John C. Kirkland; and (2) Poshow Ann Kirkland as Trustee of The Bright Conscience Trust Dated September 9, 2009 for: 1. Disallowance of Proofs of Claim, or in the alternative, Equitable Subordination of Proofs of Claim; 2. Avoidance of Fraudulent Transfers (Actual Intent); 3. Avoidance of Fraudulent Transfers (Actual Intent); 4. Avoidance of Fraudulent Transfers (Constructive Fraud); 5. Avoidance of Fraudulent Transfers (Constructive Fraud); 6. Recovery of Avoided Transfers by Corey R Weber on behalf of Jason M Rund, Chapter 7 Trustee against Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, John C Kirkland, individually. (Weber, Corey)

FR. 7-11-17; 9-12-17; fr. 11-7-17; 11-21-17; 1-17-18; 2-21-18; 5-15-18; 8-14-18; 7-22-20; 12-15-20

Docket 234

***** VACATED *** REASON: CONTINUED 3-9-21 AT 11:00 A.M.**

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Defendant(s):

John C Kirkland, individually

Represented By
Autumn D Spaeth ESQ
Lewis R Landau

Poshow Ann Kirkland, individually

Represented By
Lewis R Landau

Poshow Ann Kirkland, as Trustee of

Represented By
Lewis R Landau

Plaintiff(s):

Jason M Rund, Chapter 7 Trustee

Represented By
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

CONT... EPD Investment Co., LLC

Chapter 7

Michael W Davis
Corey R Weber

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:17-13016 Sharp Edge Enterprises

Chapter 7

Adv#: 2:18-01163 Leslie v. Reihanian et al

#101.00 Pre-Trial Conference
RE: [10] Amended Complaint by Christian T Kim on behalf of Sam S. Leslie, Sam S Leslie (TR) against Leon Reihanian. (RE: related document(s)1 Adversary case 2:18-ap-01163. Complaint by Sam S. Leslie against Leon Reihanian. (Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) filed by Plaintiff Sam S. Leslie). (Kim, Christian)

fr. 6-11-19; 7-16-19; 1-15-20; 8-11-20; 12-15-20

Docket 10

***** VACATED *** REASON: CONTINUED 5-11-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Sharp Edge Enterprises

Represented By
Peter A Davidson

Defendant(s):

Leon Reihanian

Represented By
Raymond H. Aver

DOES 1-20, inclusive

Pro Se

Abraham Reihanian, as Trustee of

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Christian T Kim
James A Dumas Jr

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

CONT... Sharp Edge Enterprises

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:17-18597 Base Architecture Planning & Engr Inc.

Chapter 7

Adv#: 2:20-01005 Gonzalez v. Anderson

#102.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01005. Complaint by Rosendo Gonzalez against Michael H. Anderson. (Charge To Estate). Complaint: (1) To Avoid Fraudulent Transfers Pursuant To 11 U.S.C. §§ 544 and 548; (2) To Recover Avoided Transfers Pursuant To 11 U.S.C. § 550; and, (3) Automatic Preservation of Avoided Transfer Pursuant To 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Gonzalez, Rosendo)

fr. 11-17-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Base Architecture Planning & Engr

Represented By
M. Jonathan Hayes

Defendant(s):

Michael H. Anderson

Pro Se

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01387 Mastan, Chapter 7 Trustee v. Bank of Hope et al

#103.00 Pre-Trial Conference

RE: [1] Adversary case 2:19-ap-01387. Complaint by Peter J. Mastan, Chapter 7 Trustee against Bank of Hope, Jason Young Cho. (Charge To Estate).

Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

FR. 6-16-20; 8-11-20; 11-17-20

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 2-8-21**

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Bank of Hope

Pro Se

Jason Young Cho

Pro Se

Youngduk Duk Cho

Pro Se

DOES 1-10 inclusive

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

CONT...

Keystone Textile, Inc.

Meghann A Triplett
Noreen A Madoyan

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:18-13973 Jesus Alberto Argueta

Chapter 7

Adv#: 2:20-01111 Dye v. Argueta et al

#104.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01111. Complaint by Carolyn Dye against Jose Guillermo Argueta, Veronica Carmen Gonzalez. (Charge To Estate). (Attachments: # 1 Summons # 2 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)) (Pena, Leonard)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 8-27-20**

Party Information

Debtor(s):

Jesus Alberto Argueta

Represented By

Jennifer Ann Aragon - SUSPENDED -

Defendant(s):

Jose Guillermo Argueta

Pro Se

Veronica Carmen Gonzalez

Pro Se

Does 1 to 10

Pro Se

Plaintiff(s):

Carolyn Dye

Represented By

Leonard Pena

Trustee(s):

Carolyn A Dye (TR)

Represented By

Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:18-15693 Kami Emein

Chapter 7

Adv#: 2:18-01260 Amin v. Emein

#105.00 Pre-Trial Conference
RE: [21] Amended Complaint 2nd Amended by Michael N Berke on behalf of Joseph Amin against Kami Emein

fr: 7-16-19, 9-10-19; 1-14-20; 5-12-20; 11-17-20

Docket 0

***** VACATED *** REASON: CONTINUED 6-15-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Kami Emein

Represented By
Jacques Tushinsky Fox

Defendant(s):

Kami Emein

Represented By
TJ Fox

Plaintiff(s):

Joseph Amin

Represented By
Michael N Berke

Trustee(s):

John J Menchaca (TR)

Represented By
Uzzi O Raanan ESQ
Sonia Singh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:19-19064 2379 Westwood Group Inc.

Chapter 7

Adv#: 2:20-01094 Ehrenberg, Chapter 7 Trustee v. Levy

#106.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01094. Complaint by Howard M Ehrenberg, Chapter 7 Trustee against David Levy, David Levi. (Charge To Estate).
Complaint For: (1) Avoidance Of Voidable Transfer Pursuant To 11 U.S.C. §§ 544, 548 And Cal. Civ. Code § 3439.04; (2) Recovery Of Transfer Or Value Thereof Pursuant To 11 U.S.C. § 550; (3) Preservation Of Avoided Transfer Pursuant To 11 U.S.C. § 551; And (4) Turnover Of Property Pursuant To 11 U.S.C. § 542 Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Wu, Claire)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 2-15-22 AT 10:00 AM**

Party Information

Debtor(s):

2379 Westwood Group Inc.

Represented By
Linda M Blank

Defendant(s):

David Levy

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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:19-23371 Jose Juan Cabrera

Chapter 7

Adv#: 2:20-01105 United States Trustee for the Central District of v. Cabrera

#107.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01105. Complaint by United States Trustee for the Central District of California, Region 16 against Jose Juan Cabrera. (Fee Not Required). for Revocation of Discharge pursuant to 11 U.S.C. Sec. 727(d)(4)(B) (Attachments: # 1 Summons) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Yip, Hatty)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 9-24-20**

Party Information

Debtor(s):

Jose Juan Cabrera Pro Se

Defendant(s):

Jose Juan Cabrera Pro Se

Plaintiff(s):

United States Trustee for the Central Represented By
Hatty K Yip

Trustee(s):

Howard M Ehrenberg (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:20-10675 Juan Carlos Reynoso Hernandez

Chapter 7

Adv#: 2:20-01102 United States Trustee for the Central District of v. Hernandez

#108.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01102. Complaint by United States Trustee for the Central District of California, Region 16 against Juan Carlos Reynoso Hernandez. (Fee Not Required). for Denial of Discharge pursuant to 11 U.S.C. Sec. 727(a)(4) and 727(d)(4)(B) (Attachments: # 1 Summons) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Yip, Hatty)

Docket 1

***** VACATED *** REASON: DISMISSED 9-17-20**

Party Information

Debtor(s):

Juan Carlos Reynoso Hernandez	Represented By Rhonda Walker
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Defendant(s):

Juan Carlos Reynoso Hernandez	Pro Se
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Plaintiff(s):

United States Trustee for the Central	Represented By Hatty K Yip
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Trustee(s):

Brad D Krasnoff (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 9, 2021

Hearing Room 1568

11:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#109.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01114. Complaint by Langlois Family Law,
LANGLOIS FAMILY LAW against STEVE LEWIS. (d),(e)) (Bowen, Ray)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 3-9-21 AT 10;00
AM.**

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Pro Se

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:17-10925 MARIA MARTINA GRAVER

Chapter 7

#1.00 APPLICANT: Trustee, John J. Menchaca

Hearing re [84] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$5,566.50 [*see* Doc. No. 83]

Total Trustee's Expenses: \$143.90 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... MARIA MARTINA GRAVER

Chapter 7

Debtor(s):

MARIA MARTINA GRAVER

Represented By
Jonathan T Nguyen

Trustee(s):

John J Menchaca (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:17-10925 MARIA MARTINA GRAVER

Chapter 7

#2.00 APPLICANT: Accountant for Trustee, MENCHACA & COMPANY
LLP

Hearing re [84] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$4,198.50 approved [*See* Doc. No. 82]

Expenses: \$34.00 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... MARIA MARTINA GRAVER

Chapter 7

Debtor(s):

MARIA MARTINA GRAVER

Represented By
Jonathan T Nguyen

Trustee(s):

John J Menchaca (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:17-10925 MARIA MARTINA GRAVER

Chapter 7

#3.00 APPLICANT: Attorney for Trustee (Other Firm) - DANNING, GILL, DIAMOND & KOLLITZ, LLP

Hearing re [84] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis, if any, are now deemed final).

Fees: \$29,154.50 approved (consisting of \$26,945 awarded on an interim basis on September 26, 2019 [Doc. No. 73] (of which only \$17,500 was payable at that time) and \$2,209.50 sought in connection with this application [Doc. No. 81])

Expenses: \$634.35 approved (consisting of \$499.85 awarded on an interim basis on September 26, 2019 [Doc. No. 73] and \$134.50 sought in connection with this application [Doc. No. 81]).

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... MARIA MARTINA GRAVER

Chapter 7

appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

MARIA MARTINA GRAVER

Represented By
Jonathan T Nguyen

Trustee(s):

John J Menchaca (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

#4.00 HearingRE: [111] Application for Compensation for Michael F Chekian, Debtor's Attorney, Period: 5/15/2020 to 12/21/2020, Fee: \$16806.25, Expenses: \$2383.72.

Docket 111

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$16,806.25 approved [Doc. No. 111]

Expenses: \$2,383.72 approved [*Id.*]

Approval of this application is contingent upon the filing of a declaration that complies with Local Bankruptcy Rule 2016-1(a)(1)(J) by no later than February 16, 2021.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Stuart Brown

Chapter 11

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:20-16475 Neumedicines, Inc.

Chapter 11

#5.00 HearingRE: [164] Application for Compensation for CBIZ Valuation Group LLC, Financial Advisor, Period: 9/22/2020 to 1/8/2021, Fee: \$32,866.00, Expenses: \$0.

Docket 164

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$32,866.00 [see Doc. No. 164]

Expenses: \$0 [see *id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... Neumedicines, Inc.

Chapter 11

Debtor(s):

Neumedicines, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:20-16475 Neumedicines, Inc.

Chapter 11

#5.10 HearingRE: [166] Application for Compensation FIRST INTERIM APPLICATION FOR ALLOWANCE OF FEES OF SHEPPARD, MULLIN, RICHTER & HAMPTON LLP, SPECIAL CORPORATE AND TRANSACTIONAL COUNSEL TO DEBTOR AND DEBTOR IN POSSESSION, FOR THE PERIOD FROM AUGUST 21, 2020 THROUGH DECEMBER 31, 2020; DECLARATIONS OF ELLIOT HINDS AND TIMOTHY K. GALLAHER, PH.D. IN SUPPORT THEREOF for Sheppard Mullin, Special Counsel, Period: 8/21/2020 to 12/31/2020, Fee: \$220,987.00, Expenses: \$0.

Docket 166

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$220,987.00 [*see* Doc. No. 166]

Expenses: \$0 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Judge Ernest Robles, Presiding
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Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... Neumedicines, Inc.

Chapter 11

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Neumedicines, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:20-16475 Neumedicines, Inc.

Chapter 11

#5.20 HearingRE: [168] Application for Compensation First Interim Application for Allowance of Fees and Reimbursement of Expenses of Weintraub & Selth, APC, General Bankruptcy Counsel to the Debtor and Debtor in Possession, for the Period from July 17, 2020 through December 31, 2020; Declarations of Daniel J. Weintraub and Timothy K. Gallaher in Support Thereof for Daniel J Weintraub, Debtor's Attorney, Period: 7/17/2020 to 12/31/2020, Fee: \$429,702.00, Expenses: \$1,972.92.

Docket 168

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$429,702.00 [*see* Doc. No. 168]

Expenses: \$1,972.92 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

CONT... Neumedicines, Inc.

Chapter 11

Party Information

Debtor(s):

Neumedicines, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

10:00 AM

2:20-20907 SZ Covina Capital Partners

Chapter 11

#6.00 Hearing re [6] status conference to be convened under 11 U.S.C. § 1188(a) (the "Subchapter V Status Conference")

Docket 0

***** VACATED *** REASON: CONTINUED 2-17-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

SZ Covina Capital Partners

Represented By
Ron Bender
Todd M Arnold

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

#100.00 HearingRE: [157] Motion to Extend Time Notice of Motion and Motion to Extend Deadline to File Complaint Under 11 U.S.C. § 546; Memorandum of Points and Authorities; and Declaration of Peter J. Mastan in Support, with Proof of Service [Hearing: February 10, 2021 at 11:00 a.m.] (Haes, Chad)

Docket 157

Tentative Ruling:

2/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED** in its entirety. The Trustee's deadline to file avoidance actions is extended from January 19, 2021 to and including March 19, 2021. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion to Extend Deadline to File Complaint Under 11 U.S.C. § 546 [Doc. No. 157] (the "Motion")
- 2) No opposition to the Motion is on file.

I. Facts and Summary of Pleadings

On January 18, 2019 (the "Petition Date"), Bahram Zendedel ("Debtor") filed a voluntary Chapter 7 petition. The Chapter 7 Trustee (the "Trustee") moves to extend the deadline to file avoidance actions from January 19, 2021 to and including March 19, 2021. The Trustee asserts that his investigation of the Debtor's financial affairs has been delayed by the Debtor's failure to appear at the meeting of creditors and failure to provide documents requested by the Trustee. No opposition to the Motion is on file.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 10, 2021

Hearing Room 1568

11:00 AM

CONT... Bahram Zendedel

Chapter 7

II. Findings and Conclusions

Section 546(a) requires the Trustee to file avoidance actions within two years after the entry of the order for relief. The statute of limitations set forth in § 546(a) is not jurisdictional and is not a statute of repose, *Ernst & Young v. Matsumoto (In re United Ins. Mgmt., Inc.)*, 14 F.3d 1380, 1385 (9th Cir. 1994), and is therefore subject to enlargement pursuant to Bankruptcy Rule 9006(b). *See In re Fundamental Long Term Care, Inc.*, 501 B.R. 784, 788 (Bankr. M.D. Fla. 2013) (concluding that the two-year deadline set forth in § 546(a) is subject to enlargement by the court because § 546 is a statute of limitations, not a jurisdictional bar or statute of repose). Bankruptcy Rule 9006(b) authorizes the Court to enlarge a deadline “for cause shown” [Note 1]

Here, the Trustee was required to obtain an order compelling the Debtor’s appearance at a continued § 341(a) meeting after the Debtor twice failed to appear at duly-noticed § 341(a) meetings. *See* Doc. Nos. 99 and 100. Even after the Court entered an order compelling the Debtor’s appearance, the Debtor once again failed to appear at a duly-noticed § 341(a) meeting as a result of a calendaring error by his counsel. *See* Doc. Nos. 120 and 123. In addition, as a result of the Debtor’s failure to sufficiently respond to the Trustee’s document requests, the § 341(a) meeting has still not been concluded. *See* Declaration of Peter J. Mastan at ¶ 8. The Trustee has shown ample cause for a 60-day enlargement of the statute of limitations set forth in § 546(a).

III. Conclusion

Based upon the foregoing, the Motion is **GRANTED** in its entirety. The Trustee’s deadline to file avoidance actions is extended from January 19, 2021 to and including March 19, 2021. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court’s tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, February 10, 2021

Hearing Room 1568

11:00 AM

CONT... Bahram Zendedel

Chapter 7

Note 1

Where, as here, a motion seeking enlargement is filed before the applicable deadline has expired, the Court may enlarge the deadline "with or without motion or notice" Therefore, the fact that the Motion may not necessarily have been served upon the persons against whom the contemplated avoidance actions will be filed is immaterial.

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01274 Grobstein v. MediClean Linen&Laundry Inc.

#1.00 Status Hearing
RE: [5] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against MediClean Linen&Laundry Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01274. Complaint by St. Vincent Medical Center against Emerald Textiles, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Underdahl, Gary)

FR. 1-5-21

Docket 5

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.
MediClean Linen&Laundry Inc. Pro Se

Chapter 11

Plaintiff(s):

Howard Grobstein

Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01352 Verity Medical Foundation v. Alhasan

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01352. Complaint by Verity Medical Foundation against Mohammad S. Alhasan. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Mohammad S. Alhasan

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01358 Verity Medical Foundation v. Neuroscience Institute of Northern California

#3.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01358. Complaint by Verity Medical Foundation against Neuroscience Institute of Northern California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Neuroscience Institute of Northern

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01364 Verity Health System of California, Inc. v. Opsgenie, Inc.

#4.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01364. Complaint by Verity Health System of California, Inc. against Opsgenie, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Opsgenie, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, February 16, 2021

Hearing Room 1639

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01365 Verity Medical Foundation v. Orthosport Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01365. Complaint by Verity Medical Foundation against Orthosport Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Orthosport Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01398 Verity Medical Foundation v. Retina-Vitreous Associates, Inc.

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01398. Complaint by Verity Medical Foundation against Retina-Vitreous Associates, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Retina-Vitreous Associates, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01445 St. Vincent Medical Center v. South Fork Healthcare, LLC

#7.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against South Fork Healthcare, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01445. Complaint by St. Vincent Medical Center against South Fork Healthcare, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 12-22-20

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

South Fork Healthcare, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01446 St. Francis Medical Center v. Southern California Crossroads

#8.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Southern California Crossroads. (RE: related document(s)1 Adversary case 2:20-ap-01446. Complaint by St. Francis Medical Center against Southern California Crossroads. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 12-22-20

Docket 2

***** VACATED *** REASON: DISMISSED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Southern California Crossroads

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01447 O'Connor Hospital v. Spinal USA, Inc.

#9.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Spinal USA, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01447. Complaint by O'Connor Hospital against Spinal USA, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 12-22-20

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Spinal USA, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01451 Verity Medical Foundation v. Stanford University Medical Center

#10.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against Stanford University Medical Center. (RE: related document(s)1 Adversary case 2:20-ap-01451. Complaint by Verity Medical Foundation against Stanford University Medical Center. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 at 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stanford University Medical Center

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, February 16, 2021

Hearing Room 1639

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01456 St. Vincent Medical Center v. Sync Hospitalist Medical Group, APC

#11.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Sync Hospitalist Medical Group, APC. (RE: related document(s)1 Adversary case 2:20-ap-01456. Complaint by St. Vincent Medical Center against Sync Hospitalist Medical Group, APC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sync Hospitalist Medical Group,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, February 16, 2021

Hearing Room 1639

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01459 Verity Health System of California, Inc. v. The Cirius Group, Inc.

#12.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against The Cirius Group, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01459. Complaint by Verity Health System of California, Inc. against The Cirius Group, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Cirius Group, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, February 16, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01471 St. Vincent Medical Center v. Tri-Pharma, Inc.

#13.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Tri-Pharma, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01471. Complaint by St. Vincent Medical Center against Tri-Pharma, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Tri-Pharma, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, February 16, 2021

Hearing Room 1575

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01474 Verity Medical Foundation v. United Medical Imaging Healthcare, Inc.

#14.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against United Medical Imaging Healthcare, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01474. Complaint by Verity Medical Foundation against United Medical Imaging Healthcare, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

United Medical Imaging Healthcare,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01476 St. Francis Medical Center v. Universal Air Flow Consultants, LLC

#15.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Universal Air Flow Consultants, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01476. Complaint by St. Francis Medical Center against Universal Air Flow Consultants, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Universal Air Flow Consultants,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01496 St. Francis Medical Center et al v. Altsearch Recruitment Consultants

#16.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01496. Complaint by St. Francis Medical Center, Verity Health System of California, Inc. against Altsearch Recruitment Consultants Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Altsearch Recruitment Consultants

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:20-21149 Herbert Tolentino Tirona and Maria Carmina Felix Tirona

Chapter 7

#17.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota Camry . (Nagel, Austin)

Docket 11

Tentative Ruling:

2/11/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Herbert Tolentino Tirona and Maria Carmina Felix Tirona

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Herbert Tolentino Tirona

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Maria Carmina Felix Tirona

Represented By
Brian J Soo-Hoo

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

2:20-21236 Naira Margaryan

Chapter 7

#18.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Dodge Charger, VIN: 2C3CDXCT7JH329988 . (Ith, Sheryl)

Docket 11

Tentative Ruling:

2/11/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established that the fair market value of the subject vehicle is declining, the Debtor is making insufficient payments to protect Movant against this decline, and the vehicle is uninsured. Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, February 16, 2021

Hearing Room 1568

10:00 AM

CONT... Naira Margaryan

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Naira Margaryan

Represented By
Allen A Sarkisian

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#1.00 APPLICANT: Bond Payments - International Sureties, LTD

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 2-16-21

Tentative Ruling:

2/16/2021

Hearing **VACATED**. The Court has entered a Memorandum of Decision approving the Trustee's Final Report and awarding the estate's professionals the fees and expenses requested in their respective final fee applications. The Trustee shall submit an order consistent with the Memorandum of Decision within seven days.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

**#2.00 APPLICANT: Attorney for Trustee Fees (Other Firm) - Nathan Sommers
Jacobs, A Professional Corporation**

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

***** VACATED *** REASON: PER ORDER ENTERED 2-16-21**

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#3.00 APPLICANT: Accountant for Trustee (Other Firm) - LEA Accountancy, LLP

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 2-16-21

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#4.00 APPLICANT: Arbitrator/Mediator for Trustee - Judicate West

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 2-16-21

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

**#5.00 APPLICANT: Prior Chapter Attorney for Trustee (Trustee Firm) -
SulmeyerKupetz**

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

***** VACATED *** REASON: PER ORDER ENTERED 2-16-21**

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

**#6.00 APPLICANT: Prior Chapter Accountant for Trustee/DIP (Other Firm) -
Mejia & Associates**

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

***** VACATED *** REASON: PER ORDER ENTERED 2-16-21**

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#7.00 APPLICANT: Prior Chapter Trustee Compensation - Elissa Miller

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

***** VACATED *** REASON: PER ORDER ENTERED 2-16-21**

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#8.00 APPLICANT: Trustee - Elissa Miller

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

***** VACATED *** REASON: PER ORDER ENTERED 2-16-21**

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#9.00 APPLICANT: Attorney for Trustee - SultmeyerKupetz

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 2-16-21

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#10.00 APPLICANT: Charges, U.S. Bankruptcy Court

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 2-16-21

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:11-58222 Peli Popovich Hunt and Peli Popovich Hunt

Chapter 7

#11.00 APPLICANT: Fees, United States Trustee

Hearing re [607] Trustee's Final Report and Applications for Compensation

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 2-16-21

Tentative Ruling:

2/16/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Peli Popovich Hunt

Represented By
Steven E Wohn

Peli Popovich Hunt

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Elissa Miller (TR)
Jason Balitzer
David J Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:15-16851 Michael Thomas Grumbine

Chapter 7

#12.00 APPLICANT: Attorney for Trustee - LEVENE NEALE BENDER YOO & BRILL

Hearing re [103] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$60,242.50 approved (this amount reflects a voluntary reduction in fees of \$8,575.50 to allow for a meaningful payout to creditors [*See* Doc. No. 99])

Expenses: \$652.29 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Thomas Grumbine

Chapter 7

Debtor(s):

Michael Thomas Grumbine

Represented By
Michael E Clark

Trustee(s):

Heide Kurtz (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:15-16851 Michael Thomas Grumbine

Chapter 7

#13.00 APPLICANT: Special Counsel for Trustee Fees - Law Offices of M. Candice Bryner

Hearing re [103] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$30,090 approved [*See* Doc. No. 67]

Expenses: \$803.28 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Thomas Grumbine

Chapter 7

Debtor(s):

Michael Thomas Grumbine

Represented By
Michael E Clark

Trustee(s):

Heide Kurtz (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:15-16851 Michael Thomas Grumbine

Chapter 7

#14.00 Accountant for Trustee Fees (Other Firm) - SLBiggs a Division of SingerLewak

Hearing re [103] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$34,510.50 approved (this amount reflects a voluntary reduction in fees of \$4,052 [*See* Doc. No. 101])

Expenses: \$366.47 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Thomas Grumbine

Chapter 7

Debtor(s):

Michael Thomas Grumbine

Represented By
Michael E Clark

Trustee(s):

Heide Kurtz (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:15-16851 Michael Thomas Grumbine

Chapter 7

#15.00 APPLICANT: Trustee - Heide Kurtz

Hearing re [103] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$12,605.60 (\$9,706.31 to the Current Trustee and \$2,899.29 to the Prior Trustee [*see* Doc. No. 102])

Total Trustee's Expenses: \$179.12 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Thomas Grumbine

Chapter 7

Party Information

Debtor(s):

Michael Thomas Grumbine

Represented By
Michael E Clark

Trustee(s):

Heide Kurtz (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:15-16851 Michael Thomas Grumbine

Chapter 7

#16.00 APPLICANT: Trustee - ALBERTA P. STAHL

Hearing re [103] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

See calendar no. 15, incorporated by reference in full.

Party Information

Debtor(s):

Michael Thomas Grumbine

Represented By
Michael E Clark

Trustee(s):

Heide Kurtz (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:19-20888 Venustiano Lopez Carranza and Patricia Hernandez

Chapter 7

#17.00 APPLICANT: Trustee - John Pringle

Hearing re [50] and [51] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$6,500 [*see* Doc. No. 50]

Total Trustee's Expenses: \$101.95 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Venustiano Lopez Carranza and Patricia Hernandez

Chapter 7

Debtor(s):

Venustiano Lopez Carranza

Represented By
Erika Luna

Joint Debtor(s):

Patricia Hernandez

Represented By
Erika Luna

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:19-20888 Venustiano Lopez Carranza and Patricia Hernandez

Chapter 7

#18.00 APPLICANT: Accountant - LEA Accountancy LLP

Hearing re [50] and [51] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

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Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$2,978 approved [*See* Doc. No. 36]

Expenses: \$359.08 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Venustiano Lopez Carranza and Patricia Hernandez

Chapter 7

Party Information

Debtor(s):

Venustiano Lopez Carranza

Represented By
Erika Luna

Joint Debtor(s):

Patricia Hernandez

Represented By
Erika Luna

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:19-20888 Venustiano Lopez Carranza and Patricia Hernandez

Chapter 7

#19.00 APPLICANT: Attorney - Roquemore, Pringle & Moore, Inc.

Hearing re [50] and [51] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$14,420 approved [*See* Doc. Nos. 38 & 49]

Expenses: \$409.60 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Venustiano Lopez Carranza and Patricia Hernandez

Chapter 7

Debtor(s):

Venustiano Lopez Carranza

Represented By
Erika Luna

Joint Debtor(s):

Patricia Hernandez

Represented By
Erika Luna

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#20.00 Status Hearing re [1624] results of mediation

Docket 0

***** VACATED *** REASON: CONTINUED 4-7-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#21.00 Hearing
RE: [6144] Motion for Allowance of Administrative Expense Claim and Request
for Payment under 11 U.S.C. § 503(b) (Reynolds, Michael)

FR. 12-9-20; 12-16-20; 1-20-21

Docket 6144

***** VACATED *** REASON: CONTINUED 3-17-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:20-10264 450 S. Western, LLC, a California limited liabilit

Chapter 11

#22.00 Hearing
RE: [280] Motion for order to allocate commission proceeds.

Docket 280

***** VACATED *** REASON: CONTINUED 3-10-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian
Christopher K.S. Wong
M Douglas Flahaut
Amelia Puertas-Samara

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#23.00 HearingRE: [356] Motion to Approve Compromise Under Rule 9019 Debtors' Notice of Motion and Motion to Approve Compromise with Bakery Creditors; Declarations of Marc A. Lieberman and Michael Bonert in Support with proof of service

Docket 356

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the three Rule 9019 Motions filed by the Debtors are each **GRANTED** in their entirety.

Pleadings Filed and Reviewed:

- 1) Debtors' Notice of Motion and Motion to Approve Compromise with Bakery Creditors [Doc. No. 349]
 - a) Notice of [Motion] [Doc. No. 350]
 - b) Notice of No Opposition Received Re: Debtor's Motion to Approve Compromise with Bakery Creditors [Doc. No. 366]
- 2) Debtors' Notice of Motion and Motion to Approve Stipulation with Arvest Bank Re Allowance of Claim No. 20 [Doc. No. 354]
 - a) Notice of [Motion] [Doc. No. 355]
 - b) Notice of No Opposition Received Re: Debtors' Motion to Approve Stipulation with Arvest Bank Re Allowance of Claim No. 20 [Doc. No. 367]
- 3) Debtors' Notice of Motion and Motion to Approve Compromise with Key Point Credit Union Re Claim No. 15 [Doc. No. 351]
 - a) Notice of [Motion] [Doc. No. 352]
 - b) Notice of No Opposition Received to Debtors' Motion to Approve Compromise with Keypoint Credit Union Re Allowance of Claim No. 15 [Doc. No. 368]

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert and Vivien Bonert

Chapter 11

I. Facts and Summary of Pleadings

A. Background

Michael Bonert ("Michael") and Vivien Bonert ("Vivien," and together with Michael, the "Debtors") filed a voluntary Chapter 11 petition on September 12, 2019 (the "Petition Date"). Prior to the Petition Date, the Debtors operated a pie manufacturing company known as Bonert's Incorporated ("Bonerts"). In 2016, Bonerts ceased conducting business after its lender caused its assets to be sold through a federal receivership. Proceeds of the receivership sale were used to pay secured creditors, but were not sufficient to pay unsecured trade creditors, some of whom obtained unopposed judgments against Bonerts.

On August 13 and 14, 2019, Capitol Distribution Company, LLC ("Capitol"), Stratas Foods LLC ("Stratas"), Packaging Corporation of America, and Seneca Foods Corporation filed four collection actions (the "Collection Actions") against the Debtors, Bonerts, and LLCs wholly owned by the Debtors that were affiliates of Bonerts (the "Affiliates"). The Collection Actions allege, *inter alia*, that the Debtors operated the Affiliates and Bonerts as a single enterprise for the purpose of defeating the rights of creditors; that the Debtors misappropriated assets of Bonerts and the Affiliates; and that the Debtors are liable for trade debt incurred by Bonerts as its alter ego.

Debtors sought bankruptcy protection for the purpose of having all alter-ego claims arising in connection with the Debtors' operation of Bonerts and the Affiliates adjudicated before the Bankruptcy Court. Pursuant to this objective, on September 13 and 16, 2019, the Debtors removed all four of the Collection Actions to the Bankruptcy Court.

Various other creditors filed proofs of claim against the Debtor based upon the same alter-ego theory asserted in the Collection Actions. On August 14, 2020, the Court consolidated litigation of the Collection Actions with litigation of the Debtors' objections to the proofs of claim predicated upon an alter-ego theory. Creditors asserting alter-ego claims are collectively referred to as the "Bakery Creditors."

On December 23, 2019, Arvest Bank ("Arvest") filed a contingent proof of claim against the Debtors in the amount of \$2,766,038 (the "Arvest Claim"). The Arvest Claim is based upon the Debtors' personal guaranties of a secured real estate loan to Beefam, LLC ("Beefam") and Bonerts MV, LLC ("MV"), entities in which the Debtors hold an interest. The indebtedness that is the subject of the Arvest Claim remains current.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert and Vivien Bonert

Chapter 11

On December 5, 2019, KeyPoint Credit Union ("Keypoint") filed a contingent proof of claim against the Debtors in the amount of \$1,763,954.29 (the "Keypoint Claim"). The Keypoint Claim is based upon the Debtors' personal guaranties of a secured real estate loan to Beefam and MV. The indebtedness that is the subject of the Keypoint Claim remains current.

On January 28, 2021, Debtors filed a *First Amended Chapter 11 Plan of Michael Bonert and Vivien Bonert* [Doc. No. 360] (the "Plan").

B. The Settlements

Debtors seek approval of settlements with the Bakery Creditors, Arvest, and Keypoint (collectively, the Settlements"), pursuant to Bankruptcy Rule 9019.

The material terms of the settlement with the Bakery Creditors are as follows:

- 1) The Bakery Creditors shall collectively have a single claim, secured by the Debtors' residence, that can be satisfied either through (a) 42 monthly installment payments totaling \$500,000 or (b) payments totaling \$400,000 within 180 days from the effective date of the Plan.
- 2) The Bakery Creditors shall collectively have a single unsecured, contingent, and non-recourse claim of \$1.5 million.
- 3) The adversary proceedings brought by the Bakery Creditors shall be dismissed.
- 4) The Bakery Creditors shall withdraw their objection to the Debtors' claim of exemption in their individual retirement account (the "IRA").

The settlements with Arvest and Keypoint specify the Plan treatment of the Arvest Claim and the Keypoint Claim. Under the settlement with Arvest, Arvest shall have an allowed general unsecured claim in the amount of \$150.00, which shall be paid on the effective date of the Plan. Under the settlement with Keypoint, Keypoint shall have an allowed general unsecured claim in the amount of \$100.00. [**Note 1**]

No opposition to the approval of the Settlements is on file.

II. Findings and Conclusions

A. The Settlements Are Approved

Bankruptcy Rule 9019 provides that the Court may approve a compromise or settlement. "In determining the fairness, reasonableness and adequacy of a proposed settlement agreement, the court must consider: (a) The probability of success in the

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 17, 2021

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10:00 AM

CONT... **Michael Bonert and Vivien Bonert**

Chapter 11

litigation; (b) the difficulties, if any, to be encountered in the matter of collection; (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises." *Martin v. Kane (In re A&C Properties)*, 784 F.2d 1377, 1381 (9th Cir. 1986). "[C]ompromises are favored in bankruptcy, and the decision of the bankruptcy judge to approve or disapprove the compromise of the parties rests in the sound discretion of the bankruptcy judge." *In re Sassalos*, 160 B.R. 646, 653 (D. Ore. 1993). In approving a settlement agreement, the Court must "canvass the issues and see whether the settlement 'falls below the lowest point in the range of reasonableness.'" *Cosoff v. Rodman (In re W.T. Grant Co.)*, 699 F.2d 599, 608 (2d Cir. 1983). Applying the *A&C Properties* factors, the Court finds that the Settlements are adequate, fair, and reasonable, and are in the best interests of the estate and creditors.

Probability of Success on the Merits

This factor weighs in favor of approving the Settlements. With respect to the settlement with the Bakery Creditors, the outcome of the litigation is uncertain. The Bakery Creditors' claims are predicated upon an alter-ego theory, which is highly fact-intensive, making predicting the outcome of the litigation even more difficult. The uncertainty surrounding the litigation strongly supports approval of the settlement. *See In re Aloha Racing Found., Inc.*, 257 B.R. 83, 88 (Bankr. N.D. Ala. 2000) (internal citations omitted) ("The burden is not on ... the Trustee to conclusively establish that he would be successful at a trial on these issues. That would defeat the purpose of settlement and would eliminate any cost savings from the settlement. 'All that he must do is establish to the reasonable satisfaction of [this Court] that, all things considered, it is prudent to eliminate the risks of litigation to achieve specific certainty though it might be considerably less (or more) than were the case fought to the bitter end.'").

With respect to the settlements with Arvest and Keypoint, the outcome of the litigation is also uncertain because the Arvest Claim and Keypoint Claims are both contingent and would have to be liquidated through a claims estimation motion. In addition, settlement of the Arvest and Keypoint Claims benefits the estate by removing an obstacle to confirmation of the Plan.

Complexity of the Litigation

This factor weighs in favor of approving the Settlements. As discussed above, the claims asserted by the Bakery Creditors involve numerous disputed and fact-intensive

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CONT... **Michael Bonert and Vivien Bonert**

Chapter 11

issues that would be expensive to litigate. The issues raised by the Arvest and Keypoint Claims are not nearly as complex, but absent settlement the Debtors would still be required to incur costs in connection with claims estimation motions.

The possibility that additional litigation might yield a result nominally more favorable to the estate cannot be ruled out. Yet any such result obtained through litigation would be a pyrrhic victory from the perspective of the estate and creditors, because the additional administrative costs associated with the litigation would on net leave the estate worse off.

Paramount Interests of Creditors

This factor weighs in favor of approving the Settlements. Together, the Bakery Creditors, Arvest, and Keypoint constitute the majority of the creditor body, and these entities support the Settlements. Further, no other creditors have objected to approval of the Settlements.

Difficulties To Be Encountered in the Manner of Collection

This factor is inapplicable.

B. The Court Sets the Following Dates With Respect to Plan Confirmation

Having reviewed the *First Amended Chapter 11 Plan of Michael Bonert and Vivien Bonert* [Doc. No. 360] (the "Plan"), the Court **HEREBY ORDERS** that pursuant to Interim Bankruptcy Rule 3017.2, the following dates shall apply with respect to the solicitation of votes and Plan confirmation:

- 1) A hearing on confirmation of the Plan shall be held on **April 7, 2021 at 10:00 a.m.** As a result of the COVID-19 pandemic, the courtroom will be unavailable for in-court appearances at the confirmation hearing. All parties shall appear by telephone via CourtCall. (To make a telephonic appearance, contact CourtCall at 888-882-6878 no later than one hour before the hearing.) The cost for persons representing themselves has been waived.
- 2) Pursuant to Interim Bankruptcy Rule 3017.2(d), no later than **February 22, 2021**, the Plan, notice of the confirmation hearing, and a ballot conforming to Official Form No. 14 shall be served upon (a) all creditors entitled to vote upon the Plan, (b) the Subchapter V Trustee, and (c) the United States Trustee. Debtors are not required to serve the Plan upon creditors whose claims are unimpaired and who are therefore not entitled to vote; however, notice of the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT...

Michael Bonert and Vivien Bonert

Chapter 11

confirmation hearing and the time fixed for filing objections to confirmation shall be served upon such creditors by no later than **February 22, 2021**.

- 3) **March 10, 2021** is fixed as the last day for creditors and equity security holders to return to Debtors' counsel ballots containing written acceptances or rejections of the Plan, which ballots must be actually received by Debtors' counsel by 5:00 p.m. on such date.
- 4) **March 17, 2021** is fixed as the last day on which the Debtors must file and serve a motion for an order confirming the Plan (the "Confirmation Motion") including declarations setting forth a tally of the ballots cast with respect to the Plan ("Ballots"), and attaching thereto the Ballots, and setting forth evidence that the Debtors have complied with all the requirements for the confirmation of the Plan.
- 5) **March 24, 2021** (the "Objection Date"), is fixed as the last day for filing and serving written objections to confirmation of the Plan, as provided in Rule 3020(b)(1) of the Federal Rules of Bankruptcy Procedure.
- 6) **March 31, 2021** is fixed as the last day on which the Debtors may file and serve their reply to any opposition to the Confirmation Motion ("Reply").

III. Conclusion

Based upon the foregoing, the three Rule 9019 Motions filed by the Debtors are each **GRANTED** in their entirety. Within seven days of the hearing, Debtors shall submit orders incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

The papers filed in support of the Keypoint Settlement at times mistakenly refer to Keypoint as "Arvest."

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert and Vivien Bonert

Chapter 11

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#24.00 HearingRE: [354] Motion to Approve Compromise Under Rule 9019 Debtors' Notice of Motion and Motion to Approve Stipulation with Arvest Bank Re Allowance of Claim No. 20; Declaration of Marc A. Lieberman and Michael Bonert in Support Thereof with proof of service

Docket 354

Tentative Ruling:

2/16/2021

See Cal. No. 23, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 17, 2021

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10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#25.00 HearingRE: [351] Motion to Approve Compromise Under Rule 9019 Debtors' Notice of Motion and Motion to Approve Compromise with Key Point Credit Union Re Claim No. 15; Declaration of Marc A. Lieberman and Michael Bonert with proof of service

Docket 351

Tentative Ruling:

2/16/2021

See Cal. No. 23, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:20-20772 FDZ Homes, Inc.

Chapter 11

#26.00 HearingRE: [22] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) 311 & 315 N. Portola Ave..

Docket 22

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived. The Debtor shall direct potential overbidders, if any, to contact the above-referenced number prior to the hearing.

For the reasons set forth below, the Sale Motion is GRANTED. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchaser: Samipemo, Inc.
- 2) Property for sale: 4311 & 4315 N. Portola Ave, Los Angeles, CA 90032 [**Note 1**]
- 3) Purchase price: \$150,000
- 4) Overbids: the minimum overbid amount shall be \$155,000. Subsequent overbids shall be in increments of \$2,500

Pleadings Filed and Reviewed:

- 1) Debtor's Motion for Order: (1) Authorizing Debtor to Sell Real Property ([4]311 & [4]315 N. Portola Ave, Los Angeles, CA 90032; (2) Approving Overbid Procedures; (3) Approving Compensation of Real Estate Broker; (4) Authorizing Distribution of Sale Proceeds; (5) Waiving 14-Day Stay Imposed By Federal Rules of Bankruptcy Procedure 6004(h); Declarations of Salva[d] or Fernandez and Jose Arana in Support Thereof (the "Sale Motion") [Doc.

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CONT...

FDZ Homes, Inc.
No. 22]

Chapter 11

- 2) Notice of Debtor's Sale Motion [Doc. No. 23]
- 3) Status Conference Report [Doc. No. 18]
- 4) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession FDZ, Homes, Inc. (the "Debtor") filed a chapter 11 petition on December 7, 2020. The Debtor is a California corporation owned by Salvador Fernandez. The Debtor's business is to identify properties for investment, purchase those properties, make repairs, and market them for a profit. The Debtor's financial problems arose when it experienced cash flow problems and could not complete improvements on certain properties. It was therefore unable to market the properties and fell behind on mortgage payments. In the last seven months, the Debtor lost six of its properties, but still owns the following:

1. 647 W. 92nd St., Los Angeles, CA 90062 (the "92nd St. Property")
2. 426 Clifton St., Los Angeles, CA 90031
3. 3401 Greensward Road, Los Angeles, CA 90039 (the "Greensward Property")
4. 821 E. Mel Ave., Palm Springs, CA 92262 (the "Mel Property")
5. 4311 & 4315 Portola Ave., Los Angeles, CA 90032 (the "Portola Properties")

The Debtor owns the Portola Properties free and clear. The 92nd St. Property and the Mel Property have significant equity. On December 8, 2020, a foreclosure sale was planned by Anchor Loans on the 92nd St. Property, which is what led the Debtor to file its bankruptcy petition. Status Conference Report at 1-2.

On January 26, 2021, the Debtor filed this Sale Motion. The Debtor seeks: authorization to sell the Portola Properties pursuant to 11 U.S.C. § 363(b) & (f) free and clear of all liens and encumbrances; approval of overbid procedures; approval of compensation of the real estate broker; authorization of the distribution of sale proceeds; and a waiver of the 14-day stay. Sale Motion at 1. The Portola Properties consist of two lots of unimproved land. The Debtor seeks to sell the Portola Properties for \$150,000 to Samipemo, Inc. (the "Buyer"). After estimated costs of sale (9%), brokerage fees (6%), and \$3,130 in past due property taxes for the fiscal year 2020,

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CONT... **FDZ Homes, Inc.**

Chapter 11

the Debtor anticipates that the estate will realize net proceeds of \$133,370. *Id.* at 6. The Debtor believes that \$150,000 is the fair market value for these properties because the real estate broker, Jose Arana (the "Broker"), reviewed comparable sales in the area and performed an inspection of the properties. *Id.* at 3. The \$150,000 offer was the best offer received by the Debtor.

The purchase agreement between the Debtor and the Buyer provides, in pertinent part, that the properties are "as is" without any express or implied warranties. The sale is contingent upon approval of this Court, and there are to be no contingencies in the transaction. In the case of an approved and accepted overbidder (*see* § II(B), below, for a discussion of overbid procedures), that successful overbidder is to reimburse the Buyer up to \$2,000 for costs incurred. *Id.*

As of the preparation of this tentative ruling, no opposition is on file.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Debtor to sell estate property out of the ordinary course of business, subject to court approval. The Debtor must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Debtor has demonstrated sufficient business justification for the sale. The sale is consistent with the Debtor's obligation to liquidate certain of the estate's assets in order to effect a successful reorganization. Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to

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CONT...

FDZ Homes, Inc.

Chapter 11

accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Debtor needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). The Court approves the Debtor's proposed treatment of the tax encumbrance against the Portola Properties, and finds that the Portola Properties may be sold free and clear of such encumbrance as requested by the Debtor. Pursuant to § 363(f)(3), the sale is free and clear of the tax encumbrance because the Portola Properties' sale will generate proceeds exceeding the value of the encumbrance. Furthermore, the Debtor is authorized to pay ordinary costs, such as prorated taxes, title fees, escrow fees, and broker commissions.

B. Auction Procedures

In the event that any qualified overbidders emerge, the Debtor will conduct an auction in accordance with the procedures set forth in the Sale Motion. Qualifications to overbid, as laid out in the Sale Motion, include: 1) an overbidder must provide financial statements and business references sufficient to assure the Debtor of the overbidder's ability to consummate purchase of the Portola Properties; 2) each overbid must be received by the Debtor and the Debtor's counsel no later than three business days prior to the hearing on the Sale Motion; 3) the initial overbid is \$155,000, and each subsequent overbid must then be in increments of \$2,500; 4) each overbid shall be all cash, non-contingent, and on the same terms as the original sale; 5) an earnest money deposit of at least \$5,000 must be made and received by the Debtor no later than three business days prior to the hearing on the Sale Motion; 6) should an overbidder fail to qualify for financing or timely close escrow, the \$5,000 deposit is non-refundable. Sale Motion at 4-5.

C. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale, mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" *See In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP

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CONT... FDZ Homes, Inc.

Chapter 11

1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders." *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985). Having reviewed the declaration of the Debtor's principal, the court finds that the Debtor is wholly unrelated to the Buyer and all discussions and negotiations were conducted at arms-length, in good faith, and without collusion. Declaration of Salvador E. Fernandez at ¶¶ 14-15. The court finds that the Buyer is a good faith purchaser entitled to the protections of § 363(m). If an overbidder prevails at the sale hearing, the Court will take testimony from such overbidder to determine whether § 363(m) protections are warranted.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety. Since the 363(f)(3) aspect of the Motion has not been controverted, the Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: It appears as though there is a typographical error on the Debtor's Sale Motion. It lists the properties for sale as "311 & 315 N. Portola Ave., Los Angeles, CA 90032." However, those addresses do not exist, and the Debtor's petition, Status Conference Report, and proposed purchase agreement with the Buyer all list the properties as "4311 & 4315 N. Portola Ave., Los Angeles, CA 90032." Therefore, the Court assumes that the Debtor simply made a mistake on the Sale Motion header.

Party Information

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CONT... FDZ Homes, Inc.

Chapter 11

Debtor(s):

FDZ Homes, Inc.

Represented By
Andrew S Bisom

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, February 17, 2021

Hearing Room 1568

10:00 AM

2:20-20907 SZ Covina Capital Partners

Chapter 11

#27.00 HearingRE: [40] Motion to Dismiss Debtor Debtor's Notice Of Motion And Motion To Dismiss Chapter 11 Case; Memorandum Of Points And Authorities And Declaration In Support Thereof

Docket 40

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the case will be **DISMISSED** after the Court adjudicates the fee applications and the administrative claims have been paid. Professionals and the Trustee are directed to file fee applications by no later than **Tuesday, March 2, 2021**. The Court will hear the fee applications on **Wednesday, March 24, 2021 at 10:00 a.m.**

Pleadings Filed and Reviewed

1. Debtor's Notice of Motion and Motion to Dismiss Chapter 11 Case; Memorandum of Points and Authorities and Declaration in Support Thereof (the "Motion to Dismiss") [Doc. No. 40]
2. Response of Subchapter V Trustee to Debtor's Motion to Dismiss Chapter 11 Case; Declaration of M. Douglas Flauhaut in Support Thereof (the "Response") [Doc. No. 42]
3. Debtor's Subchapter V Status Conference Report (the "Status Report") [Doc. No. 39]

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession, SZ Covina Capital Partners, LLC (the "Debtor") filed its chapter 11 petition on December 12, 2020. The Debtor elected to proceed under Subchapter V of the Bankruptcy Code on December 14, 2020. The

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CONT... SZ Covina Capital Partners

Chapter 11

Debtor is the owner of a Sky Zone Trampoline Park in Covina, California. Prior to the COVID-19 pandemic, the Debtor avers that business was strong; however, after the pandemic began it was forced to close its doors and has been unable to open since. Motion to Dismiss at 5. The Debtor projects that it will be able to reopen in or around July 2021 and return to profitability. *Id.*

The primary factor precipitating the Debtor's bankruptcy filing was a dispute with the Debtor's landlord, KIR Covina, LP (the "Landlord"). *Id.* at 3. Shortly before the Debtor filed its petition, the Landlord "took steps seeking to terminate the Debtor's Lease of the Premises where the Sky Zone Trampoline Park is operated claiming to be owed over \$350,000 of back rent." *Id.* at 5. The Debtor was unable to operate its business or generate income to pay rent, and therefore filed for bankruptcy. The Debtor has three fully secured creditors, no known priority creditors, a \$130,600 Paycheck Protection Program Loan (the "PPP Loan") that it anticipates will be forgiven under the loan parameters, and approximately 34 general unsecured creditors with claims totaling \$586,320. Of that \$586,320, approximately \$353,251 is attributable to the Landlord and the Debtor's rent arrearages. *Id.* at 6-7.

On January 27, 2021 and in accordance with Court order, the Debtor filed its Status Report. The Debtor noted that it would be filing its voluntary Motion to Dismiss the same day, which would set forth its proposed reasons for dismissal of its case. In its Motion to Dismiss, the Debtor asserts that while it was unable to come to any sort of arrangement with the Landlord pre-petition, it has now "reached an agreement in principle [with the Landlord] resolving issues between the parties and providing relief to the Debtor in regard to the Lease, both in terms of dealing with rent arrearages and going forward rent." Motion to Dismiss at 8. The Debtor notes that the lease amendment resolving pre-petition arrearages will be "signed well in advance of the hearing on the Motion [to Dismiss]. To the extent it has not been signed before the hearing, the Debtor will either seek to continue the hearing on the Motion [to Dismiss] or withdraw the Motion [to Dismiss] until the Amendment is signed." *Id.* at 3 n.2. Upon forgiveness of the PPP Loan and resolution of the rent arrearages, the Debtor asserts that it will have just \$102,469 in general unsecured claims, and it currently holds \$44,000 in cash. *Id.* at 4.

The Debtor argues that "cause" exists to dismiss its case under 11 U.S.C. § 1112(b) because it has successfully negotiated with its Landlord to cure the primary

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CONT... SZ Covina Capital Partners

Chapter 11

problem that led to its bankruptcy. *Id.* at 8-9. It is therefore in the best interests of creditors for the Court to dismiss the case because the Debtor will be able to "focus its efforts on reopening and generating revenue to pay claims as soon as possible, and concurrently avoid expending resources otherwise available to creditors to proceed with this case and a plan" *Id.* at 9. In addition, the Debtor asserts that "dismissal will be conditioned on the payment of all outstanding administrative claims," so the Subchapter V Trustee (the "Trustee") and Debtor's bankruptcy counsel will benefit. *Id.*

On February 3, 2021, the Trustee submitted his Response. The Trustee has no objection to the dismissal, but requests that, should the dismissal be subject to approval of administrative claims, the Court approve his fees and expenses in the amount of \$4,231.75. In the event that the Court requires the Trustee to file a final fee application, the Trustee requests that at least \$5,500 be reserved for his fees, to account for the expense of filing a fee application. Response at 2.

II. Findings of Fact and Conclusions of Law

Under § 1112(b), the Court shall dismiss or convert a case to one under chapter 7 upon a showing of "cause." 11 U.S.C. § 1112(b). Section 1112(b)(4) provides a nonexclusive list of factors that generally speak to a Debtor's failure to be proactive in a case or a Debtor's continued harm to the estate. However, "[t]he enumerated causes are not exhaustive, and 'the court will be able to consider other factors as they arise, and to use its equitable powers to reach an appropriate result in individual cases.'" *In re Consol. Pioneer Mortg. Entities*, 248 B.R. 368, 375 (B.A.P. 9th Cir. 2000) (quoting H.R. No. 95-595, 95th Cong., 1st Sess. 405-06 (1977)), *aff'd*, 264 F.3d 803 (9th Cir. 2001).

While the enumerated examples of cause in § 1112(b)(4) surround a debtor's failures, here, it is the Debtor's successes that provide "cause." The primary motivating factor behind the Debtor's bankruptcy filing has been resolved and it is no longer in need of the bankruptcy process. *See In re OptInRealBig.com, LLC*, 345 B.R. 277, 283-84 (Bankr. D. Colo. Apr. 4, 2006) (finding "cause" where the chapter 11 debtor reached a settlement with its "primary litigation nemesis" and no longer needed to reorganize its business). The Debtor has been able to successfully negotiate its way out of bankruptcy and appears to have a path toward paying off the remainder of its unsecured debt.

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CONT... SZ Covina Capital Partners

Chapter 11

Having determined that cause exists, the Court must then determine whether conversion, dismissal, or appointment of a Chapter 11 trustee serves the best interests of creditors or the estate. See *In re Products Int'l Co.*, 395 B.R. 101, 107 (Bankr. D. Ariz. 2008) (citing *In re Nelson*, 343 B.R. 671 (9th Cir. 2006)). "[W]hen deciding between dismissal and conversion under 11 U.S.C. § 1112(b), the court must consider the interests of *all* of the creditors." *Shulkin Hutton, Inc. v. Treiger (In re Owens)*, 552 F.3d 958, 961 (9th Cir. 2009) (emphasis in original) (quoting *Rollex Corp. v. Associated Materials, Inc. (In re Superior Siding & Window, Inc.)*, 14 F.3d 240, 243 (4th Cir. 1994)).

In addition, though the Debtor does not use the phrase in its Motion to Dismiss, it is essentially seeking a structured dismissal—that is, an order of dismissal combined with an order authorizing the distribution of certain of the estate's assets to creditors. The Supreme Court has disapproved of a structured dismissal that violated the Bankruptcy Code's priority scheme, but expressed "no view about the legality of structured dismissals in general." *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973, 985 (2017).

Here, the Debtor requests, and the Trustee does not oppose, dismissal of this case. A debtor's interests in dismissal of a case may enter into the equation "insofar as they coincide with the interests of the estate." *In re Staff Inv. Co.*, 146 B.R. 256, 261 (Bankr. E.D. Cal. Sept. 29, 1992). See also *In re OptInRealBig.com, LLC*, 345 B.R. at 283-84 (determining that dismissal was the best option because reorganization was not necessary and would "no longer serve[] the interests of [the] debtor or its creditors . . ."). If the Debtor were to be required to file a disclosure statement and chapter 11 plan of reorganization, a significant portion of its cash reserves would be eaten up by administrative expenses. Upon dismissal, the Debtor will have little unsecured debt, and no creditor has objected to the dismissal. Furthermore, the Debtor's proposed amended lease arrangement and proposed distribution to the Landlord do not appear to violate the Bankruptcy Code's priority scheme. Therefore, dismissal is in the best interests of creditors because it will allow the Debtor to focus its efforts on reopening and generating revenue to pay its remaining creditors.

III. Conclusion

For the reasons set forth above, the case will be **DISMISSED** after the Court adjudicates the fee applications and the administrative claims have been paid.

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CONT... SZ Covina Capital Partners

Chapter 11

Professionals and the Trustee are directed to file fee applications by no later than **Tuesday, March 2, 2021**. The Court will hear the fee applications on **Wednesday, March 24, 2021 at 10:00 a.m.**

The Debtor is directed to lodge a conforming proposed order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

SZ Covina Capital Partners

Represented By
Ron Bender
Todd M Arnold

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:20-20907 SZ Covina Capital Partners

Chapter 11

#27.10 Hearing re [6] status conference to be convened under 11 U.S.C. § 1188(a) (the "Subchapter V Status Conference")

FR.2-10-21

Docket 0

Tentative Ruling:

2/16/2021

See calendar no. 27.10, incorporated by reference in full.

Party Information

Debtor(s):

SZ Covina Capital Partners

Represented By
Ron Bender
Todd M Arnold

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Hearing Room 1568

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2:20-20772 FDZ Homes, Inc.

Chapter 11

#28.00 HearingRE: [25] Motion For Sale of Property of the Estate under Section 363(b) - No Fee 3401 Greensward Road, Los Angeles, CA 90039

Docket 25

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived. The Debtor shall direct potential overbidders, if any, to contact the above-referenced number prior to the hearing.

For the reasons set forth below, the Sale Motion is GRANTED. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchaser: Daniel and Mary Flagstad
- 2) Property for sale: 3401 Greensward Road, Los Angeles, CA 90039
- 3) Purchase price: \$1,260,000
- 4) Overbids: the minimum overbid amount shall be \$1,265,000. Subsequent overbids shall be in increments of \$2,500

Pleadings Filed and Reviewed:

- 1) Debtor's Motion for Order: (1) Authorizing Debtor to Sell Real Property (3401 Greensward Road, Los Angeles CA 90039); (2) Approving Overbid Procedures; (3) Approving Compensation of Real Estate Broker; (4) Authorizing Distribution of Sale Proceeds; (5) Waiving 14-Day Stay Imposed By Federal Rules of Bankruptcy Procedure 6004(h); Declarations of Salva[d] or Fernandez and [Lauren Reichenberg] in Support Thereof (the "Sale Motion") [Doc. No. 25]

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CONT...

FDZ Homes, Inc.

Chapter 11

- 2) Notice of Debtor's Sale Motion [Doc. No. 26]
- 3) [Limited] Notice of Non-Opposition (the "Non-Opposition") [Doc. No. 29]
- 4) Status Conference Report [Doc. No. 18]

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession FDZ, Homes, Inc. (the "Debtor") filed a chapter 11 petition on December 7, 2020. The Debtor is a California corporation owned by Salvador Fernandez. The Debtor's business is to identify properties for investment, purchase those properties, make repairs, and market them for a profit. The Debtor's financial problems arose when it experienced cash flow problems and could not complete improvements on certain properties. It was therefore unable to market the properties and fell behind on mortgage payments. In the last seven months, the Debtor lost six of its properties, but still owns the following:

1. 647 W. 92nd St., Los Angeles, CA 90062 (the "92nd St. Property")
2. 426 Clifton St., Los Angeles, CA 90031
3. 3401 Greensward Road, Los Angeles, CA 90039 (the "Greensward Property")
4. 821 E. Mel Ave., Palm Springs, CA 92262 (the "Mel Property")
5. 4311 & 4315 Portola Ave., Los Angeles, CA 90032 (the "Portola Properties")

The Debtor owns the Portola Properties free and clear. The 92nd St. Property and the Mel Property have significant equity. On December 8, 2020, a foreclosure sale was planned by Anchor Loans on the 92nd St. Property, which is what led the Debtor to file its bankruptcy petition. Status Conference Report at 1-2.

On January 27, 2021, the Debtor filed this Sale Motion. The Debtor seeks: authorization to sell the Greensward Property pursuant to 11 U.S.C. § 363(b) & (f) free and clear of all liens and encumbrances; approval of overbid procedures; approval of compensation of the real estate broker; authorization of the distribution of sale proceeds; and a waiver of the 14-day stay. Sale Motion at 1. The Debtor seeks to sell the Greensward Property for \$1,260,000 to Daniel and Mary Flagstad (the "Buyers"). The Greensward Property is encumbered by two liens: a first lien held by Aspen Retirement Fund, LLC in the amount of \$801,000, and a second lien held by MOR Investment Fund, LLC in the amount of \$239,000 (collectively, the "Secured

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FDZ Homes, Inc.

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Creditors"). In addition, the Debtor estimates that there are approximately \$15,393 in past due real estate taxes. After estimated costs of sale (8%), brokerage fees (5%), payment of the past due property taxes for the fiscal year 2020, and payment of both liens, the Debtor anticipates that the estate will realize net proceeds of \$103,807. *Id.* at 6. The Debtor believes that \$1,260,000 is the fair market value for this property because the real estate broker, Lauren Reichenberg (the "Broker"), reviewed comparable sales in the area and performed an inspection of the property. *Id.* at 3. The \$1,260,000 offer was the best offer received by the Debtor.

The purchase agreement between the Debtor and the Buyers provides, in pertinent part, that the property is "as is" without any express or implied warranties. The sale is contingent upon approval of this Court, and there are to be no contingencies in the transaction. In the case of an approved and accepted overbidder (*see* § II(B), below, for a discussion of overbid procedures), that successful overbidder is to reimburse the Buyers up to \$2,000 for costs incurred. *Id.*

On February 2, 2021 the Secured Creditors filed their Non-Opposition. The Secured Creditors do not oppose the sale of the Greensward Property so long as they receive payment in full of their secured liens. Non-Opposition at 1.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Debtor to sell estate property out of the ordinary course of business, subject to court approval. The Debtor must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Debtor has demonstrated sufficient business justification for the sale. The sale is consistent with the Debtor's obligation to liquidate certain of the estate's assets in order to effect a successful reorganization. Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;

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- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Debtor needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). The Court approves the Debtor's proposed treatment of the tax encumbrance and the Secured Creditors' liens against the Greensward Property, and finds that the Greensward Property may be sold free and clear of such liens and encumbrances as requested by the Debtor. Pursuant to § 363(f) (3), the sale is free and clear of the liens and encumbrances because the Greensward Property's sale will generate proceeds exceeding the value of the liens and encumbrances. Furthermore, the Debtor is authorized to pay ordinary costs, such as prorated taxes, title fees, escrow fees, and broker commissions.

B. Auction Procedures

In the event that any qualified overbidders emerge, the Debtor will conduct an auction in accordance with the procedures set forth in the Sale Motion. Qualifications to overbid, as laid out in the Sale Motion, include: 1) an overbidder must provide financial statements and business references sufficient to assure the Debtor of the overbidder's ability to consummate purchase of the Portola Properties; 2) each overbid must be received by the Debtor and the Debtor's counsel no later than three business days prior to the hearing on the Sale Motion; 3) the initial overbid is \$1,265,000, and each subsequent overbid must then be in increments of \$2,500; 4) each overbid shall be all cash, non-contingent, and on the same terms as the original sale; 5) an earnest money deposit of at least \$31,470 must be made and received by the Debtor no later than three business days prior to the hearing on the Sale Motion; 6) should an overbidder fail to qualify for financing or timely close escrow, the \$31,470 deposit is non-refundable. Sale Motion at 4-5.

C. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale,

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mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" See *In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP 1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders." *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985). Having reviewed the declaration of the Debtor's principal, the court finds that the Debtor is wholly unrelated to the Buyers and all discussions and negotiations were conducted at arms-length, in good faith, and without collusion. Declaration of Salvador E. Fernandez at ¶¶ 14-15. The court finds that the Buyers are good faith purchasers entitled to the protections of § 363(m). If an overbidder prevails at the sale hearing, the Court will take testimony from such overbidder to determine whether § 363(m) protections are warranted.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety. Since the 363(f)(3) aspect of the Motion has not been controverted, the Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Debtor(s):

FDZ Homes, Inc.

Represented By
Andrew S Bisom

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:21-10152 Dean M Harris

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#29.00 Hearing
RE: [26] Motion to Dismiss Bankruptcy Case

Docket 26

Tentative Ruling:

2/16/2021

For the reasons set forth below, the Motion to Dismiss is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion to Dismiss Bankruptcy Case [Doc. No. 26] (the "Motion")
 - a) Request for Judicial Notice in Support of Motion to Dismiss Bankruptcy Case [Doc. No. 24] (the "RJN")
 - b) Declaration of Anthony R. Bisconti in Support of Motion to Dismiss Bankruptcy Case [Doc. No. 23]
- 2) Opposition to Motion to Dismiss Bankruptcy Case [Doc. No. 39] (the "Opposition")
- 3) Trustee's Response to the Judgment Creditor's Motion to Dismiss the Bankruptcy Case [Doc. No. 43]
- 4) Reply in Support of Motion to Dismiss Bankruptcy Case [Doc. No. 44] (the "Reply")

I. Facts and Summary of Pleadings

A. Background

I. Crystal Holmes' Judgment Against Rosalina Harris

On May 3, 2018, Crystal Holmes ("Holmes") filed a complaint against Rosalina Lizardo Harris ("Rosalina") [Note 1] and other parties in the District Court, asserting claims under 42 U.S.C. § 1983 (the "Complaint"). On July 11, 2019, after conducting a jury trial, the District Court entered judgment in favor of Holmes in the amount of \$2,265,952.00 (the "Judgment"). RJN, Ex. 4. The jury found that Rosalina, who is a detective employed by the Los Angeles Sheriff's Department (the "LASD"), violated Holmes' Fourth Amendment right to be free from unreasonable arrest without

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probable cause, and awarded damages of \$765,952. *Id.* The jury further found that Rosalina acted with malice, oppression, or reckless disregard of Holmes' constitutional rights, and awarded punitive damages of \$1.5 million. *Id.*

On September 19, 2019, the District Court denied Rosalina's renewed motion for judgment as a matter of law. The District Court stated:

The Court concludes that there was ample evidence to support the jury's verdict. There was sufficient evidence supporting the jury's conclusion that [Rosalina] acted under color of law in procuring [Holmes'] arrest, and that [Rosalina] procured [Holmes'] wrongful arrest without probable cause.

RJN, Ex. 5.

On October 4, 2019, the District Court denied Rosalina's motion for a new trial or, in the alternative, an altered or amended judgment. RJN, Ex. 6. The District Court rejected Rosalina's contention that the award of actual damages was not supported by sufficient evidence. *Id.* The District Court also found that the award of \$1.5 million in punitive damages was justified:

Here, the jury found that [Rosalina] acted "with malice, oppression, or reckless disregard of [Holmes'] constitutional rights" in procuring her wrongful arrest, rather than negligently. The jury concluded that [Rosalina], a law enforcement officer, carried out the wrongful arrest of an innocent person under the authority of her position, in deliberate disregard of [Holmes'] right to be free of unlawful arrest. The Court concludes that this is reprehensible conduct.

Id. (internal citations omitted).

On October 4, 2019, the District Court awarded Holmes attorneys' fees in the amount of \$760,397.50, and costs and expenses in the amount of \$2,709.29. *Id.* On October 10, 2019, Rosalina appealed the Judgment to the Ninth Circuit. On December 30, 2019, Holmes recorded an abstract of the Judgment against the family residence (the "Property") owned by Rosalina and her spouse, Dean Harris ("Dean").

2. Rosalina's Chapter 11 Petition

On March 13, 2020, Rosalina filed a voluntary Chapter 11 petition (Case No. 2:20-bk-12839-ER). On May 27, 2020, upon Holmes' motion, the Court dismissed Rosalina's petition as having been filed in bad faith. The Court found that Rosalina

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sought bankruptcy protection as a substitute for posting a supersedeas bond during the appeal of the Judgment and that Rosalina had failed to demonstrate that she could confirm a plan. *See* Doc. Nos. 30 and 33, Case No. 2:20-bk-12839-ER.

On July 23, 2020, the Court awarded Holmes attorneys' fees and costs in the amount of \$49,202.44, pursuant to 42 U.S.C. § 1988. The Court found that the fees and costs incurred by Holmes to obtain the dismissal of Rosalina's Chapter 11 petition were compensable because such fees and costs were necessary to protect and enforce the Judgment. *See* Doc. Nos. 58–59, Case No. 2:20-bk-12839-ER.

3. Holmes' Efforts to Enforce the Judgment and Dean Harris' Chapter 7 Petition

On December 8, 2020, upon Holmes' application, the Hon. Philip S. Gutierrez of the U.S. District Court for the Central District of California (the "District Court") issued an order requiring Rosalina and Dean to show cause why the Property should not be sold to satisfy a portion of the Judgment. On January 11, 2021, several hours prior to the hearing on the OSC, Dean filed a voluntary Chapter 7 petition. In view of Dean's petition, the District Court continued the hearing on the OSC to February 22, 2021 at 1:30 p.m.

In his schedules, Dean values the Property at \$1,025,000.00, and claims a homestead exemption in the Property of \$600,000 pursuant to Cal. Civ. Proc. Code § 704.730. Dean's primary unsecured debts consist of credit card debt of approximately \$27,000.

B. Summary of Papers Filed in Connection with the Motion to Dismiss

Holmes moves to dismiss Dean's petition "for cause," pursuant to § 707(a). Holmes asserts that dismissal is warranted because (1) Dean's case was filed only to circumvent the Court's dismissal of Rosalina's case and (2) Dean's case lacks a legitimate bankruptcy objective, having been filed only to forestall Holmes' attempts to enforce the Judgment. In the alternative, Holmes argues that the Court should dismiss the case pursuant to its inherent authority under § 105(a).

Dean contends that he filed the case to accomplish legitimate bankruptcy objectives, including (1) obtaining a discharge and (2) claiming a homestead exemption in the Property.

The Chapter 7 Trustee (the "Trustee") does not oppose dismissal of the case, but argues that dismissal may not produce the optimal outcome for Holmes. The Trustee suggests that the Court delay entering a final ruling on the Motion until after the Ninth Circuit has adjudicated Rosalina's appeal of the Judgment. The Trustee notes that the

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County of Los Angeles (the “County”) has offered to pay \$1.5 million to settle the Judgment, and suggests that a mediation involving the Trustee, Rosalina, Dean, and the County could be productive.

In reply papers, Holmes makes an additional argument for dismissal that was not set forth in the Motion—that the case must be dismissed, pursuant to § 521(e)(2), because Dean failed to timely provide to Holmes a copy of his tax return.

II. Findings of Fact and Conclusions of Law

Section 707(a) provides that a Chapter 7 petition may be dismissed “only for cause.” In *Hickman v. Hana (In re Hickman)*, 384 B.R. 832, 840 (B.A.P. 9th Cir. 2008), the court observed that the “term ‘for cause’ is defined in the Bankruptcy Code only by way of a list of three examples—unreasonable delay prejudicial to creditors, nonpayment of filing fees, and not filing schedules—that is plainly incomplete.” The *Hickman* court explained that courts should examine the totality of the circumstances in determining whether “cause” under §707(a) is present. *Id.* at 840.

In *Neary v. Padilla (In re Padilla)*, the Ninth Circuit held that a debtor’s “bad faith” did not constitute “cause” for dismissal for purposes of § 707(a):

We note that Chapters 11 and 13 of the Bankruptcy Code each contain a “dismissal for cause” provision that is structured like § 707(a) and includes the same or similar examples of “cause” as § 707(a). However, under the Chapter 11 and Chapter 13 provisions we have held that bad faith does provide “cause” to dismiss Chapter 11 and Chapter 13 bankruptcy petitions. What distinguishes Chapters 11 and 13 from Chapter 7 is the language of the Bankruptcy Code itself and the post-filing relationship between the debtor and his creditors. The Bankruptcy Code specifically mentions good faith in Chapters 11 and 13 when it permits a court to confirm a payment plan only if it is proposed in good faith. No mention of good faith or bad faith is made in Chapter 7. Also, the post-filing debtor-creditor relationship is markedly different in liquidation and reorganization bankruptcies. Chapters 11 and 13, both reorganization chapters, permit the debtor to “retain its assets and reorder its contractual obligations to its creditors. In return for these benefits, ... the debtor [must] approach its new relationship with the creditors in good faith ...” Chapter 7, a liquidation chapter, “requires no ongoing relationship between the debtor and its creditors” and should be available to any debtor willing to surrender all of its nonexempt assets, “regardless of whether the debtor's

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motive in seeking such a remedy was grounded in good faith.” ... The Bankruptcy Code's language and the protracted relationship between reorganization debtors and their creditors lead us to conclude that bad faith per se can properly constitute “cause” for dismissal of a Chapter 11 or Chapter 13 petition but not of a Chapter 7 petition under § 707(a).

222 F.3d 1184, 1192–93 (9th Cir. 2000) (footnotes and internal citations omitted).

[Note 2]

Expanding upon *Padilla*, the Ninth Circuit has held that if the circumstances alleged to constitute cause for dismissal are “contemplated by any specific Code provision applicable to Chapter 7 petitions,” then such circumstances do not constitute cause for dismissal within the meaning of §707(a). *Sherman v. SEC (In re Sherman)*, 491 F.3d 948, 970 (9th Cir. 2007). In *Sherman*, the SEC asserted that various types of misconduct that the debtors had allegedly engaged in constituted cause for dismissal. The Ninth Circuit assumed without deciding that the debtors had engaged in all the misconduct alleged, but held that dismissal was nonetheless not warranted. The court explained:

[B]ecause other Code provisions contemplate (1) taking refuge from the jurisdiction of another court; (2) engaging in a “scorched earth” tactic against a particular creditor; and (3) making misrepresentations in bankruptcy filings, we conclude that there is no “cause” to dismiss the [debtors’] bankruptcy petition because of any such behavior. To respect the complex statutory scheme that Congress has created to deal with malfeasance associated with bankruptcy petitions, we are loath to hold that a factor constitutes “cause” unless the Bankruptcy Code regime is incapable of righting wrongs of the kind alleged.

Sherman, 491 F.3d 948, 974 (9th Cir. 2007).

The restrictive construction of § 707(a) set forth in *Padilla* and *Sherman* is the minority view. The majority view, adopted by most of the other circuits, holds that “bad faith” can constitute cause for dismissal under § 707(a). The Fourth Circuit has aptly summarized the difference between majority and minority views:

For the most part, courts have recognized that a debtor’s bad faith in filing may constitute cause for dismissal under § 707(a). *See In re Krueger*, 812 F.3d

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365, 370 (5th Cir. 2016) (“[A] debtor’s bad faith in the bankruptcy process can serve as the basis of a dismissal ‘for cause’”); *In re Schwartz*, 799 F.3d 760, 764 (7th Cir. 2015) (“[A]n unjustified refusal to pay one’s debts is a valid ground under 11 U.S.C. § 707(a) to deny a discharge of a bankrupt’s debts.”); *Piazza*, 719 F.3d at 1260–61 (“[T]he power to dismiss ‘for cause’ in § 707(a) includes the power to involuntarily dismiss a Chapter 7 case based on prepetition bad faith.”); *In re Tamecki*, 229 F.3d 205, 207 (3d Cir. 2000) (“Section 707(a) allows a bankruptcy court to dismiss a petition for cause if the petitioner fails to demonstrate his good faith in filing.”); *In re Zick*, 931 F.2d 1124, 1127 (6th Cir. 1991) (“[L]ack of good faith is a valid basis of decision in a ‘for cause’ dismissal by a bankruptcy court.”). *But see In re Padilla*, 222 F.3d 1184, 1191 (9th Cir. 2000) (“[B]ad faith as a general proposition does not provide ‘cause’ to dismiss a Chapter 7 petition under § 707(a).”); *In re Huckfeldt*, 39 F.3d 829, 832 (8th Cir. 1994) (adopting a “narrow, cautious” approach that requires “extreme misconduct falling outside the purview of more specific Code provisions”).

Janvey v. Romero, 883 F.3d 406, 412 (4th Cir. 2018).

The Court notes that many of the cases cited by Holmes in support of dismissal are inapposite because they are from circuits that have adopted the more expansive interpretation of “cause.” Were the Court writing upon a blank slate, it would find such cases persuasive. However, the Court is bound by the more restrictive construction of “cause” set forth in *Padilla* and *Sherman*. Applying the standards set forth in those cases, the Court finds that Holmes has failed to show “cause” for dismissal of Dean’s case.

First, Holmes argues that the case should be dismissed because it was filed to frustrate Holmes’ attempts to enforce the Judgment. Assuming *arguendo* that Holmes is correct, such misconduct would not constitute “cause” for dismissal. As held by *Sherman*:

The remedy in the “cause” provision of § 362(d)(1) is a considerably more direct way to deal with a debtor who is improperly using bankruptcy as a refuge from the jurisdiction of another court than the remedy in the “cause” provision of § 707(a). Preventing a debtor from taking advantage of the stay is a remedy tailored to the problem of improper avoidance of jurisdiction of another court. In contrast, § 707(a)’s remedy—the dismissal of the bankruptcy

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petition altogether—is too powerful a medicine for the problem at hand, as it precludes adjudication of the bankruptcy even where there are debts aside from pending litigation that exceed assets.

Sherman, 491 F.3d 948, 971–72 (9th Cir. 2007).

Second, Holmes argues that dismissal is warranted because there is no legitimate bankruptcy purpose for Dean’s case. Holmes maintains that the stated purposes for the case—obtaining a homestead exemption and a determination that the Judgment is dischargeable—are illusory because Dean would be entitled to a homestead exemption outside of bankruptcy, and because the Judgment is non-dischargeable pursuant to § 523(a)(6) under principles of issue preclusion.

On the present record, the Court cannot find that there is *no* legitimate bankruptcy purpose for Dean’s case. Holmes is correct that Dean would be entitled to a homestead exemption outside of bankruptcy. However, it is possible that the filing of the petition may entitle Dean to a larger homestead exemption, because the filing of the petition might change the date upon which the homestead exemption is calculated. Outside of bankruptcy, the amount of Dean’s homestead exemption would be calculated by applying the exemption statutes in effect on December 30, 2019, the date when Holmes obtained an attachment lien against the Property by recording an abstract of the Judgment. *See* Cal. Civ. Proc. Code § 703.050(a) (“The determination whether property is exempt or the amount of an exemption shall be made by application of the exemption statutes in effect (1) at the time the judgment creditor’s lien on the property was created”); *see also In re Morgan*, 157 B.R. 467, 469 (Bankr. C.D. Cal. 1993) (“A plain reading of the California exemption scheme provides that ... the determination of the amount of an exemption shall be made by application of the exemption statutes in effect at the time the judgment creditor’s lien was created. A lien on real property is created by recording an abstract of judgment.”). The homestead exemption that Dean would have been entitled to as of the date of the creation of Holmes’ attachment lien was \$100,000.

Inside bankruptcy, there is a split of authority regarding the appropriate date for calculating the homestead exemption. In *In re Mayer*, the Bankruptcy Appellate Panel (the “BAP”) held that the petition date—not the date upon which the attachment lien was created—should be used to determine the amount of the homestead exemption. 167 B.R. 186, 189 (B.A.P. 9th Cir. 1994). In an unpublished disposition issued in 2006, the BAP explained at length why the result set forth in *Mayer* was correct. *See In re Zall*, No. BAP.EC-05-1476-MOSB, 2006 WL 6811022, at *1 (B.A.P. 9th Cir.

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Sept. 5, 2006). If the Court used the petition date to determine the amount of Dean's homestead exemption, he would likely be entitled to an exemption of \$600,000. However, *Mayer* and *Zall* are inconsistent with *Morgan*, which held that the amount of an exemption was calculated by reference to the date upon which the judgment creditor's lien was created, even inside bankruptcy.

The Court makes no ruling upon the amount of Dean's homestead exemption, as that issue is not before it. However, the fact that seeking bankruptcy protection could conceivably allow Dean to claim a significantly larger homestead exemption (\$600,000 instead of \$100,000) prevents the Court from finding that the case has no legitimate bankruptcy purpose.

Holmes next contends that Dean's objective of discharging the Judgment is not a legitimate reason for filing the petition. Holmes' theory is that principles of issue preclusion compel a finding that the Judgment is non-dischargeable.

Accepting Holmes' argument would require the Court to reach conclusions regarding the outcome of a dischargeability action outside the context of an adversary proceeding, which would be procedurally improper. Even if the chances of Dean obtaining a discharge of the Judgment are low, the Court cannot say that the filing of a petition with the goal of discharging the Judgment is an illegitimate use of the Bankruptcy Code.

Holmes argues that dismissal is mandatory under § 521(e)(2) because Dean did not timely provide her a copy of his tax return. Holmes first raised this argument in her reply papers. Local Bankruptcy Rule ("LBR") 9013-1(g)(4) prohibits the introduction of new evidence or arguments in reply papers. LBR 9013-1(g)(4) is a codification of the Ninth Circuit's well-established "general rule that [litigants] cannot raise a new issue for the first time in their reply briefs." *Martinez-Serrano v. I.N.S.*, 94 F.3d 1256, 1259 (9th Cir. 1996); *see also Daghlian v. DeVry University, Inc.*, 461 F. Supp. 2d 1121, 1143 n. 37 (C.D. Cal. 2006) ("It is improper for the moving party to 'shift gears' and introduce new facts or different legal arguments in the reply brief than [those that were] presented in the moving papers."). Introduction of new arguments in reply papers deprives the opposing party of the opportunity to respond, which violates due process. The Court declines to consider Holmes' arguments under § 521(e)(2), without prejudice to Holmes' ability to renew such arguments by way of a separately-noticed motion.

Holmes asserts that if the Court does not dismiss the case under § 707(a), it should dismiss the case under § 105(a). The Court declines to do so. Where, as here, a specific provision of the Bankruptcy Code commands a certain result, the use of

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§ 105(a) to obtain a different result is not permitted. *Saxman v. ECMC (In re Saxman)*, 325 F.3d 1168, 1174–75 (9th Cir. 2003).

III. Conclusion

Based upon the foregoing, the Motion to Dismiss is **DENIED**. Within seven days of the hearing, Holmes shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

A given name is used to distinguish Rosalina Harris from her husband, Dean Harris. No disrespect is intended.

Note 2

The Bankruptcy Abuse and Consumer Protection Act of 2005 ("BAPCPA") partially overruled *Padilla* by adding the means test, codified at § 707(b). When applying the means test, the Court is required to consider "whether the debtor filed the petition in bad faith," § 707(b)(3)(A). The changes made by BAPCPA have no effect upon the instant Motion, because Holmes seeks dismissal only under § 707(a), not under § 707(b). Without deciding the issue, the Court notes that dismissal under § 707(b) would likely not be a remedy available to Holmes. Section 707(b) applies only to debtors "whose debts are primarily consumer debts." Here, the Judgment, which is *not* a consumer debt, appears to constitute the majority of Dean's indebtedness.

Party Information

Debtor(s):

Dean M Harris

Represented By
Jeffrey B Smith

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Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

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2:15-21374 Maria Del Carmen Linares

Chapter 7

#100.00 APPLICANT: Trustee: David M Goodrich

Hearing re [117] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$20,361.65 [see Doc. No. 116]

Total Trustee's Expenses: \$84.55 [see *id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

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Debtor(s):

Maria Del Carmen Linares

Represented By
Caroline Djang

Trustee(s):

David M Goodrich (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

2:15-21374 Maria Del Carmen Linares

Chapter 7

#101.00 APPLICANT: Attorney for Trustee (other firm) Best Best & Krieger, LLP

Hearing re [117] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis, if any, are now deemed final):

Fees: \$39,095 approved (consisting of \$28,801 awarded on an interim basis on August 11, 2020 [See Doc. No. 103] and \$10,294 sought in connection with this application, which is inclusive of a voluntary reduction of \$2,299.50 [See Doc. Nos. 111 & 115])

Expenses: \$412.93 approved (consisting of \$301.21 awarded on an interim basis on August 11, 2020 [See Doc. No. 103] and \$111.72 sought in connection with this application [See Doc. No. 111])

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

CONT... **Maria Del Carmen Linares**
hearing.

Chapter 7

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Maria Del Carmen Linares

Represented By
Caroline Djang

Trustee(s):

David M Goodrich (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

2:15-21374 Maria Del Carmen Linares

Chapter 7

#102.00 APPLICANT: Special counsel for Trustee - McElfish Law Firm

Hearing re [117] Applications for chapter 7 fees and administrative expenses

Docket 0

*** VACATED *** REASON: PER ORDER ENTERED 9-15-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Del Carmen Linares

Represented By
Caroline Djang

Trustee(s):

David M Goodrich (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

2:15-21374 Maria Del Carmen Linares

Chapter 7

#103.00 APPLICANT: Accountant for Trustee (other firm) Hahn, Fife & Company

Hearing re [117] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$1,584 approved (the applicant requested \$1,794; however, \$210 of work was performed on November 21, 2018, which is before the applicant's employment went into effect on December 14, 2018 [*See* Doc. Nos. 41 & 112])

Expenses: \$280.80 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

CONT... Maria Del Carmen Linares

Chapter 7

Debtor(s):

Maria Del Carmen Linares

Represented By
Caroline Djang

Trustee(s):

David M Goodrich (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

2:19-24891 Elmer Joel Campos - Saravia

Chapter 7

#104.00 APPLICANT: Trustee - Wesley H. Avery

Hearing re [33] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

2/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$1,950 [*see* Doc. No. 32]

Total Trustee's Expenses: \$117.80 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 17, 2021

Hearing Room 1568

11:00 AM

CONT... Elmer Joel Campos - Saravia

Chapter 7

Debtor(s):

Elmer Joel Campos - Saravia

Represented By

Sanaz Sarah Bereliani

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#1.00 Trial Date Set

RE: [234] Amended Complaint Fourth Amended Complaint Against: (1) John C. Kirkland; and (2) Poshow Ann Kirkland as Trustee of The Bright Conscience Trust Dated September 9, 2009 for: 1. Disallowance of Proofs of Claim, or in the alternative, Equitable Subordination of Proofs of Claim; 2. Avoidance of Fraudulent Transfers (Actual Intent); 3. Avoidance of Fraudulent Transfers (Actual Intent); 4. Avoidance of Fraudulent Transfers (Constructive Fraud); 5. Avoidance of Fraudulent Transfers (Constructive Fraud); 6. Recovery of Avoided Transfers by Corey R Weber on behalf of Jason M Rund, Chapter 7 Trustee against Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, John C Kirkland, individually. (Weber, Corey) -SUMMONS NOT ISSUED. PER ORDER ENTERED ON 10-7-16 232 RESPONSE DUE 11-4-16. Modified on 10/14/2016 (Lomeli, Lydia R.).

Docket 234

***** VACATED *** REASON: CONTINUED 3-15-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Defendant(s):

John C Kirkland, individually

Represented By
Autumn D Spaeth ESQ
Lewis R Landau

Poshow Ann Kirkland, individually

Represented By
Lewis R Landau

Poshow Ann Kirkland, as Trustee of

Represented By
Lewis R Landau
Stephen E Hyam

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

CONT... EPD Investment Co., LLC

Chapter 7

Plaintiff(s):

Jason M Rund, Chapter 7 Trustee

Represented By
Larry W Gabriel
Michael W Davis
Corey R Weber
Robert A Hessling

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:17-13016 Sharp Edge Enterprises

Chapter 7

Adv#: 2:18-01163 Leslie v. Reihanian et al

#2.00 Trial Date Set

RE: [10] Amended Complaint by Christian T Kim on behalf of Sam S. Leslie, Sam S Leslie (TR) against Leon Reihanian. (RE: related document(s)1 Adversary case 2:18-ap-01163. Complaint by Sam S. Leslie against Leon Reihanian. (Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) filed by Plaintiff Sam S. Leslie. (Kim, Christian)

fr. 6-11-19; 7-29-19; 1-15-20; 8-24-20; 1-25-21

Docket 10

***** VACATED *** REASON: CONTINUED 5-24-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharp Edge Enterprises

Represented By
Peter A Davidson

Defendant(s):

Leon Reihanian

Represented By
Raymond H. Aver

DOES 1-20, inclusive

Pro Se

Abraham Reihanian, as Trustee of

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

CONT... Sharp Edge Enterprises

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Monday, February 22, 2021

Hearing Room 1639

9:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01387 Mastan, Chapter 7 Trustee v. Bank of Hope et al

#3.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01387. Complaint by Peter J. Mastan, Chapter 7 Trustee against Bank of Hope, Jason Young Cho. (Charge To Estate).
Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

FR. 6-22-20; 8-24-20; 11-30-20

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 5-11-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Bank of Hope

Pro Se

Jason Young Cho

Pro Se

Youngduk Duk Cho

Pro Se

DOES 1-10 inclusive

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Monday, February 22, 2021

Hearing Room 1639

9:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:18-13973 Jesus Alberto Argueta

Chapter 7

Adv#: 2:20-01111 Dye v. Argueta et al

#4.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01111. Complaint by Carolyn Dye against Jose Guillermo Argueta, Veronica Carmen Gonzalez. (Charge To Estate). (Attachments: # 1 Summons # 2 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)) (Pena, Leonard)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 8-27-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Alberto Argueta

Represented By

Jennifer Ann Aragon - SUSPENDED -

Defendant(s):

Jose Guillermo Argueta

Pro Se

Veronica Carmen Gonzalez

Pro Se

Does 1 to 10

Pro Se

Plaintiff(s):

Carolyn Dye

Represented By

Leonard Pena

Trustee(s):

Carolyn A Dye (TR)

Represented By

Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:18-15693 Kami Emein

Chapter 7

Adv#: 2:18-01260 Amin v. Emein

#5.00 Trial Date Set RE: [21] Amended Complaint 2nd Amended by Michael N Berke on behalf of Joseph Amin against Kami Emein. (Berke, Michael)

fr: 7-29-19, 9-30-19; 1-27-20; 5-25-20; 8-24-20; 11-30-20

Docket 0

***** VACATED *** REASON: CONTINUED 6-28-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kami Emein

Represented By
Jacques Tushinsky Fox

Defendant(s):

Kami Emein

Represented By
TJ Fox

Plaintiff(s):

Joseph Amin

Represented By
Michael N Berke

Trustee(s):

John J Menchaca (TR)

Represented By
Uzzi O Raanan ESQ
Sonia Singh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:19-19064 2379 Westwood Group Inc.

Chapter 7

Adv#: 2:20-01094 Ehrenberg, Chapter 7 Trustee v. Levy

#6.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01094. Complaint by Howard M Ehrenberg, Chapter 7 Trustee against David Levy, David Levi. (Charge To Estate).
Complaint For: (1) Avoidance Of Voidable Transfer Pursuant To 11 U.S.C. §§ 544, 548 And Cal. Civ. Code § 3439.04; (2) Recovery Of Transfer Or Value Thereof Pursuant To 11 U.S.C. § 550; (3) Preservation Of Avoided Transfer Pursuant To 11 U.S.C. § 551; And (4) Turnover Of Property Pursuant To 11 U.S.C. § 542 Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Wu, Claire)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

2379 Westwood Group Inc.

Represented By
Linda M Blank

Defendant(s):

David Levy

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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:19-23371 Jose Juan Cabrera

Chapter 7

Adv#: 2:20-01105 United States Trustee for the Central District of v. Cabrera

#7.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01105. Complaint by United States Trustee for the Central District of California, Region 16 against Jose Juan Cabrera. (Fee Not Required). for Revocation of Discharge pursuant to 11 U.S.C. Sec. 727(d)(4)(B) (Attachments: # 1 Summons) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Yip, Hatty)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 9-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Juan Cabrera	Pro Se
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Defendant(s):

Jose Juan Cabrera	Pro Se
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Plaintiff(s):

United States Trustee for the Central	Represented By Hatty K Yip
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Trustee(s):

Howard M Ehrenberg (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1668 Calendar**

Monday, February 22, 2021

Hearing Room 1668

9:00 AM

2:20-10675 Juan Carlos Reynoso Hernandez

Chapter 7

Adv#: 2:20-01102 United States Trustee for the Central District of v. Hernandez

#8.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01102. Complaint by United States Trustee for the Central District of California, Region 16 against Juan Carlos Reynoso Hernandez. (Fee Not Required). for Denial of Discharge pursuant to 11 U.S.C. Sec. 727(a)(4) and 727(d)(4)(B) (Attachments: # 1 Summons) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Yip, Hatty)

Docket 1

*** VACATED *** REASON: DISMISSED 9-17-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Reynoso Hernandez

Represented By
Rhonda Walker

Defendant(s):

Juan Carlos Reynoso Hernandez

Pro Se

Plaintiff(s):

United States Trustee for the Central

Represented By
Hatty K Yip

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

9:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#9.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01114. Complaint by Langlois Family Law, LANGOIS FAMILY LAW against STEVE LEWIS. (d),(e)) (Bowen, Ray)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 3-9-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Pro Se

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila and Baytower Corporate Center

Chapter 7

#100.00 HearingRE: [54] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 15901 Hawthorne Blvd., Units 170, 320, and 322, Lawndale, CA 90260 . (Seyler, Dana)

Docket 54

Tentative Ruling:

2/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Court confirms that the automatic stay does not apply to the Debtor's business.

This Motion for relief from the automatic stay or for an order confirming that the automatic stay does not apply has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Movant seeks an order from this Court confirming that the automatic stay does not apply to the Debtor's business, Tardaguila Chiropractic Professional Corp., A California Corporation (the "Corporation"). On February 2, 2021, the Chapter 7 Trustee filed his Notice of Non-Opposition. *See* Doc. No. 56. No opposition has been filed. The Movant is correct and the automatic stay in this bankruptcy case did not, and does not, impose a stay against the Corporation. Because the counterparty to the lease in question is the Corporation and not the Debtor, proceeding against the Corporation in a state court proceeding is not in violation of the current automatic stay order against the Debtor. *See In re Devine Ripe, L.L.C.*, 538 B.R. 300, 302 (Bankr.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Gregory Tardaguila and Baytower Corporate Center Chapter 7

S.D. Tex. 2015) ("Ordinarily, the automatic stay under § 362 does not apply to actions against a non-debtor"); *see also In re Furlong*, 437 B.R. 712, 721 (Bankr. D. Mass. 2010) ("Unless a corporation itself is a bankruptcy debtor, the automatic stay afforded to an individual debtor under § 362(a) does not extend to the assets of a corporation in which the debtor has an interest, even if the interest is 100% of the corporate stock"); *see also Ingersoll-Rand Fin. Corp. v. Miller Min. Co., Inc.*, 817 F.2d 1424, 1427 (9th Cir. 1987) ("In the absence of special circumstances, stays pursuant to section 362(a) are limited to debtors and do not include non-bankrupt co-defendants").

This order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang
Andrew P Altholz

Trustee(s):

Brad D Krasnoff (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT...

Gregory Tardaguila and Baytower Corporate Center

Eric P Israel

Sonia Singh

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:20-20871 Carlos A. Flores

Chapter 7

#101.00 HearingRE: [16] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Sienna, VIN: 5TDXK3DC9FS687970 . (Ith, Sheryl)

Docket 16

Tentative Ruling:

2/18/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Carlos A. Flores

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Carlos A. Flores

Represented By
John M Boyko

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:21-10114 Karina Razo

Chapter 7

#102.00 HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Honda Odyssey, VIN: 5FNR L6H8 0KB1 02334 .

Docket 12

Tentative Ruling:

2/18/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Karina Razo

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Karina Razo

Represented By
Antonio John Ibarra

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:21-10127 Claudio Carl DiRuggiero and Ronald DesMet

Chapter 7

#103.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 4803 Spencer Street, Torrance, CA 90503 . (Seyler, Dana)

Docket 9

Tentative Ruling:

2/18/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after the Movant caused a notice to quit to be served upon the Debtor on November 4, 2020. The Movant filed an unlawful detainer action on November 17, 2020.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Claudio Carl DiRuggiero and Ronald DesMet

Chapter 7

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. See *In re Butler*, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

This order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Claudio Carl DiRuggiero

Pro Se

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#104.00 HearingRE: [6395] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Complaint for Personal Injury.

Docket 6395

Tentative Ruling:

2/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**, except that Movant shall not be permitted to file a proof of claim or an adversary proceeding under §§ 523 or 727.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 [Doc. No. 6395] (the "Motion")
 - a) Notice of Motion [Doc. No. 6396]
- 2) Debtors' Response to Motion for Relief from the Automatic Stay Filed on Behalf of Sophie Holley-Horton [Doc. No. 6416]

I. Facts and Summary of Pleadings

On August 31, 2018 (the "Petition Date"), Verity Health System of California, Inc. ("VHS") and certain of its subsidiaries (collectively, the "Debtors") filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors' cases are being jointly administered. On August 14, 2020, the Court confirmed the *Modified Second Amended Joint Chapter 11 Plan of Liquidation (Dated July 2, 2020) of the Debtors, the Prepetition Secured Creditors, and the Committee* [Bankr. Doc. No. 5468, Ex. A] (the "Plan"). See Doc. No. 5504 (the "Confirmation Order"). The Effective Date of the Plan was September 4, 2020. See Doc. No. 6044.

**United States Bankruptcy Court
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Los Angeles
Judge Ernest Robles, Presiding
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Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Sophia Holley-Horton (the “Movant”) seeks stay relief, pursuant to § 362(d)(1), for the purposing of litigating a personal injury action against VHS and St. Vincent Medical Center (collectively, the “Debtors”) [Note 1] in the Los Angeles Superior Court (the “State Court Action”). Movant seeks recovery only from applicable insurance and waives any deficiency claim against the Debtors. Movant checked the box indicating that she retains the right to file a proof of claim against the Debtors and/or file an adversary proceeding under §§ 523 or 727. [Note 2]

Given that Movant seeks recovery only from applicable insurance, Debtors do not oppose the Motion. Debtors oppose only Movant’s request that she retain the ability to file a proof of claim or an adversary proceeding. Debtors note that both the claims bar date and the deadline to commence an adversary proceeding expired long ago.

Movant has not filed a reply to the Debtors’ limited opposition.

II. Findings and Conclusions

Section 362(d)(1) requires the Court to lift the automatic stay for “cause.” “Because there is no clear definition of what constitutes ‘cause,’ discretionary relief from the stay must be determined on a case by case basis.” *Piombo Corp. v. Castlerock Prods. (In re Castlerock Prods.)*, 781 F.2d 159, 163 (9th Cir. 1986). Where stay relief is sought to permit litigation to continue in another forum, the fact that the debtor’s insurance carrier has assumed full financial responsibility for defending the litigation constitutes “cause” for lifting the stay. *Truebro, Inc. v. Plumberex Specialty Prods., Inc. (In re Plumberex Specialty Prods., Inc)*, 311 B.R. 551, 559-60 (Bankr. C.D. Cal. 2004).

Since Movant seeks recovery only from applicable insurance and waives any deficiency claim, the Motion is **GRANTED** pursuant to § 362(d)(1). The State Court is best suited to adjudicate the personal injury claims which arise under non-bankruptcy law.

Movant shall not be permitted to file a proof of claim or an adversary proceeding under §§ 523 or 727. Movant is barred from filing a proof of claim because she received notice of the claims bar date and failed to timely file a proof of claim. Movant is barred from filing an adversary proceeding under § 523 because in a Chapter 11 case, a § 523 action may be filed only by a domestic governmental unit. *See* § 1141(d)(6)(A). Movant is barred from filing an adversary proceeding under § 727 because pursuant to § 13.2 of the Plan, “the Debtors will not receive a discharge under this Plan.” The fact that the Debtors are not receiving a discharge under the Plan renders moot any contemplated § 727 action. Movant’s request that the order granting

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Monday, February 22, 2021

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

stay relief be binding and effective in any bankruptcy case commenced by or against the Debtors for a period of 180 days is denied for lack of good cause shown.

Within seven days of the hearing, Movant shall submit an order incorporating this tentative ruling by reference. **[Note 3]**

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

The Court notes that pursuant to the Plan and Confirmation Order, VHS and St. Vincent are both "Post-Effective Date Debtors." For simplicity, the Court refers to both entities collectively as "Debtors."

Note 2

The box that Movant checked on the mandatory form also contains requests for relief other than the right to file a proof of claim or an adversary proceeding under §§ 523 or 727. As a result, it is unclear whether Movant actually intends to file a proof of claim or commence an adversary proceeding.

Note 3

To ensure that the Debtors have the opportunity to review Movant's proposed order as to form, Movants shall either (a) submit a *Notice of Lodgment* of the proposed order in accordance with the procedure set forth in Local Bankruptcy Rule 9021-1(b)(3)(A) or, in the alternative, shall (b) obtain Debtors' endorsement as to the form of the proposed order pursuant to the procedure set forth in Local Bankruptcy Rule 9021-1(b)(3)(C).

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Chapter 11

John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy
Brigette G McGrath
Gary D Underdahl
Nicholas C Brown
Anna Kordas
Mary H Haas
Robert E Richards
Lawrence B Gill

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:20-21167 Margie Ramos Quijano

Chapter 7

#105.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Volkswagen Tiguan . (Nagel, Austin)

Docket 8

Tentative Ruling:

2/18/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Margie Ramos Quijano

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Margie Ramos Quijano

Represented By
Harout G Bouldoukian

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:21-10320 Tania Gisselle Ramirez

Chapter 7

#106.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Dodge Challenger, VIN: 2C3CDZBT5KH687928 . (Ith, Sheryl)

Docket 10

Tentative Ruling:

2/18/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Tania Gisselle Ramirez

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Tania Gisselle Ramirez

Represented By
Marcus G Tiggs

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

2:21-10152 Dean M Harris

Chapter 7

#107.00 HearingRE: [30] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 400 W. Altadena Dr., Altadena CA . (Bisconti, Anthony)

Docket 30

Tentative Ruling:

2/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**, except that the relief requested under § 362(d)(4) is **DENIED** for insufficient cause shown.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 [Doc. No. 30]
- 2) Trustee's Response to the Judgment Creditor's Motion for Relief from Stay [Doc. No. 52]
- 3) No opposition to the Motion is on file

I. Facts and Summary of Pleadings

Crystal Holmes ("Holmes") holds a judgment in excess of \$3 million (the "Judgment") against Rosalina Lizardo Harris ("Rosalina"). [Note 1] On December 30, 2019, Holmes recorded an abstract of the Judgment against the family residence (the "Property") owned by Rosalina and her spouse, Dean Harris ("Dean"). On December 8, 2020, upon Holmes' application, the District Court issued an order requiring Rosalina and Dean to show cause why the Property should not be sold to satisfy a portion of the Judgment (the "OSC"). On January 11, 2021, several hours prior to the hearing on the OSC, Dean filed a voluntary Chapter 7 petition. In view of Dean's petition, the District Court continued the hearing on the OSC to February 22, 2021 at

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Dean M Harris

Chapter 7

1:30 p.m.

Holmes seeks stay relief, pursuant to § 362(d)(1), (d)(2)(A), and (d)(4), “ ... to permit Ms. Holmes to complete her efforts before the District Court to [sell] the [Property] pursuant to 11 U.S.C. §§ 362(d)(1), (2), and (4).” Motion at 1, ll. 17–18. No opposition to the Motion is on file.

On February 18, 2021, the Chapter 7 Trustee (the “Trustee”) filed a document captioned *Trustee’s Response to the Judgment Creditor’s Motion for Relief from Stay* [Doc. No. 52] (the “Response”). The Trustee notes that the Ninth Circuit is scheduled to hear oral argument on Rosalina’s appeal of the Judgment on April 16, 2021. He states that the County of Los Angeles (the “County”) has offered to pay \$1.5 million to settle the Judgment, and suggests that a mediation involving the Trustee, Rosalina, Dean, and the County could be productive. The Trustee recommends that the Court delay ruling upon the Motion until after the Ninth Circuit has adjudicated Rosalina’s appeal of the Judgment and the parties have had an opportunity to mediate.

II. Findings of Fact and Conclusions of Law

A. The Bankruptcy Code Prevents the Court from Delaying the Ruling on the Motion in the Manner Requested by the Trustee

The Trustee requests that the Court delay ruling upon the Motion until after (1) global mediation has occurred and (2) the Ninth Circuit has ruled upon Rosalina’s appeal of the Judgment (the “Appeal”). It is unknown when the Ninth Circuit will decide the Appeal; the Trustee states that he hopes the Ninth Circuit will render a decision “before the end of this summer.” Response at ¶ 3. Realistically, delaying ruling upon the Motion as requested by the Trustee would mean that a ruling would not occur until July 2021 at the earliest.

The Bankruptcy Code prevents the Court from delaying the ruling on the Motion in the manner requested by the Trustee. Within thirty days of a request for stay relief, the automatic stay terminates by operation of law with respect to the party making the request, unless the Court orders a continuation of the stay upon a finding that that “there is a reasonable likelihood that the party opposing relief” from the automatic stay will prevail. § 362(e)(1). No opposition to the Motion has been filed, making it impossible for the Court to make the findings necessary for the stay to remain in effect. Under § 362(e)(1), the stay will terminate by operation of law long before July 2021.

Because the delay requested by the Trustee is not permitted under § 362(e)(1), the Court will rule upon the Motion at the hearing noticed for February 22, 2021.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... Dean M Harris

Chapter 7

B. The Motion is Granted Pursuant to § 362(d)(1)–(2)

Based upon the appraisal prepared by David Hayward, the Court finds that the Property has a value of \$1,175,000. The Property is encumbered by a first deed of trust in favor of Nationstar Mortgage in the amount of \$451,233 and a judgment lien in favor of Holmes in the amount of \$3,078,927. The liens against the Property and the expected costs of sale total \$3,624,160, leaving negative equity of \$2,449,160.00. In view of this negative equity, the Chapter 7 Trustee cannot administer the Property for the benefit of creditors.

The Motion is **GRANTED** pursuant to 11 U.S.C. § 362(d)(2) to permit the scheduled OSC before the District Court to go forward. A chapter 7 case does not contemplate reorganization; the sole issue before the Court when stay relief is sought under 11 U.S.C. § 362(d)(2) is whether the Debtor has equity in the property. *See, e.g., Martens v. Countrywide Home Loans (In re Martens)*, 331 B.R. 395, 398 (B.A.P. 8th Cir. 2005); *Ramco Indus. v. Preuss (In re Preuss)*, 15 B.R. 896, 897 (B.A.P. 9th Cir. 1981).

The Motion is also granted pursuant to § 362(d)(1) because Holmes' interest in the Property is not adequately protected given the lack of equity. *See Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1401 (9th Cir. 1984) (holding that a secured creditor's interest is not adequately protected if the equity cushion is less than 20%).

C. The Relief Requested Under § 362(d)(4) is Denied for Insufficient Cause Shown

Section 362(d)(4) requires the Court to grant stay relief upon a finding that “the filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved ... multiple bankruptcy filings affect such real property.” By operation of law, any order granting stay relief under § 362(d)(4) is “binding in any other case under this title [the Bankruptcy Code] purporting to affect such real property filed not later than two years after the date of the entry of such order”

The relief requested under § 362(d)(4) is **DENIED** for insufficient cause shown.

III. Conclusion

Based upon the foregoing, the Motion is **GRANTED**, except that the relief requested under § 362(d)(4) is **DENIED** for insufficient cause shown. The Court will promptly enter any proposed order submitted by Holmes so that the hearing on the OSC before the District Court can go forward as ordered by that Court, on February

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, February 22, 2021

Hearing Room 1568

10:00 AM

CONT... **Dean M Harris**
22, 2021 at 1:30 p.m.

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

[Note 1]

A given name is used to distinguish Rosalina Harris from her spouse, Dean Harris. No disrespect is intended. Additional background information on this case is set forth in the *Memorandum of Decision Denying Motion to Dismiss Bankruptcy Case* [Doc. No. 46] and is not repeated herein.

Party Information

Debtor(s):

Dean M Harris

Represented By
Jeffrey B Smith

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, February 24, 2021

Hearing Room 1568

10:00 AM

2:19-13797 Liboria Zavalza

Chapter 11

#1.00 Post-Confirmation Status Hearing re Confirmation of Chapter 11 Plan of Reorganizaton

fr. 1-8-20; 4-8-20; 4-15-20; 7-15-20; **10-21-20**

Docket 79

***** VACATED *** REASON: CONTINUED 4-13-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Liboria Zavalza

Represented By
Lionel E Giron
Crystle Jane Lindsey
Joanne P Sanchez

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 2, 2021

Hearing Room 1568

9:30 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

#1.00 HearingRE: [339] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Notice of Motion and Motion for Order: (A) Authorizing the Sale of Customer Subscriber List, Intellectual Property, and Related Assets Outside the Ordinary Course of Business, Free and Clear of Claims, Liens, Encumbrances, and Interests; (B) Approving the Form and Manner of Notice and Bid Process; (C) Approving the Form, Manner, and Scope of Notice of the Hearing on The Motion; (D) Approving Procedures for Review of the Sale by a Consumer Privacy Ombudsman; and (E) Amending the Order Limiting Notice in Case; Memorandum of Points and Authorities; Declarations of Peter J. Mastan, R. Brian Calvert, Ashleigh A. Danker, and Feng Deng in Support Thereof; and Exhibits. (Danker, Ashleigh)

Docket 339

Tentative Ruling:

3/1/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Sale Motion is GRANTED. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

1. Proposed purchaser: Feng Deng
2. Property for sale: Customer subscriber list, intellectual property, and related assets
3. Purchase price: \$250,000
4. Overbids: the minimum overbid amount shall be \$275,000. Subsequent overbids shall be in increments of \$10,000

Pleadings Filed and Reviewed

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 2, 2021

Hearing Room 1568

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Chineseinvestors.com, Inc.

Chapter 7

1. Notice of Motion and Motion for Order: (A) Authorizing the Sale of Customer Subscriber List, Intellectual Property, and Related Assets Outside the Ordinary Course of Business, Free and Clear of Claims, Liens, Encumbrances, and Interests; (B) Approving the Form and Manner of Notice and Bid Process; (C) Approving the Form, Manner, and Scope of Notice of the Hearing on the Motion; (D) Approving Procedures for Review of the Sale by a Consumer Privacy Ombudsman; and (E) Amending the Order Limiting Notice in Case; Memorandum of Points and Authorities; Declarations of Peter J. Mastan, R. Brian Calvert, Ashleigh A. Danker, and Feng Deng in Support Thereof; and Exhibits (the "Sale Motion") [Doc. No. 339]
2. *Ex Parte* Application for Order Shortening the Notice Period for the Hearing on the Trustee's Sale Motion (the "Order Shortening Time") [Doc. No. 340]
3. Notice of Sale of the Estate Property [Doc. No. 341]
4. Order Setting Hearing on Chapter 7 Trustee's Emergency Motion for Authorization to Sell Estate Property [Doc. No. 343]
5. Notice of Hearing on Shortened Time of Trustee's Sale Motion [Doc. No. 345]
6. Amended Notice of Sale of Estate Property [Doc. No. 346]
7. Declaration of Ashleigh A. Danker Regarding Telephonic and Other Notice of Hearing on Shortened Time on the Sale Motion [Doc. No. 347]
8. As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On June 18, 2020, Chineseinvestors.com, Inc. (the "Debtor") filed its voluntary chapter 11 petition (the "Petition Date"). The Debtor is a financial information web portal that offers news and information regarding financial markets in Chinese. On January 25, 2021, the Court entered an order converting this case to one under Chapter 7. Doc. No. 310. Peter J. Mastan was appointed the Chapter 7 Trustee (the "Trustee") on January 27, 2021. Doc. No. 312.

On February 25, 2021, the Trustee filed his Sale Motion, seeking, as set forth in more detail in the Sale Motion, the following relief:

1. Granting the Sale Motion;
2. Approving the sale of certain assets of the Debtor related to its operation of its online web platform, including social media accounts, trademarks,

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- and other intellectual property, to Feng Deng (the "Buyer");
3. Authorizing the Trustee to take any and all actions necessary to consummate the sale on terms set forth in the Asset Purchase Agreement (the "APA," attached to the Sale Motion) for \$250,000;
 4. Requiring the Debtor and its agents to cooperate with respect to the consummation of the sale;
 5. Directing that the sale is free and clear of all claims, liens, and encumbrances;
 6. Determining that, should any claim, lien, or encumbrance not be paid at the closing, such claims liens, and encumbrances shall attach to the net proceeds that are received by the Trustee;
 7. Determining that the APA was entered into in good faith, at arm's length, and determining that the Buyer is a good faith buyer within the meaning of 11 U.S.C. § 363(m);
 8. Approving procedures for the review of the sale by a consumer privacy ombudsman;
 9. Finding that the sale does not violate any applicable nonbankruptcy law, including with respect to the transfer of personally identifiable information;
 10. Determining that adequate notice of the hearing on the Motion was given and approving the overbid procedures;
 11. Determining that the terms in the Sale Order, following the approval of the sale, be binding in all respects upon the Buyer, the Debtor, the Trustee and all subsequent trustees, the estate, all creditors and interest holders of the Debtor and the estate, and all other interested parties;
 12. Determining that the Sale Order may be presented to and shall be binding upon all entities who may be required to accept, file register, or otherwise record or release any documents or instruments and directing each of the foregoing entities to accept for filing any and all documents and instruments necessary and appropriate to consummate the transactions contemplated by the APA;
 13. Determining that the failure to include any particular provision of the APA in the Sale Order does not diminish or impair the effectiveness of such provision;
 14. Determining that, to the extent the terms of the Sale Order are inconsistent with any prior order, pleading, or the APA, the terms of the Sale Order govern;

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15. Determining that the Sale Order constitutes a final appealable order and the 14-day stay as prescribed by Federal Rule of Bankruptcy Procedure ("FRBP") 6004(h) is waived;
16. Determining that the Bankruptcy Court shall retain jurisdiction to, among other things, the interpretation, implementation and enforcement of the terms and provisions of the Sale Order and the APA;
17. Amending the Order Limiting Notice [Doc. No. 45].

Sale Motion at 3-6. As discussed at more length in the Section 1 of the APA, the assets for sale are primarily the customer subscriber list, database, and various intellectual property, including registered domain names (Chienseinvestors.com and Chinesefn.com), social media accounts (YouTube, etc.) and trademarks related to its online "in-language" web portal providing information about U.S. equity and financial markets, as well as other financial markets (the "Assets"). *See* Ex. 1 to Sale Motion. Until conversion of the case to Chapter 7, the online portals were being regularly updated with financial information; however, upon conversion of the case, all information systems have remained static, with no new information being posted.

After the Trustee was appointed, he spoke with the Debtor's principal, Warren Wang ("Wang") who indicated that there were a handful of parties who would be interested in the Assets. Shortly thereafter, the Buyer came forth and negotiated the \$250,000 sale price with the Trustee. The Buyer is a small shareholder in the Debtor (60,000 shares; 0.10%) and a former employee. *Id.* at 18. After receiving the offer, the Trustee filed an application with the Court to hire Development Specialists, Inc. ("DSI") to serve as financial consultants and develop a summary sheet describing the Assets and contact potential acquirers. *Id.* In addition, a consumer privacy ombudsman (the "Ombudsman") was appointed on February 26, 2021. As the value of the assets for sale is dependent on the number of subscribers, the Trustee filed his Order Shortening Time on February 25, 2021, to ensure an expeditious sale of the information before paid subscribers abandon their subscriptions and the value of the intellectual property decreases. Sale Motion at 17-18. Although the Sale Motion is being heard on shortened notice and therefore the length of exposure of the assets to potential buyers is not ideal, the Trustee believes that, if the Assets were marketed for much longer, there would be a serious risk that the value of the Assets would decrease. *Id.* at 19.

The proposed sale contains the following terms: (1) the Assets are to be sold

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fee and clear of all liens, claims, encumbrances, and interests; (2) the sale price shall be \$250,000, subject to overbids; (3) the sale of the Assets will be on substantially the terms and conditions set forth in the APA, which reflects the material terms agreed to between the Buyer and the Trustee; (4) the Buyer is a good faith purchaser within the meaning of 11 U.S.C. § 363(m); and (5) the proposed sale shall be as-is, where-is, with all faults, and with no warranties.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Trustee to sell estate property out of the ordinary course of business, subject to court approval. The Trustee must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Trustee has demonstrated sufficient business justification for the sale. The sale is consistent with the Trustee's obligation to liquidate the Debtor's assets for the benefit of creditors. Furthermore, it is apparent to the Court that the longer the Assets stay on the market, the less they will be worth. Therefore, the Trustee's proposal to quickly sell the Assets for a reasonable price is approved.

Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Debtor needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). Here, the Trustee contends that the Assets

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"appear to be unencumbered by any liens and there do not appear to be any other claims, encumbrances, or interests against them." Sale Motion at 26. To the extent there is a disputed lien, that lien would attach to the sale proceeds with the sale priority and validity as it had against the Assets. Therefore, the Court approves the Trustee's proposal and the assets may be sold free of any such liens and encumbrances.

B. Proposed Procedure for Review of the Sale

Section 363(b)(1) imposes additional requirements in connection with sales involving confidential information. The Court may approve a sale after the appointment of a consumer privacy ombudsman, if the Court finds "that no showing was made that such sale or such lease would violate applicable nonbankruptcy law" and the Court gives "due consideration to the facts, circumstances, and conditions of such sale or lease." 11 U.S.C. § 363(b)(1)(B). To assist the Court with determining whether to approve the sale, the Ombudsman may present to the Court information regarding "(1) the debtor's privacy policy; (2) the potential losses or gains to consumers if such sale or such lease is approved by the court; (3) the potential costs and benefits to consumers if such sale or such lease is approved by the court; and (4) the potential alternatives that would mitigate potential privacy losses or potential costs to consumers." 11 U.S.C. § 332(b)(1)–(4). *See, e.g. In re Golfsmith Int'l Holdings*, Case No. 16-12033 (LSS) (Bankr. D. Del. Oct. 28, 2016) [Doc. No. 412] (the Court approved the hiring of an ombudsman who determined that the sale of assets at issue contained Personally Identifiable Information ("PII") that could only be sold after certain conditions were met in order to protect the privacy of the customers at issue).

The Assets consist partially of customer lists which could include PII about individuals who are not affiliated with the Debtor. The Trustee proposes that the Ombudsman that has been hired in this case first review the Assets to ensure that the proposed sale would not violate applicable nonbankruptcy law. *Id.* at 25. The Trustee believes that it is likely the Ombudsman will not have been able to review the Assets prior to the hearing on this Sale Motion; therefore, he proposes that if the Court approve the sale of the Assets, the sale shall be conditioned upon submission of a declaration from the Ombudsman sufficient to support a finding that the proposed sale would not violate privacy laws. Given the likelihood that the customer lists could contain PII that may be subject to nonbankruptcy laws, the Court finds this solution acceptable and approves the Trustee's proposal.

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C. Auction Procedures

In the event that any qualified overbidders emerge, the Trustee seeks approval of, and the Court approves, the overbid procedures set forth in the Sale Motion. Qualifications to overbid are as follows: (1) any person or entity interested in purchasing the Assets must serve upon the Trustee and his counsel an initial bid such that the bid is received by the Trustee no later than 10:00 a.m. Monday, March 1, 2021; (2) any person or entity who submits a timely, conforming overbid shall be deemed a qualified overbidder; (3) the Trustee shall have sole authority to determine whether a party is a qualified overbidder and whether one bid is better than another; (4) any overbid must remain open until the conclusion of the auction of the Assets; (5) the initial overbid must be at least \$275,000 and subsequent overbids shall be in increments of no less than \$10,000; (6) any overbid for the Assets must be as-is, where-is, and with all faults and shall not contain any financing, due diligence, and must be on the same or better terms as the APA; (7) any overbid must be accompanied by a deposit of \$100,000 to the Trustee which shall be nonrefundable if the overbid is determined to be the highest and best bid; (8) any overbid must be made by a person or entity who has completed its due diligence review of the Assets and is satisfied with the results thereof; (9) if the Trustee receives a timely overbid, the Court will conduct the auction of the Assets at the hearing on this Sale Motion.

D. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale, mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" *See In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP 1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders." *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985). Having reviewed the declarations of the Trustee, Ashleigh A. Danker, and the Buyer, it appears to the Court that the Debtor is a good faith purchaser. *See* Declaration of Peter J. Mastan at ¶¶ 6-7; Declaration of Ashleigh A. Danker at ¶ 3; Declaration of Feng Deng at ¶¶ 2-4. Although the Buyer is a minority shareholder and former employee, all negotiations were conducted at arms-length, in

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good faith, and without collusion. The Buyer is purchasing the Assets for value and there is no evidence of any unfair advantage. The Court finds that the Buyer is a good faith purchaser entitled to the protections of § 363(m). If an overbidder prevails at the sale hearing, the Court will take testimony from such overbidder to determine whether § 363(m) protections are warranted.

E. Request to Amend Order Limiting Notice

On July 7, 2020, this Court issued an Order Limiting Notice that required notice to be served on the Service List, and the Master Service List was to include the 20 largest creditors until a committee had been appointed. That Order Limiting Notice also provided for a method by which a creditor could request to be kept on the notice list. Doc. No. 45. After the conversion of this case to Chapter 7 and the dissolution of the committee, the Order Limiting Notice now creates a broader notice category than the Trustee desires. Therefore, the Trustee requests that the Order Limiting Notice be amended by: (1) limiting the term "Court Filings" to all notices of motions, applications, and other requests for relief; (2) providing that non-notice pleadings be filed with the Court and only served on counsel for the Trustee, counsel for the Debtor, the Office of the United States Trustee, and all parties specifically affected by such filing; (3) limiting services of oppositions, responses, replies, declarations related thereto, and other related pleadings to that required under the Bankruptcy Code or Rules; (4) excusing the requirement to serve Court Filings on the 20 largest creditors, the Debtor's prepetition secured creditors and their counsel, the IRS, and the SEC where the Bankruptcy Code or Rules permit more circumscribed notice; and (5) clarifying that email service may be satisfied through service via the Court's online Notice of Electronic Case Filing System. Sale Motion at 28-29. Because the Order Limiting Notice was drafted in for a chapter 11 case and now creates the undesirable effect of a notice category that is larger than would normally exist in a chapter 7 case, the Trustee's request to amend the Order Limiting Notice is appropriate and approved.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety, conditioned upon the Ombudsman submitting a declaration that the sale of Assets does not violate any applicable nonbankruptcy law. Since the 363(f)(3) aspect of the Motion has not been controverted, the Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

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The Trustee is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

Trustee(s):

Peter J Mastan (TR)

Represented By
Ashleigh A Danker

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Monday, March 8, 2021

Hearing Room 1568

10:00 AM

2:21-10231 Maria Elena Lugo

Chapter 7

#1.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Chevrolet Traverse, VIN: 1GNERFKW3KJ235562 . (Ith, Sheryl)

Docket 9

Tentative Ruling:

3/4/2021

Tentative Ruling: .

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established that the fair market value of the subject vehicle is declining and that Debtor is making insufficient payments to protect Movant against this decline. Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

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CONT... Maria Elena Lugo

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No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Maria Elena Lugo

Represented By

Michael H Colmenares

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Monday, March 8, 2021

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10:00 AM

2:21-10520 All Souls Christian Center, Inc

Chapter 7

#2.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 5125 CRENSHAW BLVD., LOS ANGELES, CA 90043 .

Docket 8

Tentative Ruling:

3/4/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after the property was sold to the Movant on February 28, 2020.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. *See In re Butler*, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

This order shall be binding and effective despite any conversion of this bankruptcy

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Chapter 7

case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief, including the Movant's request for a finding of bad faith and to allow a law enforcement officer to evict the Debtor and other occupants without further notice, is denied.

This order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

All Souls Christian Center, Inc

Represented By

Michael O Akhidenor

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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10:00 AM

2:21-10580 Rafael Ochoa Collazo and Judy Ochoa

Chapter 7

#3.00 HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Malibu .

Docket 12

Tentative Ruling:

3/4/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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CONT... Rafael Ochoa Collazo and Judy Ochoa

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Rafael Ochoa Collazo

Represented By
Rolf J Rolnicki

Joint Debtor(s):

Judy Ochoa

Represented By
Rolf J Rolnicki

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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10:00 AM

2:21-10672 Dominique M. Watson

Chapter 7

#4.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Mercedes-Benz GLC300C4, VIN: WDC0J4KB9HF199751 . (Ith, Sheryl)

Docket 10

Tentative Ruling:

3/4/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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CONT... **Dominique M. Watson**

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Dominique M. Watson

Represented By
Laleh Ensafi

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 8, 2021

Hearing Room 1568

10:00 AM

2:20-20772 FDZ Homes, Inc.

Chapter 11

#5.00 HearingRE: [36] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 426 Clifton Street, Los Angeles, CA 90031 .

Docket 36

Tentative Ruling:

3/4/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Since a chapter 7 case does not contemplate reorganization, the sole issue before the Court when stay relief is sought under 11 U.S.C. § 362(d)(2) is whether the Debtor has equity in the property. See, e.g., Martens v. Countrywide Home Loans (In re Martens), 331 B.R. 395, 398 (B.A.P. 8th Cir. 2005); Ramco Indus. v. Preuss (In re Preuss), 15 B.R. 896, 897 (B.A.P. 9th Cir. 1981).

The subject property has a value of \$600,000 and is encumbered by a perfected deed of trust or mortgage in favor of the Movant. The liens against the property and the expected costs of sale total \$670,180.24. The Court finds there is no equity and there is no evidence that the trustee can administer the subject real property for the benefit of creditors.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 8, 2021

Hearing Room 1568

10:00 AM

CONT... FDZ Homes, Inc.

Chapter 11

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

FDZ Homes, Inc.

Represented By
Andrew S Bisom

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

: **Chapter 0**
Adv#: 2:18-01221 National Union Fire Insurance Company of Pittsburgh v. Allianz Underwriters

#1.00 Status Conference
RE: [11] Motion to Change Venue/Inter-district Transfer Adversary Proceeding to
W.D. Wash. (Plevin, Mark)

fr: 8-15-18; 11-13-18; 2-12-19; 6-11-19; 12-10-19; 5-12-20; 8-11-20; 12-15-20

Docket 11
***** VACATED *** REASON: DISMISSED 2-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Defendant(s):

Allianz Underwriters Insurance	Pro Se
Century Indemnity Company	Represented By Mark D Plevin
Certain Underwriters at Lloyd's, Hartford Accident And Indemnity	Pro Se Represented By Philip E Smith
The Travelers Indemnity Company	Pro Se
Zurich American Insurance Co.	Pro Se

Plaintiff(s):

National Union Fire Insurance	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

: **Chapter 0**
Adv#: 2:18-01221 National Union Fire Insurance Company of Pittsburg v. Allianz Underwriters

#2.00 Hearing
RE: [68] AMENDED MOTION TO DISMISS ADVERSARY PROCEEDING WITH
PREJUDICE, PER STIPULATION

Docket 65
***** VACATED *** REASON: DISMISSED 2-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Defendant(s):

Allianz Underwriters Insurance	Represented By Mary E McPherson
Century Indemnity Company	Represented By Mark D Plevin
Certain Underwriters at Lloyd's,	Represented By Jeff D Kahane
Hartford Accident And Indemnity	Represented By Michael W Ellison
The Travelers Indemnity Company	Represented By Jay E Smith
Zurich American Insurance Co.	Represented By Elisabeth M DAgostino
CHICAGO INSURANCE	Represented By Mary E McPherson

Plaintiff(s):

National Union Fire Insurance	Represented By Steven M Crane
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:16-23176 Kevin Thomas Roy

Chapter 7

Adv#: 2:17-01008 Schrauwers et al v. Roy

#3.00 Status Hearing

RE: [1] Adversary case 2:17-ap-01008. Complaint by Jennifer Schrauwers ,
Laura Twors , Cintia Kumalo against Kevin Thomas Roy . willful and malicious
injury))

fr: 4-11-17; 7-11-17; 6-6-18; 9-11-18; 1-15-19; 6-11-19; 12-10-19; 6-16-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 TA 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Thomas Roy

Represented By
Robert Reganyan

Defendant(s):

Kevin Thomas Roy

Pro Se

Plaintiff(s):

Jennifer Schrauwers

Represented By
Eric V Traut

Laura Twors

Represented By
Eric V Traut

Cintia Kumalo

Represented By
Eric V Traut

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:17-15115 John Martin Kennedy

Chapter 7

Adv#: 2:17-01377 Campos v. Kennedy, MD

#4.00 Status Hearing

RE: [1] Adversary case 2:17-ap-01377. Complaint by Yunuen Campos against John Martin Kennedy. willful and malicious injury)) (Dean, Lauren)

fr: 11-14-17; 2-13-18; 5-15-18; 8-14-18; 10-16-18; 1-23-19; 5-14-19; 9-10-19; 1-14-20; 5-19-20; 8-11-20; 10-13-20

Docket 1

***** VACATED *** REASON: CONTINUED 9-14-21 AT 10:00 A.M.**

Tentative Ruling:

3/8/2021

Order entered. Status Conference **CONTINUED to September 14, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

John Martin Kennedy

Represented By
Jeffrey S Shinbrot

Defendant(s):

John M. Kennedy MD

Represented By
Jeffrey S Shinbrot

Plaintiff(s):

Yunuen Campos

Represented By
Robert S Lampl
Lauren A Dean

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:18-20111 Jeremy Wyatt LeClair

Chapter 7

Adv#: 2:18-01425 Cortes v. LeClair

#5.00 Status Conference

RE: [1] Adversary case 2:18-ap-01425. Complaint by Alvaro Cortes against Jeremy Wyatt LeClair. false pretenses, false representation, actual fraud)),(11 (Recovery of money/property - 542 turnover of property)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Weissman, I)

fr. 5-15-19; 11-13-19; 4-14-20; 9-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-10-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Wyatt LeClair

Represented By
Michael K Elliot

Defendant(s):

Jeremy Wyatt LeClair

Pro Se

Plaintiff(s):

Alvaro Cortes

Represented By
I Donald Weissman

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01111 Danny's Silver Jewelry Inc., a California cor v. Zendedel

#6.00 Pre-Trial Conference

RE: [1] Adversary case 2:19-ap-01111. Complaint by Danny's Silver Jewelry Inc., a California corporation, dba Danny's Silver, Inc., dba Danny's Silver & Gold against Bahram Zendedel. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Tabibi, Nico)

fr: 3-10-20; 4-14-20; 11-17-20

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Bahram Zendedel

Pro Se

Plaintiff(s):

Danny's Silver Jewelry Inc., a

Represented By
Nico N Tabibi

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#7.00 Status Hearing

RE: [26] First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

fr. 10-13-20; 1-12-21

Docket 26

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian
Adv#: 2:20-01139 Krasnoff v. Sepilian et al

Chapter 7

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01139. Complaint by Brad D. Krasnoff against Micheline Sepilian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

FR. 9-15-20; 11-17-20; 1-12-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Micheline Sepilian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Plaintiff(s):

Brad D. Krasnoff

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian

Chapter 7

Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian

Chapter 7

Adv#: 2:20-01140 Krasnoff v. Zeitounian et al

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01140. Complaint by Brad D. Krasnoff against Christine Molino Zeitounian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

fr. 9-15-20; 11-17-20; 1-12-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Christine Molino Zeitounian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian

Chapter 7

Plaintiff(s):

Brad D. Krasnoff

Represented By
Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-14870 Melissa L Loe

Chapter 7

Adv#: 2:20-01618 Loe v. United States Department Of Education et al

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01618. Complaint by Melissa Lynn Loe against United States Department Of Education , Great Lakes Educational Loan Services, Inc. . (\$350.00 Fee Not Required). (Attachments: # 1 complaint part 2 # 2 complaint part 3 # 3 cover sheet) Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)) (Arias, Jose)

fr. 12-15-2020

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 3-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa L Loe	Pro Se
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Defendant(s):

United States Department Of	Pro Se
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Great Lakes Educational Loan	Pro Se
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Plaintiff(s):

Melissa Lynn Loe	Pro Se
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Trustee(s):

Peter J Mastan (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-16424 Sang Young Yi

Chapter 7

Adv#: 2:20-01690 United States Trustee for the Central District of v. Yi

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01690. Complaint by United States Trustee for the Central District of California, Region 16 against Sang Young Yi. (\$350.00 Fee Not Required). for Denial of Discharge pursuant to 11 U.S.C. Sec. 727(a) (3), (a)(4), and (a)(5) (Attachments: # 1 Summons) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Yip, Hatty)

Docket 1

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sang Young Yi

Represented By
Jaenam J Coe

Defendant(s):

Sang Young Yi

Pro Se

Plaintiff(s):

United States Trustee for the Central

Represented By
Hatty K Yip

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-18276 Francisco Lugo Abundis

Chapter 7

Adv#: 2:20-01686 Deheras v. Abundis

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01686. Complaint by Carla Shaw Deheras against Francisco Lugo Abundis . willful and malicious injury) ,(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) ,(65 (Dischargeability - other)) ,(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (Tom, Bock)

Docket 1

***** VACATED *** REASON: DISMISSED 3-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Lugo Abundis

Represented By
David A Tilem

Defendant(s):

Francisco Lugo Abundis

Pro Se

Plaintiff(s):

Carla Shaw Deheras

Represented By
Kenneth W Ralidis

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Eric P Israel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-18276 Francisco Lugo Abundis

Chapter 7

Adv#: 2:20-01686 Deheras v. Abundis

#13.00 Hearing
RE: [8] Motion to Dismiss Adversary Proceeding

Docket 8

***** VACATED *** REASON: DISMISSED 3-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Lugo Abundis

Represented By
David A Tilem

Defendant(s):

Francisco Lugo Abundis

Represented By
David A Tilem

Plaintiff(s):

Carla Shaw Deheras

Represented By
Kenneth W Ralidis

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Eric P Israel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-18280 Christopher Tamayo

Chapter 7

Adv#: 2:20-01674 Tamayo et al v. Klarna, Inc. et al

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01674. Complaint by Christopher Tamayo, Amy Janice Tamayo against Klarna, Inc., TrueAccord Corporation. (\$350.00 Fee Not Required). (Attachments: # 1 Exhibit Adversary Proceeding Cover Sheet # 2 Proposed Order proposed Summons and Initial Conference) Nature of Suit: (14 (Recovery of money/property - other)),(72 (Injunctive relief - other)) (Alsina-Batista, Carlos) WARNING: Correct bankruptcy case number is 2:20-bk-18280-ER. Modified on 12/3/2020 (Lomeli, Lydia R.).

Docket 1

***** VACATED *** REASON: DISMISSED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Tamayo

Represented By
Nicholas M Wajda

Defendant(s):

Klarna, Inc.

Pro Se

TrueAccord Corporation

Pro Se

Joint Debtor(s):

Amy Janice Tamayo

Represented By
Nicholas M Wajda

Plaintiff(s):

Amy Janice Tamayo

Represented By
Carlos C Alsina-Batista

Christopher Tamayo

Represented By
Carlos C Alsina-Batista

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Christopher Tamayo

Chapter 7

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#15.00 Hearing re [6348] Further Post-confirmation Status Conference

Docket 0

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#16.00 Hearing re [339] Debtor's chapter 11 case status

FR. 12-15-20

Docket 0

***** VACATED *** REASON: CONTINUED TO 4-7-21 AT 10AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01377 Packaging Corporation of America v. Bonert et al

#17.00 Status Conference re: Collection Actions re: Notice of Removal of Civil Action to United States Bankruptcy Court. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))),(13 (Recovery of money/property - 548 fraudulent transfer))

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4-7-21 AT 10AM**

Tentative Ruling:

9/22/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Hearing required.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert

Chapter 11

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Bonert's MV, LLC

Represented By
Lawrence M Jacobson

Bonert's Mibon LLC

Represented By
Lawrence M Jacobson

Beefam, LLC

Represented By
Lawrence M Jacobson

DOES 1-10

Pro Se

3144 Bonert's LLC

Represented By
Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Plaintiff(s):

Packaging Corporation of America

Represented By
Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01378 Coastal Carriers, LLC v. Bonert et al

#18.00 Status Hearing

re: Collection Actions [1] Adversary case 2:19-ap-01378. Notice of Removal of Civil Action to United States Bankruptcy Court with proof of service by Michael Bonert, Vivien Bonert. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (13 (Recovery of money/property - 548 fraudulent transfer)) (Forsley, Alan)

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4-7-21 AT 10AM**

Tentative Ruling:

9/22/2020

See Cal. No. 9, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert

Chapter 11

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Beefam, LLC

Represented By
Lawrence M Jacobson

DOES 1-10

Pro Se

Bonert's MV, LLC

Represented By
Lawrence M Jacobson

Bonert's Mibon LLC

Represented By
Lawrence M Jacobson

3144 Bonert's LLC

Represented By
Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Plaintiff(s):

Coastal Carriers, LLC

Represented By
Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01405 Capitol Distribution Company, LLC v. Bonert et al

#19.00 Status Hearing re: Collection Actions
RE: [1] Adversary case 2:19-ap-01405. Notice of Removal of Civil Action to United States Bankruptcy Court with proof of service by Michael Bonert, Vivien Bonert. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))),(13 (Recovery of money/property - 548 fraudulent transfer)) (Forsley, Alan) **WARNING: See docket entry # [2] for corrective action; Attorney to file a conformed copy of state court complaint; Modified on 9/16/2019 (Evangelista, Maria).**

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4-7-21 AT 10AM**

Tentative Ruling:

9/22/2020

See Cal. No. 9, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert Chapter 11

Bonert's Inc., a California	Represented By Lawrence M Jacobson
Bonert Management Company, Inc.	Represented By Lawrence M Jacobson
Bonert's Jadasaha, LLC	Represented By Lawrence M Jacobson
Bonert's MV, LLC	Represented By Lawrence M Jacobson
Bonert's Mibon, LLC	Represented By Lawrence M Jacobson
3144 Bonert's LLC	Represented By Lawrence M Jacobson
DOES 1 through 10, inclusive	Pro Se
Beefam, LLC	Represented By Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert	Represented By Alan W Forsley
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Plaintiff(s):

Capitol Distribution Company, LLC	Represented By Sean Lowe Scott E Blakeley
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01406 Stratas Foods LLC v. Bonert et al

#20.00 Status Hearing re: Collection Actions
RE: [1] Adversary case 2:19-ap-01406. Notice of Removal of Civil Action to United States Bankruptcy Court with proof of service by Michael Bonert, Vivien Bonert. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))),(13 (Recovery of money/property - 548 fraudulent transfer)) (Forsley, Alan) **WARNING: See docket entry # [2] for corrective action; Attorney to file a conformed copy of state court complaint; Modified on 9/16/2019 (Evangelista, Maria).**

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4-7-21 AT 10AM**

Tentative Ruling:

9/22/2020

See Cal. No. 9, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

CONT... Michael Bonert Chapter 11

Bonert's Incorporated dba Bonert's Represented By
Lawrence M Jacobson

Bonert Management Company, Inc. Represented By
Lawrence M Jacobson

Bonert's Jadasaha, LLC Represented By
Lawrence M Jacobson

Bonert's MV, LLC Represented By
Lawrence M Jacobson

Bonert's Mibon, LLC Represented By
Lawrence M Jacobson

Beefam, LLC Represented By
Lawrence M Jacobson

3144 Bonert's LLC Represented By
Lawrence M Jacobson

DOES 1 through 10, inclusive Pro Se

Joint Debtor(s):

Vivien Bonert Represented By
Alan W Forsley

Plaintiff(s):

Stratas Foods LLC Represented By
Sean Lowe
Scott E Blakeley

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

#21.00 Status Hearing Pursuant To 11 U.S.C. 1188 (Subchapter V). RE: [17]
Addendum to voluntary petition

fr. 7-14-20 ; 10-14-20; 1-20-21

Docket 17

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Fr. 1-12-21

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#100.00 PRETRIAL RE: [234] Amended Complaint Fourth Amended Complaint Against: (1) John C. Kirkland; and (2) Poshow Ann Kirkland as Trustee of The Bright Conscience Trust Dated September 9, 2009 for: 1. Disallowance of Proofs of Claim, or in the alternative, Equitable Subordination of Proofs of Claim; 2. Avoidance of Fraudulent Transfers (Actual Intent); 3. Avoidance of Fraudulent Transfers (Actual Intent); 4. Avoidance of Fraudulent Transfers (Constructive Fraud); 5. Avoidance of Fraudulent Transfers (Constructive Fraud); 6. Recovery of Avoided Transfers by Corey R Weber on behalf of Jason M Rund, Chapter 7 Trustee against Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, John C Kirkland, individually. (Weber, Corey)

FR. 7-11-17; 9-12-17; fr. 11-7-17; 11-21-17; 1-17-18; 2-21-18; 5-15-18; 8-14-18; 7-22-20; 12-15-20; 2-9-21

Docket 234

***** VACATED *** REASON: STATUS CONFERENCE 7-15-21 AT 10:00 AM**

Tentative Ruling:

9/10/2018

On February 17, 2018, the Court issued a Report and Recommendation, recommending that the District Court enter final judgment, in favor of the Chapter 7 Trustee (the "Trustee"), as to the second, third, and sixth claims for relief for avoidance and recovery of fraudulent transfers made with actual intent. Doc. No. 341. On that same date, the Court issued a Memorandum of Decision, stating that the Court intended to grant the Trustee's motion for summary adjudication disallowing the proofs of claim filed by the Bright Conscience Trust (the "BC Trust"). However, the Memorandum of Decision stated that the findings set forth therein would not become the order of the Court until the District Court acted upon the Report and Recommendation.

On June 25, 2018, the District Court rejected the Report and Recommendation, and denied the Trustee's motion for summary adjudication as to the second, third, and sixth claims for relief. On July 20, 2018, the Trustee moved for reconsideration of the District Court's rejection of the Report and Recommendation. On August 13, 2018,

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CONT... EPD Investment Co., LLC

Chapter 7

the District Court denied the Trustee's motion for reconsideration.

The Trustee asserts that the Court has jurisdiction over the Trustee's claims for disallowance and equitable subordination of the proofs of claim filed by the BC Trust. The Trustee's position is that the Court should enter final judgment with respect to these claims. According to Defendants John C. Kirkland and the BC Trust (collectively, the "Defendants"), Mr. Kirkland has preserved his rights to a jury trial in the District Court because Mr. Kirkland has not consented to the Bankruptcy Court's entry of final judgment. Defendants assert that the issues arising in connection with the Trustee's claims against the BC Trust overlap with the issues arising in connection with the Trustee's claims against Mr. Kirkland. According to Defendants, bifurcating the fraudulent transfer claims against Mr. Kirkland and the equitable subordination and disallowance claims against the BC Trust would prejudice Mr. Kirkland, because of the collateral estoppel effect against Mr. Kirkland of findings made with respect to the common issues affecting both Mr. Kirkland and the BC Trust.

As further set forth in the *Preliminary Findings and Conclusions*, below, in the Court's view, the most efficient means of resolving these proceedings would be for the District Court to conduct a jury trial on the claims against Mr. Kirkland. Subsequent to the District Court's entry of final judgment against Mr. Kirkland, the Bankruptcy Court would then try the Trustee's claims against the BC Trust. Pursuant to 28 U.S.C. §157(d) and Bankruptcy Rule 5011(a), only the District Court can withdraw the jurisdictional reference. *See Sigma Micro Corp. v. Healthcentral.com (In re Healthcentral.com)*, 504 F.3d 775, 785 (9th Cir. 2007). Therefore, by separate order, the Court will require the Trustee and the Defendants to show cause why the Court should not stay adjudication of the claims against the BC Trust until the District Court has entered final judgment on the claims against Mr. Kirkland. The hearing on the *Order to Show Cause* shall take place on **October 2, 2018, at 10:00 a.m.** The Trustee and the Defendants shall submit papers responding to the Court's *Preliminary Findings and Conclusions* by no later than **September 25, 2018**. No reply briefing will be accepted.

Mr. Kirkland shall file with the District Court a motion to withdraw the reference by no later than **September 25, 2018**.

Preliminary Findings and Conclusions

John C. Kirkland has demanded a jury trial in this fraudulent conveyance action, has not filed a proof of claim against the estate, and does not consent to having the jury trial conducted by the Bankruptcy Court. Under these circumstances, Mr.

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CONT... EPD Investment Co., LLC

Chapter 7

Kirkland is entitled to a jury trial before the District Court. *See Langenkamp v. Culp*, 498 U.S. 42, 45 (1990) ("If a party does *not* submit a claim against the bankruptcy estate, however, the trustee can recover allegedly preferential transfers only by filing what amounts to a legal action to recover a monetary transfer. In those circumstances the preference defendant is entitled to a jury trial."); Bankruptcy Rule 9015(b) (stating that the Bankruptcy Court may conduct a jury trial only if the parties consent); and *Executive Benefits Ins. Agency v. Arkison (In re Bellingham Ins. Agency, Inc.)*, 702 F.3d 553 (9th Cir. 2012) (holding that the Bankruptcy Court lacks constitutional authority to enter final judgment in a fraudulent conveyance action absent consent of the parties).

The BC Trust has filed proofs of claim against the estate. As a result, the Bankruptcy Court has jurisdiction to enter final judgment with respect to the Trustee's claims against the BC Trust. *See Langenkamp*, 498 U.S. at 45.

The claims against Mr. Kirkland and the BC Trust present common issues of fact. For example, the Trustee asserts that the BC Trust's claims against the estate should be disallowed and/or equitably subordinated based upon Mr. Kirkland's alleged inequitable conduct. The Trustee's causes of action for disallowance and/or equitable subordination are pleaded against both the BC Trust and Mr. Kirkland.

As a result of the overlap between the claims asserted against Mr. Kirkland and the claims asserted against the BC Trust, the most efficient means for this action to proceed would be for the District Court to first adjudicate the claims against Mr. Kirkland. Once the District Court has entered findings with respect to Mr. Kirkland, the Bankruptcy Court can then try the claims against the BC Trust. If the Bankruptcy Court tried claims against the BC Trust prior to the District Court's trial of claims against Mr. Kirkland, findings by the Bankruptcy Court with respect to common issues of fact could prejudice Mr. Kirkland. For example, Mr. Kirkland could be collaterally estopped from contesting certain issues of fact that might prove material to the adjudication of the claims against him; were that to occur, Mr. Kirkland would effectively be deprived of his right to a jury trial. *See Ross v. Bernhard*, 396 U.S. 531 (holding that "where equitable and legal claims are joined in the same action," the right to jury trial on the legal claims "must not be infringed either by trying the legal issues as incidental to the equitable ones by a court trial of a common issue existing between the claims").

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Jessica Vogel or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please**

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Tuesday, March 9, 2021

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11:00 AM

CONT... EPD Investment Co., LLC

Chapter 7

first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

EPD Investment Co., LLC	Pro Se
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Defendant(s):

John C Kirkland, individually	Represented By Autumn D Spaeth ESQ Lewis R Landau
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Poshow Ann Kirkland, individually	Represented By Lewis R Landau
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Poshow Ann Kirkland, as Trustee of	Represented By Lewis R Landau
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Plaintiff(s):

Jason M Rund, Chapter 7 Trustee	Represented By Larry W Gabriel Michael W Davis Corey R Weber
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Trustee(s):

Jason M Rund (TR)	Represented By Corey R Weber Robert A Hessling Richard K Diamond Daniel H Gill Michael W Davis Steven T Gubner Ronald P Abrams
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

2:19-12402 Ryan James McMillin

Chapter 7

Adv#: 2:19-01137 Elite Optoelectronics Co., Ltd a China Limited Lia v. McMillin et al

#101.00 Pre-Trial Conference

RE: [1] Adversary case 2:19-ap-01137. Complaint by G-Sight Solutions, LLC against Ryan James McMillin, G-Sight Solutions, Inc., a California Corporation. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(14 (Recovery of money/property - other)) (Zshornack, Errol)

fr: 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 5-11-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan James McMillin

Represented By
John A Harbin

Defendant(s):

Ryan James McMillin

Represented By
Steven J Renshaw
Errol J Zshornack
Peter J Tormey

G-Sight Solutions, Inc., a California

Pro Se

Plaintiff(s):

Elite Optoelectronics Co., Ltd a

Represented By
Peter J Tormey
Errol J Zshornack

G-Sight Solutions, LLC, a California

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

CONT... Ryan James McMillin

Chapter 7

Peter J Tormey
Errol J Zshornack

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

2:19-17235 Ruben Lino Zuniga

Chapter 7

Adv#: 2:20-01118 Kwok v. Zuniga

#102.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01118. Complaint by Richard Kwok against Ruben Lino Zuniga. (d),(e)),(65 (Dischargeability - other)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (MacBride, Richard)

Docket 1

***** VACATED *** REASON: DISMISSED 6/19/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Lino Zuniga

Represented By
Raymond J Bulaon

Defendant(s):

Ruben L Zuniga

Pro Se

Plaintiff(s):

Richard Kwok

Represented By
Richard MacBride

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01119 Rodriguez v. Arid

#103.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01119. Complaint by Luis Rodriguez against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brown, David)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 8-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Luis Rodriguez

Represented By
Brian Center
David W Brown

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01120 Frooza, Inc. v. Arid

#104.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01120. Complaint by Frooza, Inc. against
Jonathan Andrew Arid

Docket 3

***** VACATED *** REASON: PER ORDER ENTERED 8-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Frooza, Inc.

Represented By
Matthew Malczynski

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

#105.00 Pre-Trial Conference
RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

FR. 5-14-19; 2-11-20; 4-14-20; 5-12-20; 9-15-20; 1-12-21

Docket 13

***** VACATED *** REASON: CONTINUED 5-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, March 9, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy

Defendant(s):

HERITAGE PROVIDER

Pro Se

Plaintiff(s):

VERITY HEALTH SYSTEM OF

Represented By
Steven J Kahn

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

10:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

#1.00 Hearing
RE: [1367] Brutzkus Gubner's Motion to Withdraw as Special Litigation Counsel for the Chapter 7 Trustee; Declaration of Corey R. Weber in Support Thereof [L.B.R. 2091-1]

Docket 1367

*** VACATED *** REASON: PER ORDER ENTERED 2-17-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

10:00 AM

2:13-27702 Morad Javedanfar

Chapter 7

Adv#: 2:15-01363 JL AM Plus, LLC v. Neman et al

#2.00 Hearing
RE: [388] MOTION FOR ATTORNEYS' FEES ON SECOND APPEAL. (Hewlett,
Douglas)

Docket 388

***** VACATED *** REASON: PER ORDER ENTERED 3-9-21**

Tentative Ruling:

3/9/2021

Order entered. Motion **GRANTED**.

Party Information

Debtor(s):

Morad Javedanfar

Represented By
Andre A Khansari

Defendant(s):

Morad Neman

Represented By
Yuriko M Shikai
Timothy L Neufeld
Jennifer B MikoLevine

MBN Real Estate Investments, LLC

Represented By
Stephen F Biegenzahn
Jennifer B MikoLevine
Paul S Marks

Joint Debtor(s):

Yaffa Javedanfar

Represented By
Andre A Khansari
M Hope Aguilar

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

10:00 AM

CONT... Morad Javedanfar

Chapter 7

Plaintiff(s):

JL AM Plus, LLC

Represented By
Douglas S Hewlett

Trustee(s):

Timothy Yoo (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

10:00 AM

2:19-12402 Ryan James McMillin

Chapter 7

Adv#: 2:19-01137 Elite Optoelectronics Co., Ltd a China Limited Lia v. McMillin et al

#3.00 HearingRE: [106] Motion For Summary Judgment (Tormey, Peter)

Docket 106

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Court finds that Plaintiffs are entitled to entry of summary judgment on their § 523(a)(4) embezzlement claim and § 523(a)(6) claim. Plaintiffs shall appear to advise the Court whether they wish to proceed to trial on their remaining § 523(a)(4) larceny claim and § 523(a)(2)(A) claim. In the event Plaintiffs do not wish to pursue their remaining claims, the Court is prepared to enter final judgment on the § 523(a)(4) embezzlement claim and § 523(a)(6) claim upon determination of the Damages Motion (defined in Section II.F., below).

Pleadings Filed and Reviewed:

- 1) Plaintiff's Notice of Motion for Partial Summary Judgment [Doc. No. 106] (the "Motion")
 - a) Declaration of Amy Fan in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 106-2]
 - b) Declaration of Philip Liu in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 106-3]
 - c) Declaration of Peter J. Tormey in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 106-4]
 - d) Declaration of Yanlin Wu in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 106-5]
 - e) Request for Judicial Notice in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 106-6]

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, March 10, 2021

Hearing Room 1568

10:00 AM

CONT...

Ryan James McMillin

Chapter 7

- f) Separate Statement of Undisputed Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 106-7]
- 2) Opposition to Motion for Partial Summary Judgment [Doc. No. 108]
 - a) Affidavit of Ryan McMillin in Support of Opposition to Motion for Summary Judgment [Doc. No. 108]
 - b) Defendant's Response to Plaintiffs' Separate Statement of Undisputed Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment [Doc. No. 108]
- 3) Plaintiffs' Reply in Support of Motion for Partial Summary Judgment and Objection to Defendant's Late-Filed Opposition [Doc. No. 110]
 - a) Supplemental Declaration of Phillip Liu in Support of Reply in Support of Motion for Partial Summary Judgment [Doc. No. 110-2]

I. Background

On March 5, 2019, Ryan J. McMillin ("McMillin") filed a voluntary Chapter 7 petition. On May 9, 2019, Elite Optoelectronics Co., Ltd. ("Elite") and G-Sight Solutions, LLC ("GS-LLC," and together with Elite, "Plaintiffs") filed a dischargeability complaint (the "Complaint") against McMillin and G-Sight Solutions, Inc. ("GS-Inc."). On September 26, 2021, the Court dismissed the Complaint as to GS-Inc., for failure to state a claim upon which relief could be granted. The Court found that Plaintiffs were not entitled to obtain a judgment under § 523 against a non-debtor such as GS-Inc. The Court explained that § 523 pertains only to the scope of a debtor's discharge and does not permit the Court to order relief against non-debtor third parties.

Plaintiffs allege that McMillin, whom Plaintiffs employed as the manager of GS-LLC, embezzled GS-LLC's inventory, trademarks, and Internet domain name by starting a competing company, GS-Inc, without Plaintiffs' knowledge. Plaintiffs contend that McMillin falsely represented that he was continuing to work on behalf of GS-LLC when in fact McMillin was using GS-LLC's inventory, resources, and employees to secretly work on behalf of his new company, GS-Inc. Plaintiffs assert claims under § 523(a)(2)(A), (a)(4) (for embezzlement and larceny), and (a)(6).

Plaintiffs move for partial summary adjudication on their § 523(a)(4) embezzlement claim and their § 523(a)(6) claim. (Plaintiffs do not seek summary adjudication on their § 523(a)(2)(A) claim or § 523(a)(4) larceny claim.) In support of the Motion, Plaintiffs point to (1) deposition testimony from (a) McMillin and (b) three employees who worked with McMillin; (2) declaration testimony from (a) Yanlin Wu ("Wu") (the president of Elite and the sole member of GS-LLC), (b) Amy

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Fan (an employee of Elite and the wife of Wu), and (c) Philip Liu (the current CEO and manager of GS-LLC); and (3) an extensive amount of documentary evidence, including (a) e-mails between Wu and McMillin, (b) text messages between Wu and McMillin, (c) an itemization of inventory shipped from Elite to GS-LLC, and (d) records from GS-LLC's Quickbooks accounting software.

In opposition to the Motion, McMillin submitted a 34-paragraph declaration that was not accompanied by any supporting evidence. Relying upon his declaration, McMillin asserts that Plaintiffs are not entitled to summary judgment because of the existence of disputed facts.

Plaintiffs contend that McMillin's declaration is inconsistent with his deposition testimony and is contrary to the overwhelming weight of the evidence. Plaintiffs assert that notwithstanding McMillin's declaration, they are still entitled to the entry of summary judgment. According to Plaintiffs, portions of McMillin's declaration are properly stricken because they contradict McMillin's deposition testimony. To the extent that McMillin's declaration is not stricken, Plaintiffs assert that the declaration does not create a "genuine" dispute of material fact, since upon consideration of the record as a whole, no reasonable factfinder could find in McMillin's favor.

II. Discussion

A. Summary Judgment Standard

Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material facts and the movant is entitled to judgment as a matter of law." Civil Rule 56 (made applicable to these proceedings by Bankruptcy Rule 7056). A fact is 'material' only if it might affect the outcome of the case[.]" *Fresno Motors, LLC v. Mercedes Benz USA, LLC*, 771 F.3d 1119, 1125 (9th Cir. 2014). It is the movant's burden to establish that it is entitled to summary judgment. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The court is "required to view all facts and draw all reasonable inferences in favor of the nonmoving party" when reviewing the Motion. *Brosseau v. Haugen*, 543 U.S. 194, 195 n.2 (2004).

The non-moving party cannot defeat the entry of summary judgment by submitting an affidavit containing conclusory allegations not supported by specific facts:

In ruling upon a Rule 56 motion, "a District Court must resolve any factual issues of controversy in favor of the non-moving party" only in the sense that, where the facts specifically averred by that party contradict facts specifically averred by the movant, the motion must be denied. That is a world apart from

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"assuming" that general averments embrace the "specific facts" needed to sustain the complaint. As set forth above, Rule 56(e) provides that judgment "shall be entered" against the nonmoving party unless affidavits or other evidence "set forth specific facts showing that there is a genuine issue for trial." The object of this provision is not to replace conclusory allegations of the complaint or answer with conclusory allegations of an affidavit. Cf. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249, 106 S.Ct. 2505, 2510, 91 L.Ed.2d 202 (1986) ("[T]he plaintiff could not rest on his allegations of a conspiracy to get to a jury without 'any significant probative evidence tending to support the complaint' "), quoting *First National Bank of Ariz. v. Cities Service Co.*, 391 U.S. 253, 290, 88 S.Ct. 1575, 1593, 20 L.Ed.2d 569 (1968). Rather, the purpose of Rule 56 is to enable a party who believes there is no genuine dispute as to a specific fact essential to the other side's case to demand at least one sworn averment of that fact before the lengthy process of litigation continues.

Lujan v. Nat'l Wildlife Fed'n, 497 U.S. 871, 888–89, 110 S. Ct. 3177, 3188–89, 111 L. Ed. 2d 695 (1990).

The Ninth Circuit has similarly held that an affidavit containing only vague assertions cannot defeat entry of summary judgment. In *Sullivan v. Dollar Tree Stores*, 623 F.3d 770, 779 (9th Cir. 2010), the parties disputed whether Dollar Tree was a "successor in interest" to Factory 2-U under the Family and Medical Leave Act of 1993. *Sullivan*, 623 F.3d at 770. Critical to adjudication of the successor in interest issue was a finding as to how many personnel employed at Factory 2-U had continued to work for Dollar Tree. The court held that Plaintiff's testimony that "[m]ost of the same personnel continued to work when Dollar Tree took Factory 2-U over at my store" was too vague to create a genuine dispute as to a material fact, where Dollar Tree had provided detailed factual assertions about which employees it hired and for what purposes. *Id.* at 779.

Nor can the non-moving party defeat the entry of summary judgment simply by contending, without sufficient evidence, that certain facts are in dispute. Instead, where "the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial.'" *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586–87, 106 S. Ct. 1348, 1356, 89 L. Ed. 2d 538 (1986).

Matsushita is instructive. In that case, plaintiffs alleged that defendants, a number of Japanese companies, had engaged in a conspiracy to maintain artificially low

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prices for television sets that defendants sold in the United States. *Id.* at 578. The gist of this conspiracy, Plaintiffs alleged, was a scheme by defendants to maintain artificially high prices for televisions sold in Japan while simultaneously maintaining artificially low prices for televisions sold in the United States. *Id.* In finding that plaintiffs were not entitled to summary judgment, the Third Circuit "concluded that a reasonable factfinder could find a conspiracy to depress prices in the American market in order to drive out American competitors, which conspiracy was funded by excess profits obtained in the Japanese market." *Id.* at 581.

The Supreme Court reversed the Third Circuit's determination that plaintiffs were not entitled to summary judgment. The court examined the record and explained why a reasonable factfinder could not have found that there was a genuine dispute requiring the matter to proceed to trial:

A predatory pricing conspiracy is by nature speculative. Any agreement to price below the competitive level requires the conspirators to forgo profits that free competition would offer them. The forgone profits may be considered an investment in the future....

These observations apply even to predatory pricing by a *single firm* seeking monopoly power. In this case, [plaintiffs] allege that a large number of firms have conspired over a period of many years to charge below-market prices in order to stifle competition. Such a conspiracy is incalculably more difficult to execute than an analogous plan undertaken by a single predator. The conspirators must allocate the losses to be sustained during the conspiracy's operation, and must also allocate any gains to be realized from its success. Precisely because success is speculative and depends on a willingness to endure losses for an indefinite period, each conspirator has a strong incentive to cheat, letting its partners suffer the losses necessary to destroy the competition while sharing in any gains if the conspiracy succeeds. The necessary allocation is therefore difficult to accomplish....

Finally, if predatory pricing conspiracies are generally unlikely to occur, they are especially so where, as here, the prospects of attaining monopoly power seem slight. In order to recoup their losses, [defendants] must obtain enough market power to set higher than competitive prices, and then must sustain those prices long enough to earn in excess profits what they earlier gave up in below-cost prices.... Two decades after their conspiracy is alleged to have commenced, [defendants] appear to be far from achieving this goal: the two largest shares of the retail market in television sets are held by RCA

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and [plaintiff] Zenith, not by any of [the defendants].

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Id. at 590–91.

Finally, the non-moving party cannot defeat entry of summary judgment by submitting an affidavit contradicting his prior deposition testimony. This principle, known as the sham affidavit rule, "prevents 'a party who has been examined at length on deposition' from 'rais[ing] an issue of fact simply by submitting an affidavit contradicting his own prior testimony,' which 'would greatly diminish the utility of summary judgment as a procedure for screening out sham issues of fact.'" *Yeager v. Bowlin*, 693 F.3d 1076, 1080 (9th Cir. 2012) (internal citations omitted). To trigger the sham affidavit rule, the court "must make a factual determination that the contradiction is a sham, and the 'inconsistency between a party's deposition testimony and subsequent affidavit must be clear and unambiguous to justify striking the affidavit.'" *Id.*

B. McMillin's Declaration Fails to Create a Genuine Dispute for Trial

Applying the principles set forth above, the Court finds that McMillin's declaration testimony fails to create a "genuine" dispute as to any of the facts at issue. Specific deficiencies in McMillin's declaration testimony are explained in greater detail in Section II.C., below. Three general problems prevent McMillin's declaration from creating a genuine issue for trial.

First, McMillin denies that he falsely represented that he was continuing to work on GS-LLC's behalf when in fact he was secretly working for GS-Inc., and denies that he transferred GS-LLC's inventory, trademarks, and website to GS-Inc. McMillin's conclusory denials are contradicted by an overwhelming amount of evidence, including testimony from multiple parties, accounting records, and even e-mails sent by McMillin himself. As was the situation in *Matsushitsa*, upon consideration of the record of a whole, no rational trier of fact could find in McMillin's favor.

Second, as detailed below, portions of McMillin's declaration are appropriately stricken pursuant to the sham affidavit rule.

Finally, like the declaration at issue in *Sullivan*, portions of McMillin's declaration are too vague to create an issue of fact.

C. Material Facts as to Which There is No Genuine Dispute

The Court finds that there is no genuine dispute as to the material facts set forth below (deficiencies in McMillin's declaration testimony are noted in footnotes):

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Prior to April 2010, Elite developed and began selling its “G-Sight” laser training cartridges and dry-firing laser cartridges of various ammunition calibers designed to assist in firearm sight collimation. Wu Decl. at ¶ 2. In early 2015, Elite decided to market and sell its “G-Sight” laser training cartridges directly in the United States through a planned subsidiary United States company. *Id.* at ¶ 3. In November 2015, Elite formed GS-LLC for this purpose. *Id.*

GS-LLC was formed with the intent of purchasing and re-selling products from Elite, with the long-term goal of increasing GS-LLC’s market share. *Id.* at ¶ 6. Yanlin Wu (“Wu”) was always and remains the sole member of GS-LLC. *Id.* at ¶ 3; RJN Ex. 1.

Prior to the formation of GS-LLC, on August 16, 2015, Elite offered the General Manager position of the planned GS-LLC to McMillin. *Id.* at ¶ 4. McMillin’s duties were memorialized in an employment agreement dated August 11, 2015 (the “Employment Agreement”) that was executed by Wu and McMillin on August 16, 2015. The Employment Agreement provided for an initial two-year employment term:

Ryan McMillin and G-Sight will enter in a 2 yr. agreement. After the end of your 2 yr. period, G-Sight may terminate my employment without cause at any time by providing you with the minimum notice and a 3 month severance pay.

Employment Agreement, “Terms and Conditions of Employment.”

The Employment Agreement stated that the “Start Date & End Date” of McMillin’s employment was “09/01/15 to 09/01/17 (2 yr. Contract).” *Id.* The Employment Agreement was not formally renewed at the end of the two-year period. However, as discussed below, subsequent to the expiration of the Employment Agreement McMillin represented to Elite that he was continuing to work on behalf of GS-LLC, and Elite treated McMillin as though he remained employed at GS-LLC.

GS-LLC’s business address was 1340 E. Route 66, Glendora, CA (the “Route 66 Business Address”). Wu Decl. at ¶ 6; GS-LLC Statement of Information [RJN, Ex. 2].

On June 21, 2017, while still employed by GS-LLC, McMillin executed Articles of Incorporation for GS-Inc. McMillin is GS-Inc.’s sold owner. McMillin Depo. at 25:22–26:6. On September 27, 2017, GS-Inc.’s Articles of Incorporation were filed with the California Secretary of State. GS-Inc.’s business address is the same as GS-LLC’s Route 66 Business Address. GS-Inc. Oct. 5, 2017 Statement of Information [RJN, Ex. 6].

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McMillin’s responsibilities under the Employment Agreement included without limitation (1) reviewing and approving accounting documents and conducting financial reporting, (2) developing and implementing a strategic business plan, and (3) selling Elite’s products by developing and maintaining relationships with distributors. Employment Agreement, “Job Description.”

Although McMillin’s responsibilities included tracking GS-LLC’s finances, McMillin testified at his deposition that he did not regularly review GS-LLC’s bank statements and that he did not know at any given time how much money GS-LLC had in its bank account:

Question: Did you regularly review the bank accounts as they came in, the bank statements?

Answer: No.

Question: Did you ever look at the bank statements?

Answer: Yes.

Question: Did you keep track of how much money was in the bank?

Answer: No.

Question: So as a general rule, you didn’t know what the capital of [GS-LLC] was at any given time?

Answer: Correct.

Question: Was there someone else that tracked that?

Answer: No.

McMillin Depo. [Doc. No. 110-3, Ex. 28] at 64:14–65:1. **[Note 1]**

On March 10, 2017, GS-LLC, at McMillin’s direction, applied to the United States Patent and Trademark Office (the “USPTO”) to register two trademarks. The first trademark application, U.S. Serial No. 87,366,250 (the “250 Application”), consisted of the word “G-SIGHT.” The second trademark application, U.S. Serial No. 87,366,267 (the “267 Application,” and together with the 250 Application, the “Applications”), consisted of a logo comprised of the stylized capital letters “G-SIGHT,” accompanied by a design component.

On October 11, 2017, while the 250 Application and the 267 Application were pending, McMillin, misrepresenting himself as the “President” of GS-LLC, executed a notarized *Trademark Assignment* (the “Assignment”) that effectuated the transfer of all rights and interests in the Applications from GS-LLC to GS-Inc. for \$1.00. **[Note 2]** McMillin acknowledged the authenticity of the Assignment at his deposition. McMillin Depo. at 110:15–19.

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On October 13, 2017, Wu sent McMillin an e-mail demanding that McMillin transfer the Applications to Elite. Doc. No. 106-5, Ex. 10. In a response e-mailed on October 24, 2017 (the "Oct. 2017 E-mail"), McMillin stated that the transfer of the Applications was nothing more than a misunderstanding, and reassured Wu that he was continuing to work on behalf of GS-LLC:

Regarding the G-Sight Trademark application, and I very much want to clear things up. It is a simple misunderstanding, and I believe it will be easy to resolve.

Our USA lawyers advised us that the application is being reviewed now by USPRO and is too far along the application process to quit. They also advised against this as any of our competitors can easily file for this trademark if there is any delay on your end. We must wait until we get a decision from the USPRO office and secure the G-Sight trademark. At that time G-Sight Solutions can easily file for a name transfer into Elite Optoelectronics for the trademark. They assure me that the matter will be taken care of once USPRO gives result.

I am deeply concerned to see you put a shipment restriction on PO-GS0004, as you are the owner of both G-Sight Solutions LLC and Elite Optoelectronics. This inventory is critical to the future of your US Office and customer base.

Please understand that this was the direction you gave us back when you visited last January. I have attached a conversation I had with Oliver confirming that. I am particularly concerned that you would refer to my actions as [ultra] vires, as I simply [am] trying to protect the brand in the best interest of the company.

I hope you will advise Ms. Fan tomorrow to make certain our PO-GS0004 is clear to ship.

I sincerely value the G-Sight brand and products we are selling in the US Market for Elite Optoelectronics. I will continue to follow through on any suggestions you have and invite you to observe implementation any time you wish. I would welcome a meeting to discuss the situation and hope this issue can be resolved. Our US Office works hard to do a good job and will continue to do so.

Doc. No. 106-5, Ex. 11. [Note 3]

On October 31, 2017, McMillin copied Wu on an e-mail in which McMillin

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appeared to instruct trademark attorneys Mikael Crowther and Bennet Langlotz to transfer the 267 Application from GS-Inc. to Elite. Doc. No. 106-5, Ex. 12. Despite this e-mail, McMillin did not transfer either of the Applications back to Elite or GS-LLC. Wu Decl. at ¶ 11.

McMillin subsequently abandoned the 267 Application. Tormey Decl. at ¶ 7. The 250 Application was granted, vesting GS-Inc. with a trademark in the word “G-Sight” (the “250 Trademark”). *Id.* On August 21, 2018, GS-LLC petitioned the USPTO for cancellation of the 250 Trademark on the basis of fraud. *Id.* On December 15, 2018, the USPTO cancelled the 250 Trademark. *Id.* and Doc. No. 106-4, Ex. 22.

On January 5 and 10, 2018, McMillin sent Wu text messages asking for additional information on new products that Elite was developing. *Id.* On January 4, 2018, McMillin sent Wu a text message stating that he had wired \$10,000 in payment for inventory that Elite had previously shipped to GS-LLC. *Id.* On January 5, 2018, McMillin sent Wu a text message stating that he had wired an additional \$10,000 in payment for inventory. *Id.* On January 5, 2018, Wu sent McMillin a text message inquiring if GS-LLC had sufficient inventory. Doc. No. 106-5, Ex. 13. On January 6, 2018, McMillin replied, stating “[y]es we have inventory, no need to ship anymore.” *Id.*

In February 2018, Amy Fan (Wu’s spouse), traveled to the United States to visit GS-LLC’s facility. Fan Decl. at ¶ 2. On February 25, 2018, Fan contacted McMillin to arrange for the site visit. McMillin advised Fan that to save money, he had moved GS-LLC’s operations from the Route 66 Business Address to 2031 E. Gladstone St., Glendora, CA (the “Gladstone Address”). *Id.* at ¶ 4. On February 26, 2018, Fan met with McMillin at the Gladstone Address. *Id.* at ¶ 5. Fan and McMillin discussed GS-LLC’s inventory, unpaid invoices, and sales projections for the upcoming year. *Id.* Fan prepared a spreadsheet of the inventory at the Gladstone Address, which McMillin indicated was all GS-LLC inventory obtained from Elite. *Id.* at ¶ 8 and Ex. 15 (spreadsheet of inventory prepared by Fan).

On March 5, 2018, Fan sent McMillin an e-mail containing a list of inventory that Elite had shipped to GS-LLC and requesting payment. In an e-mail on which Wu was copied, McMillin replied:

Hi Amy... Glad you made it home safely. It was great speaking and working with you in our meeting. Thank you for this report and I will be transferring over the \$60k as we agreed to in the next couple of days.

Also I am almost finished with the financial reports you want. Only need one or two more days to finalize it for you. Thanks!

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Fan Decl., Ex. 16. [Note 4]

In approximately July 2018, Elite discovered that McMillin was no longer working on behalf of GS-LLC, and Wu appointed a new manager, Phillip Liu, to take over GS-LLC's operations. Supplemental Liu Decl. [Doc. No. 110] at ¶ 2. When Liu took over, none of the GS-LLC inventory remained at the Route 66 Business Address. Upon taking control of GS-LLC's operations, Liu recovered GS-LLC's Quickbooks account, which had been controlled by GS-Inc. *Id.* at ¶ 3. When Liu obtained access to the account, the company information was listed as "G-Sight Solutions, *Inc.*" (emphasis added). *Id.* Liu found numerous Quickbooks entries which stated that they had been added by McMillin. *Id.* at ¶ 4 and Ex. 31 (Quickbooks entry dated February 25, 2018 added by McMillin). The value of the inventory which had been shipped by Elite to GS-LLC, but which was not present at the Route 66 Business Address and was not accounted for by McMillin, is at least \$343,788. Wu Decl. at ¶ 16 and Ex. 14.

Victoria Crehan, who was hired to work as an accountant at GS-LLC, testified that after McMillin created GS-Inc., the Quickbooks accounting system was updated to treat GS-LLC's inventory as though it was GS-Inc.'s inventory:

Question: So you had inventory on the books for Quickbooks that was the property of G-Sight Solutions, LLC, and then you made an accounting entry to transfer that inventory to G-Sight Solutions, Incorporated? Is that correct?

Answer: No, it was never transferred. Not, it wasn't transferred. The name on the account was updated, I guess.

Question: Okay. So the update—and so all the books transferred over under a new name but the values in the records stayed the same?

Answer: Correct....

Question: You had earlier stated that when you changed the QuickBooks account from an LLC to a corporation, you didn't change any of the inventory; is that correct?

Answer: I did not.

Question: You just changed the name in Quickbooks, didn't you?

Answer: Right.

Crehan Depo. at 34:25–35:11 and 41:13–19.

Crehan further testified that GS-LLC's distributors were directed to begin making payment to GS-Inc.:

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Question: [Y]ou were actually involved in directing distributors to change their payment over to the incorporation bank account, weren't you?

Answer: I was directed to do so, yes....

Question: So people who were formerly distributors of [GS-LLC] became distributors of GS-Inc., is that correct?

Answer: Yes.

Question: And you were directed by who to do that?

Answer: By Ryan [McMillin].

Crehan Depo. at 31:9–19. [Note 5]

Other employees who worked at GS-LLC under McMillin testified that they were not aware of any difference between GS-LLC and GS-Inc. Jason Anguiano testified:

Question: Do you know what Mr. Wu's role was at Elite Optoelectronics?

Answer: As far as I know he was the president....

Question: Do you know what his role was at G-Sight, LLC?

Answer: The president.

Question: Do you know what his role was at G-Sight, Incorporated?

Answer: I assume the same as we were all just G-Sight Solutions.

Anguiano Depo. [Doc. No. 106-4, Ex. 20] at 40:11–14.

Joshua Venegas likewise testified that he was not aware of any difference between GS-LLC and GS-Inc.:

Question: [Was the] transition from the LLC to the Inc. ... a seamless process—would you describe it that way?

Answer: Yeah, I wasn't even really aware that there had been a major transition. Like I said, I'm not really familiar with the difference between the two.

Venegas Depo. [Doc. No. 106-4, Ex. 21] at 23:19–23.

At his deposition, McMillin testified that GS-LLC's website was provided by Elite:

Question: G-Sight Solutions, LLC did not have a website when you were there?

Answer: G-Sight Solutions, LLC did have a website. I didn't set it up for it,

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Question: Okay. Did the company Elite just say “Here’s your website,” and you went with it?

Answer: That’s it pretty much.

McMillin Depo. at 116:7–13.

The domain name of the website that Elite provided for GS-LLC was “www.g-sight.com.” McMillin admitted that GS-Inc. used the “www.g-sight.com” domain that Elite had intended for use by GS-LLC for the benefit of GS-Inc.:

Question: When you left G-Sight Solutions, LLC, you no longer used that domain, correct?

Answer: No, we did use that domain.

Question: You used it for G-Sight Solutions, Inc.?

Answer: Yes.

McMillin Depo. at 119:20–23. [Note 6]

D. Plaintiffs Are Entitled to Entry of Summary Judgment on Their § 523(a)(4) Embezzlement Claim and § 523(a)(6) Claim

1. Section 523(a)(4)

Section 523(a)(4) excepts from discharge debts arising from embezzlement. “Under federal law, embezzlement in the context of nondischargeability has often been defined as ‘the fraudulent appropriation of property by a person to whom such property has been entrusted or into whose hands it has lawfully come.’ Embezzlement, thus, requires three elements: ‘(1) property rightfully in the possession of a nonowner; (2) nonowner’s appropriation of the property to a use other than which [it] was entrusted; and (3) circumstances indicating fraud.’” *Transamerica Comm. Finance Corp. v. Littleton (In re Littleton)*, 942 F.2d 551, 555 (9th Cir. 1991) (internal citations omitted).

The facts as to which there is no genuine dispute establish that Plaintiffs are entitled to summary judgment on their claims that McMillin embezzled Plaintiffs’ inventory, trademarks, and internet domain name.

With respect to inventory, Elite shipped goods worth \$343,788 to the Route 66 Business Address, with the expectation that the goods would be sold by GS-LLC. After Elite discovered that McMillin had created a competing enterprise, GS-Inc.,

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Elite appointed Philip Liu to oversee GS-LLC's operations. Upon taking control of the Route 66 Business Address, Liu discovered that none of the inventory was present. McMillin has offered no explanation for what happened to the inventory, and accounting records that Liu gained control of as well as testimony from Victoria Crehan show that title to the inventory was transferred from GS-LLC and to GS-Inc. Crehan's testimony also shows that GS-LLC's distributors were directed to begin making payment to GS-Inc. Taken together, these facts demonstrate that McMillin misappropriated GS-LLC's inventory for the benefit of GS-Inc.

With respect to GS-LLC's trademarks, McMillin executed the Assignment that transferred GS-LLC's interest in the 250 Application to GS-Inc. for \$1.00. After the 250 Application was granted and GS-Inc. obtained the 250 Trademark, GS-LLC successfully petitioned the USPTO to cancel the 250 Trademark on the basis of fraud.

With respect to GS-LLC's domain name, McMillin acknowledged that GS-Inc. used the domain that Elite had provided for the benefit of GS-LLC in connection with GS-Inc.'s competing business.

Plaintiffs have established that all the elements of embezzlement apply. Plaintiffs have shown that McMillin was entrusted with assets to further GS-LLC's business but misappropriated those assets for the benefit of his competing company, GS-Inc. The circumstances surrounding McMillin's activities—in particular, his false representations that he was continuing to work on GS-LLC's behalf when he was in fact establishing a competing enterprise—indicate fraud.

2. Section 523(a)(6)

"Section 523(a)(6) excepts from discharge debts arising from a debtor's 'willful and malicious' injury to another person or to the property of another. The 'willful' and 'malicious' requirements are conjunctive and subject to separate analysis." *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 463 (9th Cir. B.A.P. 2015) (internal citations omitted).

An injury is "willful" when "a debtor harbors 'either subjective intent to harm, or a subjective belief that harm is substantially certain.' The injury must be deliberate or intentional, 'not merely a deliberate or intentional act that leads to injury.'" *Id.* at 463 (internal citations omitted). When determining intent, there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby v. First Am. Title Co. of Nevada (In re Ormsby)*, 591 F.3d 1199, 1206 (9th Cir. 2010). An injury is "malicious" if it "involves '(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse.'" *Carrillo v. Su (In re Su)*, 290 F.3d 1140, 1146–47 (9th Cir. 2002) (internal citations omitted).

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"Within the plain meaning of this definition, it is the wrongful act that must be committed intentionally rather than the injury itself." *Jett v. Sicroff (In re Sicroff)*, 401 F.3d 1101, 1106 (9th Cir. 2005).

In addition, the injury-producing conduct must be tortious in order to be excepted from discharge under §523(a)(6). *Lockerby v. Sierra*, 535 F.3d 1038, 1040 (9th Cir. 2008). "[C]onduct is not tortious under § 523(a)(6) simply because injury is intended or 'substantially likely to occur,' but rather is only tortious if it constitutes a tort under state law." *Id.* at 1041.

McMillin's conduct was willful. McMillin had to have known that his embezzlement of GS-LLC's assets would result in harm to Plaintiffs. McMillin's conduct was also malicious. Embezzlement is a wrongful act that necessarily causes injury, and in embezzling GS-LLC's assets, McMillin acted intentionally and without just cause or excuse. Finally, McMillin's embezzlement was tortious under California law.

E. Plaintiffs' Remaining Claims

Plaintiffs have not sought summary judgment on their § 523(a)(4) larceny claim or § 523(a)(2)(A) claim. Trial on these claims is set for the week of May 24, 2021. Plaintiffs shall appear and advise the Court whether they wish to proceed to trial on the remaining claims in view of the granting of the Motion. If Plaintiffs do not wish to pursue the remaining claims, the Court is prepared to enter final judgment on the § 523(a)(4) embezzlement claim and § 523(a)(6) claim.

F. Damages

Plaintiffs have established that they are entitled to damages of \$343,788 as a result of McMillin's embezzlement of Plaintiffs' inventory. Plaintiffs also allege that as a result of McMillin's embezzlement of the 250 Trademark, Plaintiffs are entitled to statutory damages, interest, and attorneys' fees and costs pursuant to 15 U.S.C. § 1117. The Motion does not contain any evidence supporting Plaintiffs' claim for damages under 15 U.S.C. § 1117.

No later than **March 31, 2021**, Plaintiffs shall file a motion, accompanied by appropriate evidence, setting forth the total amount of damages, interest, and attorneys' fees and costs to which Plaintiffs allege they are entitled (the "Damages Motion"). McMillin's opposition to the Damages Motion is due by **April 14, 2021**; Plaintiff's reply is due by **April 21, 2021**. The Damages Motion shall stand submitted as of April 21, 2021, and no hearing on the Damages Motion will be held unless otherwise ordered by the Court.

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III. Conclusion

Based upon the foregoing, the Court finds that Plaintiffs are entitled to entry of summary judgment on their § 523(a)(4) embezzlement claim and § 523(a)(6) claim. Plaintiffs shall appear to advise the Court whether they wish to proceed to trial on the remaining § 523(a)(4) larceny claim and § 523(a)(2)(A) claim. In the event Plaintiffs do not wish to pursue their remaining claims, the Court is prepared to enter final judgment on the § 523(a)(4) embezzlement claim and § 523(a)(6) claim upon determination of the Damages Motion.

Note 1

McMillin testifies that "[a]s part of my job duties, I kept regular records of corporate finances and sales of GS-LLC." McMillin Decl. at ¶ 4. McMillin's declaration testimony is inconsistent with his deposition testimony, in which McMillin testified that he did not know how much capital GS-LLC had at any given time, and that no one tracked GS-LLC's capital levels. The inconsistent declaration testimony is stricken pursuant to the sham affidavit rule.

Note 2

McMillin states that the 250 Application "was never transferred to GS-Inc." McMillin Decl. at ¶ 6. The Court strikes this portion of McMillin's declaration pursuant to the sham affidavit rule. When deposed, McMillin authenticated as genuine the authenticity of the Assignment that effectuated the transfer. McMillin Depo. at 110:15–19. McMillin's declaration testimony that "GS-LLC had never previously owned the trademark related to the [250 Application]," McMillin Decl. at ¶ 15, is stricken for the same reason. When asked at his deposition whether the 250 Application "was the trademark owned by G-Sight Solutions, LLC when it became a trademark," McMillin responded "yes." McMillin Depo. at 110:2–4. Further, at his deposition McMillin admitted drafting a *Sustainability Report* which states that GS-LLC "trademarked the word G-Sight in the United States." *Id.* at 25:22–26:6 and Ex. 9.

Note 3

In his declaration, McMillin denies that he assured Wu that McMillin was working on Wu's behalf. He testifies: "I did not assure Mr. Wu on October 24, 2017, or at any other time in October, 2017, that I was working on his behalf." McMillin Decl. at ¶ 7. McMillin's conclusory denial does not create a genuine issue for trial, as

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a reasonable factfinder considering the record as a whole would be required to find that McMillin *did* assure Wu that McMillin was continuing to work for GS-LLC on Wu's behalf. McMillin has not disputed the authenticity of the Oct. 2017 E-mail. In that e-mail, McMillin makes numerous representations that he was continuing to work for GS-LLC, including statements that (1) McMillin valued the G-Sight brand and the products that GS-LLC was selling on Elite's behalf; that (2) McMillin would continue to follow through on Wu's suggestions for how GS-LLC could be best operated; and that (3) GS-LLC "works hard to do a good job and will continue to do so."

McMillin contends that the Oct. 2017 E-mail should have alerted Wu to the fact that McMillin was no longer working for GS-LLC, because McMillin signed the e-mail as "President" of "G-Sight Solutions *Inc.*" (emphasis added). The fact that the signature line stated "G-Sight Solutions *Inc.*" rather than "G-Sight Solutions *LLC*" would not have alerted Wu to McMillin's changed role. McMillin admitted in his deposition that he knew that Wu did not speak English. McMillin Depo. [Doc. No. 110, Ex. 28] at 32:13–33:14. More significant, the entirety of the Oct. 2017 E-mail contains statements that can only be construed as McMillin's reassurance to Wu that McMillin was continuing to work for GS-LLC. For example, if McMillin had wanted to convey that he was now working for his new company GS-Inc., why would he have bothered to tell Wu that he would "continue to follow through on any suggestions you have," and why would he have invited Wu "to observe implementation any time you wish"?

Finally, McMillin testified at his deposition that he used the e-mail address "ryan@g-sight.com" only when he was working for GS-LLC, and never when he was working for GS-Inc. McMillin Depo. at 106:17–107:2. The Oct. 2017 E-mail was sent from "ryan@g-sight.com" address. Therefore, according to McMillin's own deposition testimony, the Oct. 2017 E-mail must have pertained to work McMillin was performing for GS-LLC.

Note 4

McMillin testifies that during the February 2018 meeting, "there was no representation that I was still in the employ of either Elite or GS-LLC," and that "there was no discussion regarding sales, marketing strategy or inventory." McMillin Decl. at ¶ 10. This testimony does not create a genuine issue for trial. First, McMillin testified at his deposition that he remembered "very little" of the February 2018 visit; that he did not remember when the meeting took place; and that he did not know whether the meeting took place before or after he stopped working for GS-LLC. McMillin Depo. at 79:10–80:11. In *Yeager v. Bowlin*, 693 F.3d 1076 (9th Cir. 2012),

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the court struck as a sham a declaration submitted in opposition to a motion for summary judgment, where the declaration contained a detailed recitation of facts that the declarant was unable to remember at his deposition. Like the declarant in *Yeager*, McMillin cannot create a genuine issue for trial by suddenly claiming to remember what happened at the February 2018 meeting, given that McMillin testified at his deposition that he remembered "very little" of the meeting and could not even remember whether it took place before or after he stopped working for GS-LLC.

Second, even if the sham affidavit rule did not preclude consideration of McMillin's testimony, the overwhelming weight of the evidence contradicts the testimony, such that no reasonable factfinder could find in McMillin's favor. McMillin's assertion that Fan travelled all the way from China to meet with him, even though he was no longer working for GS-LLC, is simply not plausible—especially where McMillin sent Fan an e-mail subsequent to the meeting promising to send financial reports regarding GS-LLC.

Note 5

McMillin testifies that he "never instructed Ms. Crehan to make any alterations to GS-LLC's Quickbooks account"; that GS-Inc. used Excel, not Quickbooks; and that "[n]o GS-LLC inventory was ever transferred to GS-Inc." McMillin Decl. at ¶ 19. McMillin's declaration does not create a genuine issue for trial. Overwhelming physical evidence contradicts McMillin's statements, such that no reasonable factfinder could find in McMillin's favor as to these issues. When Philip Liu obtained access to GS-LLC's Quickbooks account, he found numerous entries made by McMillin on behalf of GS-Inc. in the Quickbooks account, including information regarding GS-Inc.'s bank account, which had been updated in June 2018. Liu also found a 2018 Purchase Order entered by McMillin for the purchase of products for GS-Inc. from Elite, and a January 5, 2018 Commercial Invoice from Elite for products ordered by McMillin, purportedly for GS-LLC. Supplemental Liu Decl. at ¶¶ 4–7.

Further, McMillin has failed to offer a plausible explanation for what happened to GS-LLC's inventory. At his deposition, McMillin testified that he stopped working for GS-LLC in approximately September 2017 and commenced working for GS-Inc.; that GS-Inc. was located in the same facility as GS-LLC (the Route 66 Business Address); that GS-LLC's inventory was located at the Route 66 Business Address when McMillin ceased working for GS-LLC; but that McMillin had no idea what happened to GS-LLC's inventory because "[i]t wasn't my responsibility at that point to know where the product was." McMillin Depo. at 100:17–18. As discussed in

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Section II.A., McMillin cannot defeat the entry of summary judgment through a conclusory declaration lacking detailed facts.

Note 6

GS-LLC commenced a proceeding before the Forum, an arbitration panel, against McMillin and GS-Inc. to recover the "www.g-sight.com" domain. The Forum did not transfer the domain to GS-LLC because "this dispute appears to be one of contractual or other employment law interpretation which falls outside the scope of the [Uniform Domain Name Dispute Resolution Policy]." Doc. No. 110, Ex. 29.

In his declaration submitted in opposition to the Motion, McMillin testifies that he was justified in transferring the domain name from GS-LLC to GS-Inc. because Elite had transferred the domain name to him personally. McMillin Decl. at ¶ 7.

McMillin's declaration fails to create a genuine dispute as to the fact that McMillin wrongfully transferred the domain, which GS-LLC had intended to be used for its benefit, to McMillin's competing company GS-Inc. Even if Elite did transfer the domain to McMillin personally rather than GS-LLC, the record clearly establishes that Elite intended and expected that McMillin would use the domain name for the benefit of GS-LLC. It is simply not plausible that Elite would transfer the domain for a website that it created to McMillin with the intent or expectation that McMillin would use the domain to start a competing enterprise.

Party Information

Debtor(s):

Ryan James McMillin

Represented By
John A Harbin

Defendant(s):

Ryan James McMillin

Represented By
Steven J Renshaw
Errol J Zshornack
Peter J Tormey

G-Sight Solutions, Inc., a California

Pro Se

Plaintiff(s):

Elite Optoelectronics Co., Ltd a

Represented By
Peter J Tormey

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Errol J Zshornack

G-Sight Solutions, LLC, a California

Represented By
Peter J Tormey
Errol J Zshornack

Trustee(s):

Heide Kurtz (TR)

Pro Se

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10:00 AM

2:20-13147 Javier Granados Perez

Chapter 7

#4.00 APPLICANT: Trustee, PETER J MASTAN

Hearing re [37] and [38] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$934.75 [*see* Doc. No. 37]

Total Trustee's Expenses: \$24.65 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

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CONT... Javier Granados Perez

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Debtor(s):

Javier Granados Perez

Represented By
Francis Guilardi

Trustee(s):

Peter J Mastan (TR)

Pro Se

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10:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

#5.00 HearingRE: [323] Motion to Reject Lease or Executory Contract Notice of Motion and Motion for Order Approving Rejection of Lease (227 W. Valley Blvd., Suite 208-A, San Gabriel, CA 91776) Pursuant to 11 U.S.C. Sect. 365(a) and Abandonment of Personal Property Pursuant to 11 U.S.C. Sect. 554; Memorandum of Points and Authorities; Declaration of Peter J. Mastan (Danker, Ashleigh)

Docket 323

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is GRANTED.

Pleadings Filed and Reviewed

1. Notice of Motion and Motion for Order Approving Rejection of Lease (227 W. Valley Blvd., Suite 208-A, San Gabriel, CA 91776) Pursuant to 11 U.S.C. § 365(a) and Abandonment of Personal Property Pursuant to 11 U.S.C § 554; Memorandum of Points and Authorities; Declaration of Peter J. Mastan [Doc. No. 323] (the "Motion")
2. As of the preparation of this tentative ruling, no objection is on file

I. Facts and Summary of Pleadings

On June 18, 2020, Chineseinvestors.com, Inc. (the "Debtor") filed its voluntary chapter 11 petition (the "Petition Date"). The Debtor is a financial information web portal that offers news and information regarding financial markets in Chinese. Prior to the Petition Date, the Debtor maintained its headquarters in the leased nonresidential space located at 227 W. Valley Blvd., #208-A, San Gabriel, CA 91176 (the "Leased Premises"). The initial lease term began on August 1, 2016 and

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CONT... **Chineseinvestors.com, Inc.**

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ended on July 31, 2019, subject to an option to renew for an additional three years (the "Lease"). The Lease costs the Debtor approximately \$4,241.70 per month plus common area charges of \$942.60. As of June 18, 2020, the Debtor had not formally surrendered the premises, but has not used the Leased Premises since March of 2020. Motion at 3.

On February 8, 2021, the Trustee filed this Motion in his duties to wind down the Debtor's business. The Trustee argues that the lease was deemed rejected by operation of law pursuant to 11 U.S.C. § 365(d)(4)(A) because the Debtor did not "assume or reject the unexpired lease" within 120 days of the Petition Date, nor did it request a 90 day extension per § 365(d)(4)(B)(i). The Trustee also argues that, should the Court not find the lease rejected by operation of law on October 16, 2020, that a finding of rejection *nunc pro tunc* is warranted. The Trustee believes that despite the Debtor not having removed its personal property from the premises, the landlord will not be prejudiced by the October 16, 2020 rejection date because the landlord has not made any demand for the Debtor to remove its personal property. Motion at 10. The Trustee also argues that he is moving to reject this lease in a timely fashion - just two weeks after his appointment. *Id.* Finally, the Trustee requests that this Court approve the abandonment of whatever inconsequential personal property may remain at the Leased Premises.

II. Findings and Conclusions

A. Motion to Reject Lease and Date of Rejection

Under 11 U.S.C. § 365(a), a trustee "may assume or reject any executory contract or unexpired lease of the debtor." 11 U.S.C. § 365(a). "A bankruptcy court's hearing on a motion to reject is a summary proceeding that involves only a cursory review of a [debtor's] decision to reject the contract." *Durkin v. Bendor Corp. (In re G.I Indus.)*, 204 F.3d 1276, 1282 (9th Cir. 2000). "Specifically, a bankruptcy court applies the business judgment rule to evaluate a [debtor's] rejection decision." *Id.* A court should approve the rejection decision unless it finds that the debtor's conclusion that rejection would be advantageous is so "manifestly unreasonable that it could not be based on sound business judgment, but only on bad faith, or whim or caprice." *Agarwal v. Pomona Valley Med. Grp., Inc. (In re Pomona Valley Med. Grp., Inc.)*, 476 F.3d 665, 670 (9th Cir. 2007) (internal citation omitted).

In addition, pursuant to 11 U.S.C. § 365(d)(4)(A)(i):

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[A]n unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of the date that is 120 days after the date of the order for relief.

Section 365(d)(4)(A)(i) provides both an avenue for rejection of a lease as well as a date of rejection. The Trustee is correct that normally rejection of the instant Lease would require a finding of *nunc pro tunc* relief. However, because the Debtor did not assume or reject the Lease within 120 days of the Petition Date, the Court finds that the Lease is deemed rejected by operation of law, and it need not address a finding of *nunc pro tunc* relief. Therefore, the Lease is rejected as of October 16, 2020.

B. Motion to Abandon Personal Property

Pursuant to 11 U.S.C. § 554(a), "[a]fter notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a). The Trustee notes that there is certain personal property located at the Leased Premises but is not currently aware of what is on the premises. The Trustee avers that he will inspect the Lease Premises prior to the hearing on this Motion "and take possession of all items of personal property owned by the Debtor that appear to have material value or are otherwise material to his administration of the Estate, if any, such as business records." Motion at 9. There is also certain personal property that is *not* owned by the Debtor, such as a bitcoin ATM, that remains on the premises. Assuming the Trustee removes all property of any material value, and noting the lack of opposition from any party in interest, the Court is prepared to grant the Trustee's request to abandon the remaining property that is of inconsequential value and benefit to the estate.

III. Conclusion

Based upon the foregoing, the Motion is GRANTED. The Trustee is authorized to reject the Lease as of October 16, 2020, and to abandon the remaining personal property located at the Leased Premises.

The Trustee is directed to lodge a proposed order, incorporating this tentative

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CONT... **Chineseinvestors.com, Inc.**
ruling, within 7 days of the hearing.

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No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By
James Andrew Hinds Jr
Rachel M Sposato

Trustee(s):

Peter J Mastan (TR)

Represented By
Ashleigh A Danker

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10:00 AM

2:13-20738 Sergio Miranda

Chapter 11

Adv#: 2:19-01079 Miranda et al v. BANK OF AMERICA NATIONAL ASSOCIATION et al

#6.00 Hearing re [74] Evidentiary hearing

FR. 10-26-20; 1-11-21

Docket 0

***** VACATED *** REASON: CONTINUED 3-11-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Miranda

Represented By
David A Akintimoye

Defendant(s):

BANK OF AMERICA NATIONAL

Represented By
Adam N Barasch
Donald H Cram III

Shellpoint Mortgage Servicing LLC

Pro Se

DOES 1-10, Inclusive

Pro Se

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Joint Debtor(s):

Esmeralda Miranda

Represented By
David A Akintimoye

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CONT... Sergio Miranda

Chapter 11

Plaintiff(s):

Sergio Lopez Miranda

Represented By
David A Akintimoye

Esmeralda Miranda

Represented By
David A Akintimoye

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10:00 AM

2:20-10264 450 S. Western, LLC, a California limited liabilit

Chapter 11

#7.00 Hearing
RE: [280] Motion for order to allocate commission proceeds.

FR. 2-17-21

Docket 280

***** VACATED *** REASON: WILL BE HEARD AT 11:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

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10:00 AM

2:20-14808 SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

#8.00 Hearing
RE: [96] Motion for Approval of Interim Professional Fees and Expenses of Bankruptcy Counsel; Memorandum of Points and Authorities; Declarations of Robert B. Rosenstein, David Garelick and Walter T. Schreiner in support thereof (Rosenstein, Robert)

Docket 96

Tentative Ruling:

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Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$38,626.50 [*see* Doc. No. 96]

Expenses: \$3,747.20 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

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CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

Party Information

Debtor(s):

SCHREINER'S FINE SAUSAGES,

Represented By
Robert B Rosenstein

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2:20-16475 Neumedicines, Inc.

Chapter 11

#9.00 HearingRE: [185] Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement (second)

Docket 185

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed

1. Motion of Debtor-in-Possession for Entry of an Order Requesting Second Extension of Exclusivity Periods; Declaration of Daniel J. Weintraub in Support (the "Motion") [Doc. No. 185]
2. Notice of Hearing on Motion of Debtor-in-Possession for Entry of an Order Requesting Second Extension of Exclusivity Periods; Declaration of Daniel J. Weintraub in Support [Doc. No. 186]
3. As of the preparation of this tentative ruling, no objection is on file

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession, Neumedicines, Inc (the "Debtor") seeks a second extension of the exclusivity periods under which it may file and solicit votes on a plan of reorganization (the "Plan"). The Debtor's exclusivity period to file the Plan expires on March 16, 2021. The Debtor's exclusivity period to solicit a vote with respect to the Plan expires on May 15, 2021. The Debtor seeks an order (1) extending the exclusivity period to file the Plan by 120 days, to and including July 14, 2021; and (2) extending the exclusivity period to solicit votes with respect to the Plan by 120 days, to and including September 12, 2021. This is the Debtor's second request for an extension.

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CONT... **Neumedicines, Inc.**

Chapter 11

On December 22, 2020, the Court held a hearing on the Debtor's *Motion to Sell Property of the Estate Free and Clear of Liens* ("Motion to Sell") [Doc. No. 114]. The Court granted the Debtor's Motion to Sell and entered an order consistent with findings on the record on January 11, 2021. Doc. No. 161. The sale has been slightly delayed due to a complex licensing agreement between the buyer of the Debtor's assets, Karyopharm Therapeutics, Inc., and Libo Pharma. Motion at 2. The Debtor anticipates that the sale will close by March 31, 2021. The Debtor avers that if it were to submit a proposed Plan now, that Plan would likely require "significant amendment after such issues are resolved and cause the restarting of the Plan process including approval of the disclosure statement." *Id.* at 3. The Debtor intends to pay all allowed secured claims upon closing and argues that an extension will not prejudice creditors. *Id.* In addition, the Debtor is timely paying all of its post-petition bills and has filed all required monthly operating reports.

II. Findings of Fact and Conclusions of Law

Section 1121(b) gives the Debtor the exclusive right to file a plan during the first 120 days after the date of the order for relief. If the debtor files a plan within the 120-day exclusivity period, §1121(c)(3) provides that exclusivity is extended for an additional 60 days to maintain exclusivity during the plan solicitation period. If the plan has not been accepted by holders of impaired claims before 180 days after the date of the order for relief, then the exclusivity period terminates, unless the debtor has obtained an extension. § 1121(c)(3). Section 1121(d) permits the Court to reduce or increase the exclusivity period "for cause." Section 1121 provides the bankruptcy court "maximum flexibility to suit various types of reorganization proceedings." *In re Public Service Company of New Hampshire*, 88 B.R. 521, 534 (Bankr. D.N.H. 1988).

The Court finds that cause exists to extend the exclusivity periods in accordance with the Debtor's request. The Debtor has been working diligently throughout the bankruptcy process to effectuate a sale and resolve the numerous issues that have come with it. The Debtor has also made significant progress in that this Court has approved the sale of substantially all of its assets, and it appears as though all secured creditors will be getting paid. Furthermore, the Debtor remains current on all of its post-petition bills. An extension of the exclusivity periods will give the Debtor enough time to file an appropriate Plan, and an extension will not prejudice creditors.

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CONT...

Neumedicines, Inc.

Chapter 11

The exclusivity period for the Debtor to file the Plan is extended from March 16, 2021 to and including July 14, 2021. The exclusivity period for the Debtor to solicit votes on the Plan is extended from May 15, 2021 to and including September 12, 2021.

III. Conclusion

For the reasons set forth above, the Motion is **GRANTED**.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Neumedicines, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

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Wednesday, March 10, 2021

Hearing Room 1568

10:00 AM

2:21-10152 Dean M Harris

Chapter 7

#10.00 Hearing
RE: [53] Motion to Dismiss Bankruptcy Case

Docket 48

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion to Dismiss is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion to Dismiss Bankruptcy Case [Doc. No. 53] (the "Motion")
- 2) Opposition to Motion to Dismiss Bankruptcy Case [Doc. No. 61] (the "Opposition")
- 3) Reply in Support of Motion to Dismiss Bankruptcy Case [Doc. No. 67] (the "Reply")

I. Facts and Summary of Pleadings

Dean Harris (the "Debtor") filed a voluntary Chapter 7 petition on January 11, 2021 (the "Petition Date"). The initial meeting of creditors took place on February 16, 2021. Pursuant to § 521(e), the Debtor was required to provide his tax return to the Chapter 7 Trustee (the "Trustee") no later than February 9, 2021 (seven days prior to the initial meeting of creditors). Debtor provided his tax return to the Trustee on February 12, 2021 (three days late).

Crystal Holmes ("Holmes"), who holds a substantial judgment against the Debtor's spouse (the "Judgment"), moves to dismiss the case pursuant to § 521(e)(2). Debtor opposes the Motion for the following reasons:

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10:00 AM

CONT...

Dean M Harris

Chapter 7

- 1) Holmes was provided copies of the Debtor's tax returns prior to the Petition Date in connection with her efforts to enforce the Judgment.
- 2) Debtor's counsel never received a copy of Holmes' letter demanding production of the tax returns. The letter is the only communication sent from Holmes' counsel that was not also sent electronically.
- 3) The untimely submission of the tax returns was the fault of Debtor's counsel, who was facing personal issues regarding his family's health.

In reply to the Debtor's opposition, Holmes emphasizes that dismissal of the case is mandatory absent compliance with § 521(e)(2). Holmes acknowledges that she received a copy of the return prior to the Petition Date, but argues that the Debtor's compliance with § 521(e)(2) was still necessary so that Holmes could confirm the accuracy of the prior return and determine whether any amendment had been filed.

II. Findings and Conclusions

Section 521(e)(2) requires that no later than seven days prior to the date set for the first meeting of creditors, the Debtor provide to the Trustee, and to any creditor who makes a timely request, copies of the Debtor's tax return for the most recent tax year. Section 521(e)(2)(B) states that if the Debtor fails to comply with § 521(e)(2), the "court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor."

Where failure to timely submit a tax return is the result of the Debtor's attorney's oversight, dismissal is not required. *See, e.g., In re Moser*, 347 B.R. 471, 473 (Bankr. W.D.N.Y. 2006) ("In the present instance, where the statute clearly excuses errors due to circumstances beyond the control of the debtor, the court may properly enforce the legislative directive to penalize only mistakes by the debtors themselves."); *In re Grasso*, 341 B.R. 821, 823 (Bankr. D.N.H. 2006) (same); *In re Merrill*, 340 B.R. 671, 673 (Bankr. D.N.H. 2006) (same).

Here, the Debtor submitted the tax return three days late. The late submission was the fault of the Debtor's attorney, not the Debtor. *See* Smith Decl. at ¶ 22 ("The timely turnover of the debtor's tax returns to Mr. Menchaca was my error only. My client was not in control of that deadline. I was."). The Debtor has demonstrated that the untimely submission resulted from circumstances beyond his control. Consistent with *Moser*, *Grasso*, and *Merrill*, the Court declines to dismiss the case. The Court notes that Holmes was not prejudiced by the untimely submission since she was already in possession of a copy of the Debtor's tax return.

Based upon the foregoing, the Motion is **DENIED**. Within seven days of the

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CONT... Dean M Harris

Chapter 7

hearing, Holmes shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Dean M Harris

Represented By
Jeffrey B Smith

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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Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

#100.00 Hearing
RE: [1361] Motion to Approve Compromise Under Rule 9019 Motion of Trustee for Order: (1) Approving Settlement with Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, and John C. Kirkland; and (2) Authorizing Private Sale of Trustees Rights, Title, and Interests in Judgments; Memorandum of Points and Authorities; Declaration of Jason M. Rund; and Request for Judicial Notice, with Proof of Service, Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) . (Attachments: # 1 Exhibit Exhibits 1 to 3 and Proof of Service) (Hessling, Robert)

Docket 1361

*** VACATED *** REASON: CONTINUED 4-7-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
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Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

2:18-24054 Juan C Argueta Ramirez

Chapter 7

#101.00 HearingRE: [24] Application to Employ Danning, Gill, Israel & Krasnoff, LLP as General Bankruptcy Counsel Chapter 7 Trustee's Notice Of Application And Application To Employ Danning, Gill, Israel & Krasnoff, LLP As General Bankruptcy Counsel; Statement Of Disinterestedness, with Proof of Service (Israel, Eric)

Docket 24

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Employment Application is **GRANTED** with employment effective as of December 7, 2020.

Pleadings Filed and Reviewed

1. Chapter 7 Trustee's Notice of Application and Application to Employ Danning, Gill, Israel & Krasnoff, LLP as General Bankruptcy Counsel; Statement of Disinterestedness (the "Employment Application") [Doc. No. 24]
2. Limited Opposition to the Chapter 7 Trustee's Notice of Application and Application to Employ Danning, Gill, Israel & Krasnoff, LLP as General Bankruptcy Counsel; Request for Hearing (the "Limited Opposition") [Doc. No. 25]
3. Notice of Hearing on Limited Objection to Chapter 7 Trustee's Application to Employ Danning, Gill, Israel & Krasnoff, LLP as General Bankruptcy Counsel [Doc. No. 27]
4. Trustee's Reply Memorandum of Points and Authorities in Support of Chapter 7 Trustee's Application to Employ Danning, Gill, Israel & Krasnoff, LLP as General Bankruptcy Counsel; Declaration of Brad D. Krasnoff in Support Thereof (the "Reply") [Doc. No. 30]

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11:00 AM

CONT... **Juan C Argueta Ramirez**

Chapter 7

I. Facts and Summary of Pleadings

Juan Carlos Argueta Ramirez (the "Debtor") filed his voluntary chapter 7 petition on November 30, 2018. There was no distribution of assets in the case, and the Debtor received his discharge on March 11, 2019. On December 23, 2020, the United States Trustee (the "UST") filed a Motion to Reopen Case, and the Court granted that motion on the same day. *See* Doc. Nos. 17 & 18. In the Motion to Reopen Case, the UST argued that the former chapter 7 trustee (the "Trustee") "received information about an asset [(the "Asset")] that the Debtor may have had an interest in at the time of the bankruptcy filing and was not disclosed in the Debtor's bankruptcy schedules, which the [T]rustee believes is property of the estate." Motion to Reopen Case at 2.

On January 27, 2021, the Trustee filed the instant Employment Application, requesting the employment of Danning, Gill, Israel & Krasnoff (the "Firm") with an effective date of employment of December 7, 2020. The Trustee "was advised that [the] Debtor had filed a complaint in Los Angeles Superior Court asserting wrongful termination and sexual harassment," which was not disclosed in the original schedules. Employment Application at 3. The Trustee argues that Firm is experienced, disinterested, and its employment is necessary to investigate the value of the Asset in order to determine whether it could provide for a meaningful payout to creditors. *Id.* at 4-6.

On February 10, 2021, the UST filed his Limited Opposition. The UST does not dispute the qualifications, disinterestedness, or necessity of hiring the Firm. The UST only takes issue with the Trustee's proposed effective date of employment. The UST argues that the Trustee was not reappointed as chapter 7 trustee until December 29, 2020, and he therefore cannot hire the Firm with an effective date before then. Limited Opposition at 2-3. The UST cites *Lamie v. United States Trustee* for the proposition that an attorney cannot receive compensation for his work for the chapter 7 trustee unless he is "employed by the trustee and approved by the court." 540 U.S. 526, 539 (2004). The UST requests that the Firm's effective date of employment be no earlier than December 29, 2020. Limited Opposition at 3.

On March 3, 2021, the Trustee filed his Reply. In his Reply, the Trustee makes three arguments in support of his request for a December 7, 2020 effective date of employment. First, the Trustee argues that Federal Rule of Bankruptcy Procedure 5010 states that "a case may be reopened on motion of the Debtor or other party in

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CONT... **Juan C Argueta Ramirez**

Chapter 7

interest pursuant to § 350(b) of the Code" (emphasis added). Reply at 4. The Trustee believes that, although the UST reopened the case, "[t]he logical argument that flows from this proposition is that the Trustee (in his capacity as the former trustee), as a party in interest with standing to reopen a case, clearly may (an in some instances must) consult with counsel before being reappointed" *Id.* at 5. Furthermore, he argues that a former trustee is still the representative of the estate and may investigate or administer assets that were not previously disclosed. *Id.* at 5-6. The Trustee's second argument in support is that *Roman Catholic Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano (Feliciano)*, 140 S. Ct. 696 (2020) does not prohibit the approval of an earlier effective date. The Trustee argues that he is not seeking *nunc pro tunc* employment because he moved promptly to file the Employment Application. He notes that Local Bankruptcy Rule ("LBR") 2014-1(b)(1)(E) states that an employment application must be filed "as promptly as possible," and he filed the Employment Application within 30 days of his reappointment. Reply at 6. The Trustee avers that, to the extent the Court believes his Employment Application *does* sees *nunc pro tunc* relief, the Court may grant it. The Ninth Circuit Bankruptcy Appellate Panel recently noted in *In re Merriman*, a case dealing with nullification of the automatic stay, that bankruptcy courts have "the power [to] retroactively grant relief." 616 B.R. 381, 393 (BAP 9th Cir. 2020). Finally, the Trustee asserts that even if the Court does not approve of the December 7, 2020 effective date, the Court may still retroactively approve compensation when the Firm files its fee application, in accordance with *In re Miller*, 620 B.R. 637 (Bankr. E.D. Cal. 2020). Reply at 8.

II. Findings of Fact and Conclusions of law

Pursuant to 11 U.S.C. § 327(a), a debtor-in-possession may employ a professional or professional organization that does not hold or represent an interest adverse to the estate, and that qualifies as a disinterested person, to represent or assist the debtor-in-possession in carrying out the debtor-in-possession duties under Title 11. Pursuant to FRBP 2014, an employment application brought under § 327 must state:

the specific facts showing the necessity for the employment, the name of the person to be employed, the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and, to the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States

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CONT...

Juan C Argueta Ramirez

Chapter 7

trustee, or any person employed in the office of the United States trustee.

Fed. R. Bankr. P. 2014(a). Additionally, LBR 2014-1(b)(3)(A)-(E) sets forth a list of information to be included in any notice of an employment application.

The qualifications, disinterestedness, and necessity to hire the Firm are not disputed. In addition, the Trustee has provided ample information and justification for his request to hire the Firm. Therefore, the Court approves the hiring of the Firm. The only issue is the Firm's effective date of employment. The crux of the UST's Objection, without citing any rules or relevant case law in support, is that a trustee may not retain counsel prior to his reappointment. There are two main problems with the UST's argument: first, undisclosed assets remain property of the estate, even after the case is closed; and second, where a case was not properly closed, a trustee's powers are not terminated.

11 U.S.C. § 554(d) reads: "[u]nless the court orders otherwise, property of the estate that is not abandoned under this section and that is not administered in the case remains property of the estate." *See also In re Menk*, 241 B.R. 896, 912 (BAP 9th Cir. 1999) (finding that "property of the estate that was not so scheduled and that is not administered retains its status as property of the estate," and "unscheduled property that retains its character as property of the estate may need to be administered") (internal quotations omitted). It is therefore undisputed in the statute, the case law, and in this case, that the Asset, though originally unscheduled, is property of the estate.

Having determined that the Asset is property of the estate, the next question is how the Trustee must go about potentially investigating that Asset for the benefit of creditors. While the UST argues that the Trustee may not hire the Firm prior to his reappointment, "[i]t is established case law that a trustee's powers are terminated only when the estate has been *properly* closed." *White v. Boston*, 104 B.R. 951, 954 (S.D. Ind. 1989). In *In re Petty*, the Ninth Circuit Bankruptcy Appellate Panel wrote that even though a case was closed, where the debtor did not disclose an asset on his schedules, the case had not been "properly" closed and the asset remained property of the estate. 93 B.R. 208, 212 (BAP 9th Cir. 1988). Therefore, because there was an undisclosed asset here, this case was not "properly" closed. Because this case was not properly closed, the Trustee remained the "representative of the estate" and he has,

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CONT... **Juan C Argueta Ramirez**

Chapter 7

under § 323(a) the "full authority to represent the estate and to dispose of the debtor's nonexempt property that makes up the estate." *In re Levesque*, 473 B.R. 331, 336 (BAP 9th Cir. 2012) (quoting 3 *Collier on Bankruptcy* ¶ 323.02[1], 16th ed. 2012). Finally, as "representative of the estate," one of the Trustee's powers, pursuant to § 327(a), is to "employ one or more attorneys . . . that do not hold or represent an interest adverse to the estate, that that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title."

The "distinction between a 'trustee' and a 'former trustee' urged by the [UST] is semantic rather than substantive, and does not effect a talismanic change in the trustee's legal status." *White v. Boston*, 104 B.R. at 954. If this Court were to determine that the Trustee was not allowed to hire counsel while the case was improperly closed, it would be directly contradicting established case law that states that a former trustee retains his powers as the administrator of the estate when the case was not properly closed. *See In re Levesque*, 473 B.R. at 212; *see also* 104 B.R. at 954. The Court cannot hold that the Trustee retains his powers and may investigate an undisclosed asset as representative of the estate, and then also deny him the ability to hire counsel, a power to which he is entitled under 11 U.S.C. § 327. In addition, if the Trustee were not allowed to hire the Firm and investigate the Asset, then in every subsequent situation where a former trustee discovered a potential asset, he would have no incentive to investigate that asset, and creditors would not benefit. As this Court reviews employment applications on a case by case basis, it is evident that there were certain exigencies that warranted the Trustee's discussions with the Firm about whether the Asset was of value to the estate. *See* Declaration of Brad D. Krasnoff at ¶¶ 2-6. Therefore, because this case was not properly closed, upon discovery of the Asset, the Trustee retained "full authority to represent the estate" and investigate the Asset. *In re Levesque*, 473 B.R. at 336. One of those powers as representative of the estate was to discuss the potential administration of the Asset with the Firm, and file the Employment Application [Note 1].

Because the Court is approving the application under the theory that the Trustee has the plenary power to investigate assets of the estate, the Employment Application is not a request for *nunc pro tunc* relief, and the holding of *Feliciano* has no bearing on this matter. In addition, the Court need not discuss whether it would award retroactive compensation pursuant to *In re Miller*.

III. Conclusion

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CONT...

Juan C Argueta Ramirez

Chapter 7

Based upon the foregoing, the Employment Application is GRANTED with employment effective as of December 7, 2020.

The Trustee shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Juan C Argueta Ramirez

Represented By
Francis Guilardi

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Eric P Israel

**United States Bankruptcy Court
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Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

#102.00 HearingRE: [306] Application for Compensation - Second Interim Application By Counsel for the Committee of Unsecured Creditors for Compensation and Reimbursement of Expenses; Declarations of Amy L. Goldman and John Lee in Support Thereof (with proof of service) for Amy L Goldman, Creditor Comm. Atty, Period: 10/1/2020 to 1/31/2021, Fee: \$51,618.50, Expenses: \$26.25. (Goldman, Amy)

Docket 306

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below on an interim basis:

Fees: \$51,618.50

Expenses: \$26.25

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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CONT... 450 S. Western, LLC, a California limited liabilit

Chapter 11

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

#103.00 Hearing
RE: [290] Motion For Order (1) Approving The Adequacy Of The Disclosure Statement Describing Debtor's Chapter 11 Plan Of Liquidation, Dated January 27, 2021; (2) Establishing Solicitation And Confirmation Procedures; (3) Scheduling Plan Confirmation Hearing; (4) Setting Plan Related Dates And Deadlines

Docket 290

***** VACATED *** REASON: DUPLICATE OF CALENDAR NO. 103.30 - AMENDED DISCLOSURE STATEMENT FILED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liabilit

Chapter 11

#103.10 HearingRE: [309] Application for Compensation -- Second Interim Fee Application Of Arent Fox LLP, Chapter 11 General Bankruptcy Counsel To Debtor, For Allowance Of Compensation And Reimbursement Of Expenses For The Period From September 19, 2020 Through And Including February 13, 2021; Declaration Of Aram Ordubegian In Support Thereof, With Proof Of Service for Arent Fox LLP, General Counsel, Period: 9/19/2020 to 2/13/2021, Fee: \$403,196.50, Expenses: \$8,398.48.

Docket 309

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below on an interim basis:

Fees: \$403,196.50

Expenses: \$8,398.48

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

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CONT... 450 S. Western, LLC, a California limited liabilit

Chapter 11

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

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11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

#103.20 Hearing
RE: [280] Motion for order to allocate commission proceeds.

FR. 2-17-21; 3-10-21

Docket 280

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Motion for Order to Allocate Commission Proceeds [Doc. No. 280] (the "Motion")
 - a) Declaration of Richard Laski [Doc. No. 280]
 - b) Declaration of Lafayette J. Sharp, IV [Doc. No. 280]
 - c) Declaration of John F. Anderson [Doc. No. 280]
- 2) CBRE, Inc.'s Opposition to Motion for Order to Allocate Commission Proceeds [Doc. No. 292]
 - a) Declaration of Michael Shustak in Support of CBRE, Inc.'s Opposition to Motion for Order to Allocate Commission Proceeds [Doc. No. 293]
 - b) CBRE, Inc.'s Request for Judicial Notice in Support of Opposition to Motion for Order to Allocate Commission Proceeds [Doc. No. 294]
 - c) CBRE, Inc.'s Evidentiary Objections to Declaration of John F. Anderson in Support of Motion for Order to Allocate Commission Proceeds [Doc. No. 295]
 - d) CBRE, Inc.'s Evidentiary Objections to Declaration of Richard Laski in Support of Motion for Order to Allocate Commission Proceeds [Doc. No. 296]
 - e) CBRE, Inc.'s Evidentiary Objections to Declaration of Lafayette J. Sharpe in Support of Motion for Order to Allocate Commission Proceeds [Doc. No. 297]

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- 3) Reply in Support of Motion for Order to Allocate Commission Proceeds [Doc. No. 320]
 - a) Evidentiary Objections to Declaration of Michael Shustak in Support of CBRE, Inc.'s Opposition to Motion for Order to Allocate Commission Proceeds [Doc. No. 319]
- 4) Limited Response to Jake Sharp Group's Motion for Order to Allocate Commission Proceeds [filed by the Debtor] [Doc. No. 291]

I. Facts and Summary of Pleadings

A. Background

On January 10, 2020 (the "Petition Date"), 450 S. Western, LLC (the "Debtor") filed a voluntary Chapter 11 petition. As of the Petition Date, the Debtor owned and operated a three-story, 80,316 square foot shopping center—commonly known as California Marketplace—located at the intersection of South Western Avenue and 5th Street (the "Property").

On March 31, 2020, the Debtor filed an application to employ CBRE as its real estate broker to assist in the marketing and sale of the Property. *See* Doc. No. 116 (the "Employment Application"). In the Employment Application, the Debtor requested authorization to compensate CBRE as follows:

CBRE will receive a commission equal to 3.0% of the Property's sale price that is either actually received by escrow upon closing of the sale or the total sale proceeds received by the Debtor's bankruptcy estate from the sale of the Property or 3.75% if the successful buyer is represented by an outside broker (.75% of which will be offered to the outside broker) without further application to or order of the Court. CBRE asserts that this is the usual and customary fee sought by it and is a reasonable and common fee in the local real estate sales community for property similar to the Property. The .75% commission that is offered to the outside broker should serve to encourage the Debtor to seek out as many potential buyers as possible, thereby maximizing the return to the estate.

Employment Application at 4.

An *Exclusive Sales Listing Agreement* (the "Listing Agreement") was attached to the Employment Application. The Listing Agreement provides the following with respect to CBRE's commission:

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If the Property is sold, CBRE's commission shall be three percent (3.0%) of the gross sales price if the Buyer is not represented by a broker, or is represented by the Listing Team. If there is a cooperating Broker, the total commission shall be increased to three and three quarters percent (3.75%) and CBRE shall be responsible for paying that cooperating Broker.

Employment Application at 17.

On April 21, 2020, the Court entered an order approving the Employment Application. *See* Doc. No. 116 (the "Employment Order"). The Employment Order states that the Employment Application "is APPROVED in full" and authorizes the Debtor "to employ CBRE pursuant to 11 U.S.C. § 328 for the purposes and on the terms set forth in the Application and the listing agreement attached as Exhibit 1 to the Application." Employment Order at ¶¶ 1–2.

On October 14, 2020, the Court presided over an auction of the Property. In connection with the auction, the Court granted the Debtor's motion for approval of a stipulation modifying the terms of CBRE's employment (the "CBRE Stipulation"). The CBRE Stipulation was necessary because, prior to the auction, it appeared that the Property might sell for less than had been anticipated. The CBRE Stipulation provided that CBRE would waive its 3% commission if the Property was sold to the stalking-horse bidder for a purchase price of less than \$50 million.

In approving the CBRE Stipulation over the opposition of the Official Committee of Unsecured Creditors (the "Committee"), the Court stated:

The Committee's objection to the approval of the CBRE Stipulation is overruled. Under the Court's order approving its retention, CBRE is entitled to receive a 3% commission from the sale of the Property. Fortunately, the Debtor was able to negotiate a stipulation under which CBRE will waive its 3% commission if the Property is sold to Evergreen for less than \$50 million. Absent CBRE's stipulated waiver of its commission, the proposed sale to Evergreen would not be economically feasible.

According to the Committee, the CBRE Stipulation does not go far enough. The Committee's view is that CBRE should also be required to waive its 3% commission if the Property is sold to a party other than Evergreen for less than \$50 million.

The Court declines to reduce CBRE's compensation beyond the reductions already set forth in the CBRE Stipulation. CBRE's retention and compensation was approved pursuant to § 328. Doc. No. 116 at ¶ 2.

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Consequently, modification of the terms of CBRE's compensation is permissible only if the terms and conditions of the compensation "prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions." The Court lacks the ability under § 328 to reduce CBRE's compensation beyond the reductions already set forth in the CBRE Stipulation. At the time CBRE's compensation was approved, it could have easily been anticipated that the Property might not sell for the projected \$52 million.

Final Ruling Approve CBRE Stipulation [Doc. No. 228] at 7.

Evergreen Capital Assets LP ("Evergreen") was designated as the stalking-horse bidder at the auction. Jake Sharp Capital ("Sharp Capital") appeared at the auction and submitted an overbid. Ultimately, Sharp Capital was designated as the winning bidder. On October 23, 2020, the Court entered an order authorizing the sale of the Property to Sharp Capital for the purchase price of \$57.5 million. *See* Doc. No. 241 (the "Sale Order"). The Sale Order provides that "[u]pon closing of the sale of the Property, the Debtor and/or Escrow Agent is authorized to ... pay CBRE, Inc. a total of \$2,156,250 representing 3.75% of the Purchase Price from escrow (which amount may be split between CBRE and Buyer's broker if so directed by CBRE)." Sale Order at ¶ 19.

Subsequent to the auction, a dispute concerning the division of the commission arose between CBRE and Jake Sharp Group ("Sharp Group"), an affiliate of Sharp Capital that represented Sharp Capital at the auction. Sharp Group asserted that the commission should be split 50/50 between CBRE and Sharp Group. CBRE asserted that it was entitled to 80% of the commission pursuant to the Employment Order.

Following discussions with the Debtor's counsel and the Chief Restructuring Officer Richard Laski (the "CRO"), the parties released 50% of the commission to CBRE (\$1,078,125.00), released 20% of the commission to Sharp Group (\$431,250.00), and placed the remaining 30% of the commission in reserve (\$646,875.00).

B. Summary of Papers Filed in Connection with the Motion

Sharp Group asserts that it is entitled to the 30% of the commission that has been held in reserve, such that the total commission will be split 50/50 between Sharp Group and CBRE. Sharp makes the following arguments in support of this result:

- 1) The Listing Agreement, which was approved by the Court, does not specify

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how the commission should be split. Therefore, the commission should be split 50/50 in accordance with industry standards.

- 2) Sharp Group was responsible for bringing the winning bidder, Sharp Capital, to the auction. Prior to the involvement of Sharp Group, the only bidder located by CBRE was Evergreen, whose stalking horse bid was approximately \$47 million—more than \$10 million less than the price paid by Sharp Capital. Where Sharp Group was responsible for the success of the auction, it would be inequitable for CBRE to receive 80% of the commission.
- 3) CBRE was not the “procuring cause” of the transaction, *see Buckaloo v. Johnson*, 14 Cal. 3d 815, 820, fn. 2 (Cal. 1975), and therefore is not entitled to receive 80% of the commission. Though not controlling, California probate law furnishes useful guidance. If the issue were before a probate court, the successful purchaser’s broker would receive one-half the commission on the original bid and all of the commission on the excess over the original bid.

CBRE makes the following arguments in opposition to the Motion:

- 1) In the ruling approving the CBRE Stipulation, the Court rejected the Committee’s attempt to reduce CBRE’s commission, and confirmed that CBRE is entitled to a 3% commission. The Motion impermissibly seeks to modify CBRE’s court-approved compensation after the fact.
- 2) The evidence submitted by Sharp Group that there is an industry standard of a 50/50 commission split is irrelevant and should be disregarded.
- 3) Sharp Group’s contention that CBRE failed to provide value to the auction is likewise irrelevant, given that CBRE’s employment was approved under § 328. Nonetheless, CBRE disputes the allegation that its work did not enhance the sales price. CBRE provided detailed information regarding the Property that Sharp Capital relied upon in making its bid.

Sharp Group makes the following arguments in reply to CBRE’s opposition:

- 1) The Motion does not seek to alter CBRE’s compensation. The Court has approved the Listing Agreement, which is silent as to the split of the commission. All that Sharp Group seeks is enforcement of the Listing Agreement.
- 2) The Listing Agreement controls the split of the commission as a matter of law. Since the Listing Agreement is silent as to the commission split, the proper

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procedure is to insert the 50/50 industry standard to fill the gap.

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The Debtor filed a statement indicating that it takes no position on the Motion.

II. Findings and Conclusions

The Court has already ruled, on several occasions, that CBRE is entitled to a commission of 3% of the Property's sale price, and that any cooperating broker such as Sharp Group is entitled to a commission of 0.75%. On April 21, 2020, the Court entered the Employment Order, which approved the Employment Application "in full" and authorized the Debtor "to employ CBRE pursuant to 11 U.S.C. § 328 for the purposes and on the terms set forth in the Application and the listing agreement attached as Exhibit 1 to the Application." Employment Order at ¶¶ 1–2. The Employment Application made it abundantly clear that CBRE would receive a commission equal to 3% of the sales price and that any cooperating broker would receive a commission equal to 0.75% of the sales price:

CBRE will receive a commission equal to 3.0% of the Property's sale price that is either actually received by escrow upon closing of the sale or the total sale proceeds received by the Debtor's bankruptcy estate from the sale of the Property or 3.75% if the successful buyer is represented by an outside broker (.75% of which will be offered to the outside broker) without further application to or order of the Court. CBRE asserts that this is the usual and customary fee sought by it and is a reasonable and common fee in the local real estate sales community for property similar to the Property. The .75% commission that is offered to the outside broker should serve to encourage the Debtor to seek out as many potential buyers as possible, thereby maximizing the return to the estate.

Employment Application at 4.

The issue of CBRE's compensation arose again at the auction when the Committee challenged the Debtor's motion for approval of the CBRE Stipulation. Again, the Court made it clear that CBRE was entitled to a commission of 3% of the Property's sale price:

The Committee's objection to the approval of the CBRE Stipulation is overruled. Under the Court's order approving its retention, CBRE is entitled to receive a 3% commission from the sale of the Property. Fortunately, the

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Debtor was able to negotiate a stipulation under which CBRE will waive its 3% commission if the Property is sold to Evergreen for less than \$50 million. Absent CBRE's stipulated waiver of its commission, the proposed sale to Evergreen would not be economically feasible.

According to the Committee, the CBRE Stipulation does not go far enough. The Committee's view is that CBRE should also be required to waive its 3% commission if the Property is sold to a party other than Evergreen for less than \$50 million.

The Court declines to reduce CBRE's compensation beyond the reductions already set forth in the CBRE Stipulation. CBRE's retention and compensation was approved pursuant to § 328. Doc. No. 116 at ¶ 2. Consequently, modification of the terms of CBRE's compensation is permissible only if the terms and conditions of the compensation "prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions." The Court lacks the ability under § 328 to reduce CBRE's compensation beyond the reductions already set forth in the CBRE Stipulation. At the time CBRE's compensation was approved, it could have easily been anticipated that the Property might not sell for the projected \$52 million.

Final Ruling Approve CBRE Stipulation [Doc. No. 228] at 7.

Notably, the Court's ruling approving the CBRE Stipulation was made available to all parties prior to the auction. Sharp Group and Sharp Capital appeared at the auction and did not contest the Court's ruling that CBRE would be entitled to a 3% commission if the Property sold for more than \$50 million.

The Motion is effectively a request for reconsideration of the Court's prior orders approving CBRE's 3% commission. Sharp Group has failed to demonstrate that it is entitled to reconsideration. Reconsideration is "an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (internal citation omitted). "Motions for reconsideration which merely revisit the same issues already ruled upon by the trial court, or which advance supporting facts that were otherwise available when the issues were originally briefed, will generally not be granted." *Negrete v. Bleau (In re Negrete)*, 183 B.R. 195, 197 (B.A.P. 9th Cir. 1995), *aff'd*, 103 F.3d 139 (9th Cir. 1996). A motion for reconsideration may not be used "to rehash the same arguments made the first time or simply express an opinion that the court was wrong." *In re Greco*, 113 B.R. 658, 664 (D. Haw. 1990), *aff'd and remanded sub nom. Greco v.*

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Troy Corp., 952 F.2d 406 (9th Cir. 1991); *see also In re Mannie*, 299 B.R. 603, 608 (Bankr. N.D. Cal. 2003) (internal citation omitted) (“A motion to reconsider should not be used ‘to ask the court ‘to rethink what the court had already thought through—rightly or wrongly’—or to reiterate arguments previously raised.”).

Here, CBRE’s entitlement to a 3% commission was approved pursuant to § 328. As such, the Court may modify CBRE’s compensation only upon a finding that the terms of that compensation “prove to have been *improvident in light of developments not capable of being anticipated* at the time of the fixing of such terms and conditions.” At the time of CBRE’s employment, it could have been anticipated that the successful bidder at the auction would be procured by a broker other than CBRE. Therefore, even if all of Sharp Group’s allegations as to CBRE’s failure to provide value to the auction are true (a finding the Court does *not* make), Sharp Group would not be entitled to reconsideration of CBRE’s 3% commission.

Sharp Group contends that the Court’s approval of the Employment Application was superseded by its approval of the CBRE Stipulation, and that under the CBRE Stipulation, the Listing Agreement—and not the Employment Application—is controlling. Sharp Group is mistaken. The CBRE Stipulation modified the provisions of the Employment Application only in the event that the Property was sold for a price of less than \$50 million. In approving the CBRE Stipulation, the Court made clear that CBRE would still be entitled to a 3% commission in the event the Property sold for more than \$50 million. *See generally* Final Ruling Approving CBRE Stipulation (excerpted above). The order approving the CBRE Stipulation incorporated by reference the findings made in the final ruling. *See* Doc. No. 232 (“Based upon such review and consideration, the Court granted the Motion and adopted its tentative ruling [Doc. No. 228] (the ‘Tentative Ruling’), and those findings and conclusions are incorporated into this Order.”).

Sharp Group’s Motion fails for another, more fundamental reason. Courts have held that because “[t]he statutes governing the sale of assets of bankruptcy estates are intended to protect the creditors of such estates and not prospective purchasers,” a disappointed prospective purchaser “is not within the ‘zone of interests intended to be protected’ under the bankruptcy statutes and regulations.” *In re HST Gathering Co.*, 125 B.R. 466, 468 (W.D. Tex. 1991); *see also Kabro Assocs. v. Colony Hill Assocs. (In re Colony Hill Assocs.)*, 111 F.3d 269, 273 (2d Cir. 1997) (“[A]n unsuccessful bidder—whose only pecuniary loss is the speculative profit it might have made had it succeeded in purchasing property at an auction—usually lacks standing to challenge a bankruptcy court’s approval of a sale transaction.”); *Stark v. Moran (In re Moran)*, 566 F.3d 676, 682 (6th Cir. 2009) (“A frustrated bidder lacks bankruptcy appellate

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standing when he merely alleges that he would have profited from his desired purchase, and does not allege, for instance, that fraud or impropriety prevented the estate from accepting his higher bid such that creditors would not receive as great a recovery as they would have had the estate accepted the higher bid.").

Although Sharp Group is not a disappointed prospective purchaser, the holdings of these cases apply because the injury Sharp Group alleges is analogous to that of a disappointed prospective purchaser. That is, Sharp Group contends that it is not receiving its fair share of the broker's commission. In that sense, Sharp Group is a disappointed broker. The purpose of the Bankruptcy Code is to ensure the maximum recovery for creditors of the estate—not to ensure that all real estate brokers participating in the process are pleased with the commission they receive. Therefore, like the disappointed prospective purchasers in *HST Gathering, Colony Hill*, and *Moran*, Sharp Group lacks standing to allege that it has not received an adequate commission.

The Court declines to consider the evidence submitted by Sharp Group in support of its contention that industry standards require a 50/50 commission split, or the evidence submitted by CBRE that no such 50/50 industry standard exists. Consideration of such evidence is unnecessary in view of the Court's finding that CBRE is entitled to a 3% commission based on the Employment Order and that Sharp Group lacks standing to allege otherwise. For the same reason, the Court does not consider the declaration testimony submitted by Sharp Group in support of its contention that CBRE failed to provide value to the sale. It is therefore unnecessary for the Court to rule upon the evidentiary objections asserted by Sharp Group and CBRE. *See Operating Engineers' Pension Trust Fund v. Clark's Welding & Mach.*, 688 F. Supp. 2d 902, 907 (N.D. Cal. 2010) ("Because the Court does not rely on the statements in this declaration, it is not necessary for the Court to rule on these objections.").

III. Conclusion

Based upon the foregoing, the Motion is **DENIED**. The Debtor is authorized to pay the 30% of the commission that is currently being held in reserve (\$646,875.00) to CBRE. The Court will prepare and enter an appropriate order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz, the Judge's Law Clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them**

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of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

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#103.30 Hearing re [316] Amended Disclosure Statement Describing Debtors First Amended Chapter 11 Plan Of Liquidation, Dated February 26, 2021.

Docket 0

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Court approves the Disclosure Statement as containing adequate information, and approves the voting and solicitation procedures proposed by the Debtor.

Pleadings Filed and Reviewed:

- 1) Motion for Order (1) Approving Adequacy of the Disclosure Statement Describing Debtor's Chapter 11 Plan of Liquidation, Dated January 27, 2021; (2) Establishing Solicitation and Confirmation Procedures; (3) Scheduling Plan Confirmation Hearing; and (4) Setting Plan Related Dates and Deadlines [Doc. No. 290]
 - a) Notice of Motion for Order Approving Adequacy of the Disclosure Statement Describing Debtor's Chapter 11 Plan of Liquidation, Dated January 27, 2021 [Doc. No. 287]
 - b) Disclosure Statement Describing Debtor's Chapter 11 Plan of Liquidation, Dated January 27, 2021 [Doc. No. 285]
 - c) Amended Disclosure Statement Describing Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 316]
 - d) Debtor's Chapter 11 Plan of Liquidation, Dated January 27, 2021 [Doc. No. 284]
 - e) Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 315]
 - f) Notice of Filing of Redline Showing Changes Made in Debtor's First

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Amended Chapter 11 Plan of Liquidation Dated February 26, 2021 and
Related Disclosure Statement [Doc. No. 317]

- 2) Limited Opposition to Notice of Motion for Order Approving the Adequacy of the Disclosure Statement Describing Debtor's Chapter 11 Plan of Liquidation, Dated January 27, 2021 [Doc. No. 314]
- 3) Reply to Limited Opposition Filed by Admire Capital Lending, LLC and Belmont Two Investment Holdings, LLC [Doc. No. 321]

I. Facts and Summary of Pleadings

On January 10, 2020 (the "Petition Date"), 450 S. Western, LLC (the "Debtor") filed a voluntary Chapter 11 petition. As of the Petition Date, the Debtor owned and operated a three-story, 80,316 square foot shopping center—commonly known as California Marketplace—located at the intersection of South Western Avenue and 5th Street (the "Property").

On October 23, 2020, the Court entered an order authorizing the sale of the Property to Jake Sharp Capital for the purchase price of \$57.5 million.

Debtor moves for approval of the *Amended Disclosure Statement Describing Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021* [Doc. No. 316] (the "Disclosure Statement"). The *Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021* [Doc. No. 315] (the "Plan") provides for the creation of a Liquidating Trust to wind up the Debtor's affairs, liquidate remaining assets, and pay creditors. General unsecured creditors are expected to receive a distribution of between 15–30% of their allowed claims.

The Plan incorporates all the changes requested by Admire Capital Lending, LLC ("Admire") and Belmont Two Investment Holdings, LLC ("Belmont") in Admire and Belmont's limited opposition to the Debtor's motion for approval of the Disclosure Statement. Specifically, the Debtor has modified the Plan to:

- 1) Provide that Admire and Belmont will be classified with other general unsecured creditors (as opposed to being separately classified);
- 2) Provide that the deadline for objecting to claims be shortened to the date that is ninety days from the effective date of the Plan; and
- 3) Include additional clarifying language regarding the Liquidating Trustee's obligations to reserve for disputed claims in the event partial distributions are made to creditors prior to the final distribution and termination of the Liquidating Trust.

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Other than the limited objection filed by Admire and Belmont—which has been resolved by the Debtor’s modifications to the Plan—no opposition to the Disclosure Statement is on file.

II. Findings and Conclusions

A. The Disclosure Statement Contains Adequate Information

Section 1125 provides that a disclosure statement must contain "information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor’s books and records, ... that would enable ... a hypothetical investor of the relevant class to make an informed judgment about the plan." In determining whether a disclosure statement provides adequate information, "the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information." §1125.

Courts interpreting § 1125(a) have explained that the "primary purpose of a disclosure statement is to give the creditors the information they need to decide whether to accept the plan." *In re Monnier Bros.*, 755 F.2d 1336, 1342 (8th Cir. 1985). "According to the legislative history, the parameters of what constitutes adequate information are intended to be flexible." *In re Diversified Investors Fund XVII*, 91 B.R. 559, 560 (Bankr. C.D. Cal. 1988). As explained by one court:

Relevant factors for evaluating the adequacy of a disclosure statement may include: (1) the events which led to the filing of a bankruptcy petition; (2) a description of the available assets and their value; (3) the anticipated future of the company; (4) the source of information stated in the disclosure statement; (5) a disclaimer; (6) the present condition of the debtor while in Chapter 11; (7) the scheduled claims; (8) the estimated return to creditors under a Chapter 7 liquidation; (9) the accounting method utilized to produce financial information and the name of the accountants responsible for such information; (10) the future management of the debtor; (11) the Chapter 11 plan or a summary thereof; (12) the estimated administrative expenses, including attorneys' and accountants' fees; (13) the collectability of accounts receivable; (14) financial information, data, valuations or projections relevant to the creditors' decision to accept or reject the Chapter 11 plan; (15) information relevant to the risks posed to creditors under the plan; (16) the actual or projected realizable value from recovery of preferential or otherwise voidable transfers; (17) litigation likely to arise in a nonbankruptcy context; (18) tax

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attributes of the debtor; and (19) the relationship of the debtor with affiliates.

In re Metrocraft Pub. Services, Inc., 39 B.R. 567, 568 (Bankr. Ga. 1984).

However, "[d]isclosure of all factors is not necessary in every case." *Id.*

The Court finds that the Disclosure Statement contains information adequate to enable creditors to make an informed decision on the Plan. Among other things, the Disclosure Statement provides a detailed explanation of the Plan; describes the classification of claims and their treatment under the Plan; explains the circumstances leading to the filing of the Chapter 11 Case; identifies significant events during the Chapter 11 case; describes the means for implementation of the Plan; identifies key creditors and claims against the estate; provides an estimated recovery for holders of allowed claims; and contains a hypothetical liquidation analysis under Chapter 7 of the Bankruptcy Code.

B. The Proposed Voting and Solicitation Procedures Are Approved

The Court approves the voting and solicitation procedures proposed by the Debtor. The following dates shall apply with respect to plan confirmation (the Court has generally adopted the dates proposed by the Debtor, except that the confirmation hearing shall take place on April 20, 2021 instead of April 21, 2021, and corresponding deadlines have been adjusted accordingly):

- 1) A hearing will be held on the confirmation of the Plan on **April 20, 2021 at 11:00 a.m.**
- 2) The date of the entry of the order approving the Disclosure Statement is fixed as the voting record date for purposes of Federal Rule of Bankruptcy Procedure 3017(d).
- 3) In accordance with FRBP 3017(a), the Disclosure Statement, the Plan, a notice of hearing on confirmation of the Plan, and if applicable, a ballot conforming to Official Form No. 14, shall be mailed to all creditors, equity security holders and to the Office of the United States Trustee, pursuant to Federal Rule of Bankruptcy Procedure 3017(d), on or before **March 15, 2021**.
- 4) **April 5, 2021** is fixed as the last day for creditors and equity security holders to return to Debtors' counsel ballots containing written acceptances or rejections of the Plan, which ballots must be actually received by Debtors' counsel by 5:00 p.m. on such date.
- 5) **April 6, 2021** (the "Objection Date"), is fixed as the last day for filing and

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serving written objections to confirmation of the Plan, as provided in Rule 3020(b)(1) of the Federal Rules of Bankruptcy Procedure.

- 6) **April 13, 2021** is fixed as the last day on which the Debtors must file and serve a motion for an order confirming the Plan (the "Confirmation Motion"), including declarations setting forth a tally of the ballots cast with respect to the Plan ("Ballots"), and setting forth evidence that the Debtors have complied with all the requirements for the confirmation of the Plan as set forth in Section 1129 of the Bankruptcy Code.

As a result of the COVID-19 pandemic, the Confirmation Hearing will take place by telephone, and the courtroom will be unavailable for in-court appearances. The solicitation package shall advise creditors and interested parties that to appear at the Confirmation Hearing, they must contact CourtCall at 888-882-6878 no later than 3 p.m. on the day prior to the hearing. The cost for parties representing themselves has been waived.

III. Conclusion

Based upon the foregoing, the Disclosure Statement and the proposed voting and solicitation procedures are approved. By no later than **March 11, 2021**, the Debtor shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz, the Judge's Law Clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

CONT...

**450 S. Western, LLC, a California limited liabilit
Dylan J Yamamoto**

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

#104.00 Hearing
RE: [76] Motion for extension of time to file a complaint objecting to discharge Notice Of Motion And Motion To Extend Time To File Complaint Objecting To Non-Dischargeability Of Debt (And The Debtors Discharge If Required); Declaration Of Paul M. Brent In Support w/ Proof of Service

Docket 76

***** VACATED *** REASON: PER ORDER ENTERED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01627 Menchaca, Chapter 7 Trustee v. Sida

#105.00 Status Hearing
RE: [14] Ex Parte Application for Order for Publication of Summons or Service
Through Debtor's Counsel

Docket 14

Tentative Ruling:

3/9/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Ex-Parte Application for Order for Publication of Summons or Service through Debtor's Counsel [Doc. No. 14] (the "Motion")
 - a) Notice of Ex-Parte Application for Order for Publication of Summons or Service through Debtor's Counsel [Doc. No. 15]
- 2) Opposition of Charles Shamash, Esq. to Chapter 7 Trustee's Ex-Parte Application for Order for Publication of Summons or Service through Debtor's Counsel [Doc. No. 17]
- 3) Reply to Opposition to Ex-Parte Application for Order for Publication of Summons or Service through Debtor's Counsel [Doc. No. 18]

I. Facts and Summary of Pleadings

Shoezoo.com, LLC ("Debtor") filed a voluntary Chapter 7 petition (the "Petition") on September 24, 2020. The Debtor is owned by Alon Sida ("Sida"), who holds a 70% interest, and Richard Frank LaParl ("LaParl"), who holds a 30% interest. Sida and LaParl both executed the *Resolution and Action by Unanimous Written Consent of Shoezoo.com, LLC* which authorized the Debtor to seek bankruptcy protection. The

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

CONT... Shoezoo.com, LLC

Chapter 7

Debtor is represented by Charles Shamash ("Shamash").

On September 24, 2020, the Chapter 7 Trustee (the "Trustee") filed a complaint against Sida, asserting claims under §§ 544, 547(b), 548, 550, and 551 (the "Complaint," and the action commenced by the filing of the Complaint, the "Avoidance Action"). The Avoidance Action seeks to recover \$3,108,409 in transfers to Sida.

The *Verification of Master Mailing List of Creditors*, signed under penalty of perjury by Sida, states that Sida's address is "1421 Ambassador Street, Unit 201, Los Angeles, CA 90035" (the "Los Angeles Address").

Shamash represents the Debtor but does not represent Sida in the Avoidance Action. Shamash has advised the Trustee that Sida now resides in Israel and cannot leave the country as a result of the COVID-19 pandemic. Shamash has refused to provide the Trustee with Sida's current mailing address, and has refused to accept service of the Complaint on Sida's behalf.

The Trustee moves for authorization to serve Sida by publication of the summons in the *Los Angeles Times*. In the alternative, the Trustee seeks authorization to serve Sida through Shamash, the Debtor's counsel. The Trustee states that if the Motion is not granted, he will be required to incur substantial administrative expenses to retain a private investigator in Israel to locate Sida, and then serve Sida through the Hague Convention.

Shamash opposes any order requiring him to accept service on Sida's behalf, and makes the following arguments in support of his opposition:

- 1) Although Shamash received notice of the Motion by e-mail, service of the Motion was improper because Shamash has never consented to electronic service. That alone is grounds for denial of the Motion.
- 2) The Trustee has failed to cite any legal authority requiring Shamash to accept service on behalf of Sida, whom Shamash does not represent. The Motion is an attempt by the Trustee to avoid compliance with the rules for service of a summons and complaint.
- 3) The Trustee improperly implies that Shamash is assisting Sida in evading service. That is not the case. Shamash has no obligation to assist the Trustee in locating Sida.

The Trustee makes the following arguments in reply to Shamash's opposition:

- 1) The Trustee does not possess an address for Sida in Israel and therefore

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

CONT...

Shoeezoo.com, LLC

Chapter 7

cannot serve the summons absent an order authorizing service by publication. The alternative to serving Sida by publication is the incurrence of the costs of hiring a private investigator in Israel to locate Sida. Such costs should be unnecessary because Shamash knows Sida's location.

- 2) At the time the Motion was filed, Shamash had advised the Trustee that Sida resided in Israel but had not filed a declaration under penalty of perjury to that effect. In his Opposition, Shamash testifies that Sida now lives in Israel. The Trustee cannot disregard this sworn testimony, which means that service by publication in the *Los Angeles Times* will not be adequate to provide Sida with service of the summons. Shamash cannot counter the Trustee's attempt to serve by publication by presenting evidence which the Trustee has no way to refute while simultaneously hiding his knowledge of Sida's location in Israel, thus preventing the Trustee from serving Sida through the Hague Convention.

II. Findings and Conclusions

As a preliminary matter, the Court declines Shamash's request to deny the Motion solely on the basis that Shamash was not properly served. Shamash acknowledges receiving electronic notice of the Motion but contends that service was improper because he has not consented to electronic service. Shamash has not demonstrated that he was prejudiced by receiving service of the Motion electronically instead of by mail.

Turning to the merits, the Court first addresses the Trustee's request for authorization to serve the Summons and Complaint by publication. Civil Rule 4(e)(1) authorizes the Trustee to effectuate service by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the ... court is located or where service is made" Cal. Civ. Proc. Code § 415.50 authorizes service by publication, but only if "the party to be served cannot with reasonable diligence be served in another manner specified in this article" The Court notes that because Defendant is now residing in Israel, the "only method of service under California law which does not require the transmission of documents abroad, and consequently does not implicate the Hague Service Convention, is service of summons by publication where the party's address remains unknown during the publication period despite the exercise of reasonable diligence." *Kott v. Superior Ct.*, 45 Cal. App. 4th 1126, 1136, 53 Cal. Rptr. 2d 215, 220 (Cal. 1996).

Here, the Court is required to deny the Trustee's request for authorization to serve

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

CONT... **Shoetoo.com, LLC**

Chapter 7

the Summons and Complaint by publication, because the Trustee has not demonstrated that he has exercised "reasonable diligence" with respect to ascertaining the Defendant's address. "The term 'reasonable diligence' takes its meaning from the former law: it denotes a thorough, systematic investigation and inquiry conducted in good faith by the party or his agent or attorney. A number of honest attempts to learn defendant's whereabouts or his address by inquiry of relatives, friends, and acquaintances, or of his employer, and by investigation of appropriate city and telephone directories, the voters' register, and the real and personal property index in the assessor's office, near the defendant's last known location, are generally sufficient. These are likely sources of information, and consequently must be searched before resorting to service by publication.' However, the showing of diligence in a given case must rest on its own facts and '[n]o single formula nor mode of search can be said to constitute due diligence in every case.'" *Kott v. Superior Ct.*, 45 Cal. App. 4th 1126, 1137-38, 53 Cal. Rptr. 2d 215, 221 (Cal. 1996) (internal citations omitted).

There is no indication in the Motion that the Trustee has attempted to ascertain the Defendant's address by any means other than consulting with Shamash. On the record before it, the Court cannot find that the Trustee has exercised "reasonable diligence." The Court understands the Trustee's desire to effectuate service without incurring the additional costs of hiring a private investigator to ascertain the Defendant's whereabouts in Israel. However, this laudable objective does not permit the Court to disregard the statute.

The Court must also deny the Trustee's request to compel Shamash to accept service on Sida's behalf. Shamash does not represent Sida at the present time. The Trustee has cited no authority, and the Court is aware of none, in support of the proposition that an attorney can be compelled to accept service on behalf of a client that he does not represent.

Based upon the foregoing, the Motion is **DENIED**. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 10, 2021

Hearing Room 1568

11:00 AM

CONT... Shoezoo.com, LLC

Chapter 7

appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

Alon Sida

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Thursday, March 11, 2021

Hearing Room 1568

10:00 AM

2:13-20738 Sergio Miranda

Chapter 11

Adv#: 2:19-01079 Miranda et al v. BANK OF AMERICA NATIONAL ASSOCIATION et al

#1.00 APPEARANCE BY VIDEO CONFERENCE ONLY

Hearing re [74] Evidentiary hearing

FR. 10-26-20; 1-11-21; 3-10-21

Docket 0

***** VACATED *** REASON: CONTINUED 4-21-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Sergio Miranda

Represented By
David A Akintimoye

Defendant(s):

BANK OF AMERICA NATIONAL

Represented By
Adam N Barasch
Donald H Cram III

Shellpoint Mortgage Servicing LLC

Pro Se

DOES 1-10, Inclusive

Pro Se

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Joint Debtor(s):

Esmeralda Miranda

Represented By
David A Akintimoye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Thursday, March 11, 2021

Hearing Room 1568

10:00 AM

CONT... Sergio Miranda

Chapter 11

Plaintiff(s):

Sergio Lopez Miranda

Represented By
David A Akintimoye

Esmeralda Miranda

Represented By
David A Akintimoye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

9:00 AM

2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#1.00 Trial Date Set

RE: [234] Amended Complaint Fourth Amended Complaint Against: (1) John C. Kirkland; and (2) Poshow Ann Kirkland as Trustee of The Bright Conscience Trust Dated September 9, 2009 for: 1. Disallowance of Proofs of Claim, or in the alternative, Equitable Subordination of Proofs of Claim; 2. Avoidance of Fraudulent Transfers (Actual Intent); 3. Avoidance of Fraudulent Transfers (Actual Intent); 4. Avoidance of Fraudulent Transfers (Constructive Fraud); 5. Avoidance of Fraudulent Transfers (Constructive Fraud); 6. Recovery of Avoided Transfers by Corey R Weber on behalf of Jason M Rund, Chapter 7 Trustee against Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, John C Kirkland, individually. (Weber, Corey)

FR. 2-22-21

Docket 234

***** VACATED *** REASON: STATUS CONFERENCE 7-15-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Defendant(s):

John C Kirkland, individually

Represented By
Autumn D Spaeth ESQ
Lewis R Landau

Poshow Ann Kirkland, individually

Represented By
Lewis R Landau

Poshow Ann Kirkland, as Trustee of

Represented By
Lewis R Landau
Stephen E Hyam

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 15, 2021

Hearing Room 1568

9:00 AM

CONT... EPD Investment Co., LLC

Chapter 7

Plaintiff(s):

Jason M Rund, Chapter 7 Trustee

Represented By
Larry W Gabriel
Michael W Davis
Corey R Weber
Robert A Hessling

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

2:21-10682 Cecilia Guadalupe Vega

Chapter 7

#100.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Toyota Prius . (Nagel, Austin)

Docket 8

Tentative Ruling:

3/11/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 15, 2021

Hearing Room 1568

10:00 AM

CONT... Cecilia Guadalupe Vega

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Cecilia Guadalupe Vega

Represented By
Ruben Fuentes

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

2:21-10728 David Mark Chaffey and Laurie Lynn Chaffey

Chapter 7

#101.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3101 Wellington Drive, Palmdale, CA 93551 . (Nagel, Austin)

Docket 11

Tentative Ruling:

3/11/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established a *prima facie* case that cause exists, and Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

The subject property has a value of \$415,000 and is encumbered by a perfected deed of trust or mortgage in favor of the Movant. Considering Movant's lien, all senior liens against the property, and the estimated costs of sale, there is an equity cushion of \$18,985.62. There is some, but very little equity and there is no evidence that the property is necessary to a reorganization or that the trustee can administer the property for the benefit of creditors. Movant is protected by a 4.57% equity cushion in the property. The Ninth Circuit has established that an equity cushion of 20% constitutes adequate protection for a secured creditor. Pistole v. Mellor (In re Mellor), 734 F.2d 1396, 1401 (9th Cir. 1984); see Downey Sav. & Loan Ass'n v. Helionetics,

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 15, 2021

Hearing Room 1568

10:00 AM

CONT... David Mark Chaffey and Laurie Lynn Chaffey Chapter 7

Inc. (In re Helionetics, Inc.), 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral).

Because the equity cushion in this case is less than 20%, the Court concludes that Movant's interest in the collateral is not adequately protected. This is cause to terminate the stay under 11 U.S.C. § 362(d)(1).

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

David Mark Chaffey

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Laurie Lynn Chaffey

Represented By
Gregory M Shanfeld

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

2:21-10786 Delgadina Ruiz

Chapter 7

#102.00 HearingRE: [18] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Toyota Sienna . (Martinez, Kirsten)

Docket 18

Tentative Ruling:

3/11/2021

tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

CONT... Delgadina Ruiz

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Delgadina Ruiz

Represented By
Christopher J Lauria

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

2:21-10320 Tania Gisselle Ramirez

Chapter 7

#103.00 HearingRE: [13] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Jeep Grand Cherokee, VIN: 1C4RJEAG3KC673394 . (Ith, Sheryl)

Docket 13

Tentative Ruling:

3/11/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the debtor stated an intention to surrender the property to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge,

**United States Bankruptcy Court
Central District of California
Los Angeles
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Monday, March 15, 2021

Hearing Room 1568

10:00 AM

CONT... Tania Gisselle Ramirez

Chapter 7

the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Tania Gisselle Ramirez

Represented By
Marcus G Tiggs

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

2:21-10096 Garen Aroustamians

Chapter 7

#104.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Yamaha XVS13AFS / 2013 Kawasaki VN900 Vulcan . (Rocha, Karel)

Docket 10

Tentative Ruling:

3/11/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicles to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 15, 2021

Hearing Room 1568

10:00 AM

CONT...

Garen Aroustamians

Chapter 7

submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Garen Aroustamians

Represented By
Sevan Gorginian

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01403 Mastan, Chapter 7 Trustee v. K2 America, Inc. et al

#1.00 Status Conference

RE: [1] Adversary case 2:19-ap-01403. Complaint by Peter J. Mastan, Chapter 7 Trustee against K2 America, Inc., Does 1-10, Inclusive. (Charge To Estate).
Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a), and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05, and Cal. Civ. Code § 3439.07]; (3) Avoidance of Preferential Transfers [11 U.S.C. § 547]; (4) Recovery of Avoided Transfers [11 U.S.C. § 550(a)(2)]; and (5) For Unjust Enrichment (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other)) (Triplett, Meghann)

FR. 6-16-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: WILL BE HEARD AT 11:00 A.M. TODAY**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

K2 America, Inc.

Pro Se

Does 1-10, Inclusive

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

10:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

Adv#: 2:19-01404 Mastan, Chapter 7 Trustee v. Hwang et al

#2.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01404. Complaint by Peter J. Mastan, Chapter 7 Trustee against Kenny Hwang, Mirea Rea Hwang, Hyun Hwang, Tri Blossom, LLC, K2 America, Inc., Does 1-10, Inclusive. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a), and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05, and Cal. Civ. Code § 3439.07]; (3) Avoidance of Preferential Transfers [11 U.S.C. § 547]; (4) Recovery from Subsequent Transferee [11 U.S.C. §§ 544, 548]; (5) Recovery of Avoided Transfers [11 U.S.C. § 550(a)(2)]; (6) Conspiracy to Defraud [11 U.S.C. § 105(a)]; (7) For Recovery of Illegal Dividends [Cal. Corp. Code §§ 500, 501 and 506]; and (8) For Unjust Enrichment (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Triplett, Meghann)

FR. 11-19-19; 12-4-19; 2-11-20; 5-12-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: WILL BE HEARD AT 11:00 A.M. TODAY**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tbetty, Inc.

Represented By
Christian T Kim

Defendant(s):

Kenny Hwang

Pro Se

Hyun Hwang

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

10:00 AM

CONT... Tbetty, Inc.

Chapter 7

Tri Blossom, LLC

Pro Se

K2 America, Inc.

Pro Se

Does 1-10, Inclusive

Pro Se

Mi Rae Hwang

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

2:19-22428 Lourdes Fernandez

Chapter 7

#100.00 APPLICANT: Trustee, DAVID M GOODRICH

Hearing re [23] and [24] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

3/15/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$863.75 [*see* Doc. No. 23]

Total Trustee's Expenses: \$33.00 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

CONT... Lourdes Fernandez

Chapter 7

Debtor(s):

Lourdes Fernandez

Represented By
Jasmine Firooz

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

#101.00 HearingRE: [161] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Motion for Order Authorizing: (1) Sale of Real Property Located at 3512 Buena Vista Ave., Glendale, California, Free and Clear of Claims, Liens, Encumbrances, and Interests; (2) Approving Overbid Procedures; (3) Authorizing Payment of Undisputed Liens, Real Estate Broker's Commission, and Costs of Sale; and (4) Finding Purchaser is a Good Faith Purchaser; Memorandum of Points and Authorities; Declarations in Support; and Exhibits. (Triplett, Meghann)

Docket 161

Tentative Ruling:

3/15/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Sale Motion is **GRANTED**. In the event any qualified overbidders are present, the Court will conduct the auction in accordance with the procedures set forth herein.

Key Sale Terms:

- 1) Proposed purchasers: David and Seonagh Kummer
- 2) Property for sale: 3512 Buena Vista Ave., Glendale, CA 91208
- 3) Purchase price: \$1,549,510
- 4) Overbids: The initial overbid shall be \$1,560,000. Subsequent overbids shall be in increments of \$5,000, subject to adjustment by the Court (or at the request of the Trustee) to facilitate bidding.

Pleadings Filed and Reviewed:

- 1) Motion for Order Authorizing: (1) Sale of Real Property Located at 3512 Buena Vista Ave., Glendale, California, Free and Clear of Claims, Liens, Encumbrances, and Interests; (2) Approving Overbid Procedures; (3) Authorizing Payment of Undisputed Liens, Real Estate Broker's Commission, and Costs of Sale; and (4)

**United States Bankruptcy Court
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Tuesday, March 16, 2021

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CONT...

Tbetty, Inc.

Chapter 7

- Finding Purchaser is a Good Faith Purchaser [Doc. No. 161] (the "Motion")
- a) Notice of Motion [Doc. No. 162]
 - b) Request for Judicial Notice in Support of Motion [Doc. No. 163]
 - c) Declarations of David Kummer and Seonaugh Kummer in Support of Motion [Doc. No. 164]
 - d) Notice of Sale of Estate Property [Doc. No. 165]
 - e) Notice of Filing of Chapter 7 Trustee's Motion for Order Authorizing the Sale of Real Property in Related Bankruptcy Case of Tbetty, Inc. [Doc. No. 140, Case No. 2:17-bk-21270-ER]

I. Facts and Summary of Pleadings

On September 14, 2017 (the "Petition Date"), Tbetty, Inc. ("Tbetty") and Keystone Textile, Inc. ("Keystone," and together with Tbetty, the "Debtors") filed voluntary Chapter 7 petitions. Peter J. Mastan has been appointed as the Chapter 7 Trustee (the "Trustee") for the bankruptcy estates of Tbetty (the "Tbetty Estate") and Keystone (the "Keystone Estate," and together with the Keystone Estate, the "Estates"). Prior to the Petition Date, Tbetty and Keystone were controlled by Hyun Hwang ("Hwang").

On December 18, 2020, the Court entered orders in both cases granting the Trustee's motion for approval of an omnibus global settlement (the "Settlement"). Among other things, the Settlement provided for the avoidance of the prepetition transfer of property located at 3512 Buena Vista Ave., Glendale, CA 91208 (the "Property"), and for the turnover and recovery of the Property for the benefit of the Estates. The Settlement further provided that net proceeds of the sale of the Property would be split 50/50 between the Estates.

The Trustee seeks authorization to sell the Property free and clear of liens, claims, and encumbrances, pursuant to § 363(b) and (f). The proposed purchasers are David and Seonagh Kummer (the "Proposed Purchasers"). The purchase price is \$1,549,510, and the sale is subject to overbids.

No opposition to the Motion is on file.

II. Findings and Conclusions

A. The Court Grants the Sale Motion

Section 363(b) authorizes the sale of estate property out of the ordinary course of business, subject to court approval. The estate representative must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19–20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the

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Tuesday, March 16, 2021

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CONT... Tbetty, Inc.

Chapter 7

case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19–20.

The Trustee is obligated to "collect and reduce to money the property of the estate" and "close such estate as expeditiously as is compatible with the best interests of parties in interest." § 704(a)(1). The Court finds that the Trustee's decision to sell the Property is consistent with his statutory obligation and is an exercise of his reasonable business judgment. Depending upon the resolution of a disputed deed of trust, the sale will generate net proceeds of between approximately \$322,000 and \$622,000 for the Estates.

Section 363(f) provides that estate property may be sold free and clear of any interest in the property of an entity other than the estate, provided one or more of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

The Trustee's request to sell the Property free and clear of liens, claims, interests, and encumbrances is approved. In each case, the Trustee has established that one or more of the conditions set forth in § 363(f) has been satisfied. Specifically, the Property may be sold free and clear of the First Deed of Trust in favor of Mr. Cooper and the Second Deed of Trust in favor of General Business Credit pursuant to § 363(f)(3) because the sales price is greater than the aggregate value of all liens against the Property. The Property may be sold free and clear of the Writ of Execution in favor of Pacific Sourcing Group, Inc. ("Pacific") pursuant to § 363(f)(2) because Pacific has consented to the sale through the Settlement.

The Property may be sold free and clear of the Deed of Trust in favor of K2 America, Inc. (the "K2 DOT") pursuant to § 363(f)(4) because there is a bona fide dispute as to the validity of the K2 DOT. A bona fide dispute exists if there is "an objective basis for either a factual or a legal dispute" as to an interest in property of the estate. *Liberty Tool & Manufacturing v. Vortex Fishing Sys., Inc. (In re Vortex Fishing Sys., Inc.)*, 277 F.3d 1057, 1064 (9th Cir. 2002). [Note 1] "Under this standard, a court need not determine the probable outcome of the dispute, but merely

**United States Bankruptcy Court
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CONT... Tbetty, Inc.

Chapter 7

whether one exists." *In re Octagon Roofing*, 123 B.R. 583, 590 (Bankr. N.D. Ill. 1991). Here, the Trustee has commenced two adversary proceedings alleging that the K2 DOT is avoidable as a fraudulent transfer. K2 received notice of the Sale Motion and did not contest the Trustee's assertion that a bona fide disputed existed as to the validity of the K2 DOT. The sale shall be free and clear of the K2 DOT, and the K2 DOT shall attach to the sale proceeds to the same extent, and with the same validity and priority, as the K2 DOT attached to the Property.

The Court approves the overbid procedures set forth in the Sale Motion. The Trustee is authorized to pay one-half of the net sale proceeds to the Keystone Estate, pursuant to the Court's order approving the Settlement. The Trustee is authorized to pay the following expenses directly from escrow:

- 1) Outstanding property taxes;
- 2) The obligations secured by the First and Second Deeds of Trust;
- 3) The Court-approved settlement of \$25,000 to Pacific Sourcing Group;
- 4) A 5% real estate broker's commission; and
- 5) All other reasonable and ordinary closing costs.

Having reviewed the declarations of the proposed purchasers David and Seonagh Kummer and the real estate brokers Jane Schore and William I. Friedman, the Court finds that David and Seonagh Kummer are good-faith purchasers entitled to the protections of § 363(m). In the event that an overbidder prevails at the auction, the Court will take testimony from such overbidder to determine whether §363(m) protections are warranted.

Notwithstanding Bankruptcy Rules 6004(h) and 6006(d), the over approving the sale shall take effect immediately upon entry.

B. Auction Procedures

In the event that any qualified overbidders are present, the Court will conduct the auction in accordance with the following procedures. The initial overbid shall be \$1,560,000, with subsequent overbids to be in increments of \$5,000. The overbid increment is subject to adjustment by the Court (or at the request of the Trustee) to facilitate bidding. The Court will announce each bid level; however, parties are free to submit bids in excess of the bid level announced by the Court. To remain in the auction, bidders must participate at all bid levels. That is, parties who do not bid in a round cannot later change their minds and re-enter the auction.

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 16, 2021

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CONT... **Tberty, Inc.**

Chapter 7

III. Conclusion

Based upon the foregoing, the Sale Motion is **GRANTED**. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

Note 1

Although *Vortex Fishing* defined "bona fide dispute" for purposes of § 303, courts have held that § 303's definition of "bona fide dispute" also applies in the context of § 363(f)(4). See, e.g., *In re Octagon Roofing*, 123 B.R. 583, 590 (Bankr. N.D. Ill. 1991); *Union Planters Bank, N.A. v. Burns (In re Gaylord Grain L.L.C.)*, 306 B.R. 624, 627 (B.A.P. 8th Cir. 2004).

Party Information

Debtor(s):

Tberty, Inc.

Represented By
Christian T Kim

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

Adv#: 2:19-01404 Mastan, Chapter 7 Trustee v. Hwang et al

#101.10 Status Hearing

RE: [1] Adversary case 2:19-ap-01404. Complaint by Peter J. Mastan, Chapter 7 Trustee against Kenny Hwang, Mirea Rea Hwang, Hyun Hwang, Tri Blossom, LLC, K2 America, Inc., Does 1-10, Inclusive. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a), and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05, and Cal. Civ. Code § 3439.07]; (3) Avoidance of Preferential Transfers [11 U.S.C. § 547]; (4) Recovery from Subsequent Transferee [11 U.S.C. §§ 544, 548]; (5) Recovery of Avoided Transfers [11 U.S.C. § 550(a)(2)]; (6) Conspiracy to Defraud [11 U.S.C. § 105(a)]; (7) For Recovery of Illegal Dividends [Cal. Corp. Code §§ 500, 501 and 506]; and (8) For Unjust Enrichment (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Triplett, Meghann)

FR. 11-19-19; 12-4-19; 2-11-20; 5-12-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

Tentative Ruling:

3/15/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

On September 14, 2017 (the "Petition Date"), Tbetty, Inc. ("Tbetty") and Keystone Textile, Inc. ("Keystone," and together with Tbetty, the "Debtors") filed voluntary Chapter 7 petitions. Peter J. Mastan has been appointed as the Chapter 7 Trustee (the "Trustee") in both cases. Prior to the Petition Date, Tbetty and Keystone

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

CONT... Tbetty, Inc.

Chapter 7

were controlled by Hyun Hwang (“Hwang”).

The Trustee filed similar avoidance actions against K2 America, Inc. (“K2”) in both cases. (The action filed in the Tbetty case named other defendants in addition to K2, but all such other defendants have been dismissed pursuant to a settlement.) The Trustee and K2 have participated in multiple informal settlement discussions but have not reached a settlement. Having reviewed the Joint Status Report submitted by the Trustee and K2, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) The matter shall be referred to the Mediation Panel. The parties shall meet and confer and select a Mediator from this District's Mediation Panel. The Trustee shall lodge a completed "Request for Assignment to Mediation Program; [Proposed] Order Thereon" (see Amended General Order 95-01 available on the Court's website) within 15 days from the date of this hearing, and deliver a hard copy directly to chambers c/o the Judge's law clerk Daniel Koontz.
- 2) In the interests of judicial efficiency, the trial of the Trustee's action against K2 filed in the Keystone Textile case shall be consolidated with the trial of the Trustee's action against K2 filed in the Tbetty case. Both matters involve the same set of underlying facts.
- 3) The following litigation deadlines shall apply:
 - a) The last day to disclose expert witnesses and expert witness reports is **6/29/2021**.
 - b) The last day to disclose rebuttal expert witnesses and rebuttal expert witness reports is **7/29/2021**.
 - c) The last date to complete discovery relating to expert witnesses (e.g., depositions of expert witnesses), including hearings on motions related to expert discovery, is **8/17/2021**. (For contemplated hearings on motions related to expert discovery, it is counsel's responsibility to check the Judge's self-calendaring dates, posted on the Court's website. If the expert discovery cutoff date falls on a date when the court is closed or that is not available for self-calendaring, the deadline for hearings on expert discovery motions is the next closest date which is available for self-calendaring.)
 - d) The last day for dispositive motions to be heard is **8/28/2021**. (If the motion cutoff date is not available for self-calendaring, the deadline for dispositive motions to be heard is the next closest date which is available for self-calendaring.)
 - e) The last day to complete discovery (except as to experts), including

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, March 16, 2021

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Tbetty, Inc.

Chapter 7

hearings on discovery motions, is **8/28/2021**. (If the non-expert discovery cutoff date is not available for self-calendaring, the deadline for non-expert discovery motions to be heard is the next closest date which is available for self-calendaring.)

- f) A Pretrial Conference is set for **9/14/2021 at 11:00 a.m.** By no later than fourteen days prior to the Pretrial Conference, the parties must submit a Joint Pretrial Stipulation via the Court's Lodged Order Upload (LOU) system. Submission via LOU allows the Court to edit the Joint Pretrial Stipulation, if necessary. Parties should consult the Court Manual, section 4, for information about LOU.
- g) In addition to the procedures set forth in Local Bankruptcy Rule 7016-1(b), the following procedures govern the conduct of the Pretrial Conference and the preparation of the Pretrial Stipulation:
 - i) By no later than thirty days prior to the Pretrial Conference, the parties must exchange copies of all exhibits which each party intends to introduce into evidence (other than exhibits to be used solely for impeachment or rebuttal).
 - ii) When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a Motion in Limine which clearly identifies each exhibit alleged to be inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1. The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.
 - iii) The failure of a party to file a Motion in Limine complying with the requirements of ¶(2)(g)(ii) shall be deemed a waiver of any objections to the admissibility of an exhibit.
 - iv) Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶(2)(g)(ii), and

**United States Bankruptcy Court
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Tberty, Inc.

Chapter 7

shall be filed by the deadline specified in ¶(2)(g)(ii). The failure of a party to file a Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.

- i) Trial is set for the week of **9/27/2021**. The trial day commences at 9:00 a.m. The exact date of the trial will be set at the Pretrial Conference. Consult the Court's website for the Judge's requirements regarding exhibit binders and trial briefs.

The Court will prepare and enter a Scheduling Order. The Trustee shall submit the order assigning the matter to mediation.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Tberty, Inc.

Represented By
Christian T Kim

Defendant(s):

Kenny Hwang

Pro Se

Hyun Hwang

Pro Se

Tri Blossom, LLC

Pro Se

K2 America, Inc.

Pro Se

Does 1-10, Inclusive

Pro Se

Mi Rae Hwang

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

CONT... Tbetty, Inc.

Chapter 7

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01403 Mastan, Chapter 7 Trustee v. K2 America, Inc. et al

#102.00 Status Conference

RE: [1] Adversary case 2:19-ap-01403. Complaint by Peter J. Mastan, Chapter 7 Trustee against K2 America, Inc., Does 1-10, Inclusive. (Charge To Estate).
Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a), and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05, and Cal. Civ. Code § 3439.07]; (3) Avoidance of Preferential Transfers [11 U.S.C. § 547]; (4) Recovery of Avoided Transfers [11 U.S.C. § 550(a)(2)]; and (5) For Unjust Enrichment (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other)) (Triplett, Meghann)

FR. 6-16-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

Tentative Ruling:

3/15/2021

See Cal. No. 101.10, above, incorporated in full by reference.

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

K2 America, Inc.

Pro Se

Does 1-10, Inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 16, 2021

Hearing Room 1568

11:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 17, 2021

Hearing Room 1568

10:00 AM

2:11-62078 Kathlene Pineda Abbatiello

Chapter 7

#1.00 APPLICANT: Trustee, ROSENDO GONZALEZ

Hearing re [43] and [44] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

3/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$5,481.51 [*see* Doc. No. 43]

Total Trustee's Expenses: \$268.00 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 17, 2021

Hearing Room 1568

10:00 AM

CONT... Kathlene Pineda Abbatiello

Chapter 7

Debtor(s):

Kathlene Pineda Abbatiello

Represented By
Garrett M Brief

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 17, 2021

Hearing Room 1568

10:00 AM

2:11-62078 Kathlene Pineda Abbatiello

Chapter 7

#2.00 APPLICANT: ACCOUNTANT, SLBIGGS, a Division of Singerlewak

Hearing re [43] and [44] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

3/16/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$3,542.00 approved [Doc. No. 42]

Expenses: \$136.62 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 17, 2021

Hearing Room 1568

10:00 AM

CONT... Kathlene Pineda Abbatiello

Chapter 7

Debtor(s):

Kathlene Pineda Abbatiello

Represented By
Garrett M Brief

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#3.00 Hearing

RE: [6144] Motion for Allowance of Administrative Expense Claim and Request for Payment under 11 U.S.C. § 503(b) (Reynolds, Michael)

FR. 12-9-20; 12-16-20; 1-20-21; 2-17-21

Docket 6144

***** VACATED *** REASON: CONTINUED 5-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

2:20-21120 Juan Carlos Mejia

Chapter 7

#1.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Rogue Sport .
(Nagel, Austin)

Docket 11

Tentative Ruling:

3/19/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT... Juan Carlos Mejia

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Juan Carlos Mejia

Represented By
Matthew D. Resnik

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

2:20-12770 Wise Choice Plumbing and Rooter, Inc.

Chapter 7

#2.00 HearingRE: [76] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford Transit VIN# 1FTYE1YG0HKA60016 with proof of service. (Delmotte, Joseph)

Docket 76

Tentative Ruling:

3/19/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT... Wise Choice Plumbing and Rooter, Inc.

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Wise Choice Plumbing and Rooter,

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

2:20-12770 Wise Choice Plumbing and Rooter, Inc.

Chapter 7

#3.00 HearingRE: [78] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Chevrolet Silverado 350 VIN#1GB4CVCY0KF137497 with proof of service. (Delmotte, Joseph)

Docket 78

Tentative Ruling:

3/19/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT... Wise Choice Plumbing and Rooter, Inc.

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Wise Choice Plumbing and Rooter,

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

2:21-10787 Sella Care, Inc.

Chapter 7

#4.00 HearingRE: [7] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: None .

Docket 7

Tentative Ruling:

3/19/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. The Movant may enforce its judgement against the estate only by filing a proof of claim against the estate, absent further order of the Court.

Further, the Court finds that there are facts presented in the Motion sufficient for the court to find bad faith pursuant to § 362(d)(4). Debtor's filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved multiple bankruptcy cases affecting the non-bankruptcy action, and the timing of the instant

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT... Sella Care, Inc.

Chapter 7

bankruptcy indicates that it was intended to delay or interfere with the non-bankruptcy action. In a previous bankruptcy filing, this Court sanctioned the Debtor after finding that "the Debtor did not intend to seek chapter 7 relief" and only commenced the bankruptcy proceeding "to delay trial proceedings in the State Court Action for a third time." *See* 2:19-bk-23952, *Order Requiring Debtor to Appear and Show Cause* (the "OSC"), Doc. No. 27. Furthermore, as in the last bankruptcy proceeding, the Debtor has made no attempt to respond to this Motion. *Id.* The facts of the instant Motion, couple with the facts of the Court's findings in the OSC, which the Court incorporates herein, provide ample proof for a finding of bad faith.

The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. To the extent that the stay or co-debtor stay applies to principals of the Debtor subject to the non-bankruptcy action, such stay is terminated in order to permit prosecution of the action. This order shall be binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the non-bankruptcy action. In addition, this order shall be binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT... Sella Care, Inc.

Chapter 7

Party Information

Debtor(s):

Sella Care, Inc.

Represented By
Young K Chang

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

2:19-24986 Guillermo Garcia, Jr. and Rosie Helen Martinez-Garcia

Chapter 7

#5.00 HearingRE: [37] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Camry . (Martinez, Kirsten)

Docket 37

Tentative Ruling:

3/19/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT... Guillermo Garcia, Jr. and Rosie Helen Martinez-Garcia

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Guillermo Garcia Jr.

Represented By
Sam Benevento

Joint Debtor(s):

Rosie Helen Martinez-Garcia

Represented By
Sam Benevento

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

2:21-11035 Jose Erasmo Yopez Escudero

Chapter 7

#6.00 HearingRE: [7] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Ram 1500, VIN: 1C6SRFJT2KN638550 . (Ith, Sheryl)

Docket 7

Tentative Ruling:

3/19/2021

Tentative Ruling: .

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established that the fair market value of the subject vehicle is declining and that Debtor is making insufficient payments to protect Movant against this decline. Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 22, 2021

Hearing Room 1568

10:00 AM

CONT...

Jose Erasmo Yopez Escudero

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jose Erasmo Yopez Escudero

Represented By
Omar Zambrano

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01302 Verity Health System of California, Inc. v. Hospital Association of Southern

#1.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01302. Complaint by Verity Health System of California, Inc. against Hospital Association of Southern California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hospital Association of Southern

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01310 St. Francis Medical Center v. Interventional Neuroradiology, Inc.

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01310. Complaint by St. Francis Medical Center against Interventional Neuroradiology, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Interventional Neuroradiology, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01320 Seton Medical Center v. Jubilant Draximage RadioPharmacies Inc.

#3.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01320. Complaint by Seton Medical Center against Jubilant Draximage RadioPharmacies Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Jubilant Draximage

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01322 Verity Business Services v. Law Offices of Stephenson, Acquisto & Colman,

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01322. Complaint by Verity Business Services against Law Offices of Stephenson, Acquisto & Colman, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Law Offices of Stephenson,

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01323 St. Louise Regional Hospital v. LEARN Speech Therapy

#5.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01323. Complaint by St. Louise Regional Hospital against LEARN Speech Therapy. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

LEARN Speech Therapy

Pro Se

Plaintiff(s):

St. Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01324 Verity Health System of California, Inc. v. Life Insurance Company of North

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01324. Complaint by Verity Health System of California, Inc. against Life Insurance Company of North America. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Life Insurance Company of North

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01328 Verity Health System of California, Inc. v. Lipton Research and Analytics

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01328. Complaint by Verity Health System of California, Inc. against Lipton Research and Analytics LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Lipton Research and Analytics LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01333 St. Francis Medical Center v. Maternal-Fetal Medicine Associates, A

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01333. Complaint by St. Francis Medical Center against Maternal-Fetal Medicine Associates, A Medical Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Maternal-Fetal Medicine Associates,

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01334 Seton Medical Center v. Maxim Healthcare Services, Inc.

#9.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01334. Complaint by Seton Medical Center against Maxim Healthcare Services, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Maxim Healthcare Services, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01339 Saint Louise Regional Hospital v. MedSource, L.L.C.

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01339. Complaint by Saint Louise Regional Hospital Foundation against MedSource, L.L.C.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MedSource, L.L.C.

Pro Se

Plaintiff(s):

Saint Louise Regional Hospital

Represented By

Tania M Moyron

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01341 St. Vincent Medical Center v. Medacta USA, Inc.

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01341. Complaint by St. Vincent Medical Center against Medacta USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-16-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Medacta USA, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01342 Verity Medical Foundation v. Medical Anesthesia Consultants Medical

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01342. Complaint by Verity Medical Foundation against Medical Anesthesia Consultants Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Medical Anesthesia Consultants

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01344 Verity Health System of California, Inc. v. Medical Innovations Incorporated

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01344. Complaint by Verity Health System of California, Inc. against Medical Innovations Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Medical Innovations Incorporated

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01345 St. Francis Medical Center v. Medical Solutions, Inc.

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01345. Complaint by St. Francis Medical Center against Medical Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Medical Solutions, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01346 Verity Health System of California, Inc. v. Medicity LLC

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01346. Complaint by Verity Health System of California, Inc. against Medicity LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Medicity LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01441 St. Francis Medical Center et al v. TIAA Bank

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01441. Complaint by St. Francis Medical Center, Saint Louise Regional Hospital, O'Connor Hospital against TIAA Bank. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-22-2020

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TIAA Bank

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01504 Seton Medical Center et al v. Atlantic Biologicals Corp.

#17.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01504. Complaint by Seton Medical Center, O'Connor Hospital against Atlantic Biologicals Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

*** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Atlantic Biologicals Corp.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01510 St. Francis Medical Center et al v. Cepheid

#18.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01510. Complaint by St. Francis Medical Center, Seton Medical Center against Cepheid. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cepheid

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01512 Verity Holdings, LLC et al v. City of Daly City, California

#19.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01512. Complaint by Verity Holdings, LLC, Seton Medical Center against City of Daly City, California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

City of Daly City, California

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01516 Seton Medical Center et al v. Corporate Security Service, Inc.

#20.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01516. Complaint by Seton Medical Center, Verity Holdings, LLC against Corporate Security Service, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Corporate Security Service, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01518 Verity Business Services et al v. CSI General Contracting Inc.

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01518. Complaint by Verity Business Services, Seton Medical Center against CSI General Contracting Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CSI General Contracting Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, March 23, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01525 O'Connor Hospital et al v. Foundation Medicine, Inc.

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01525. Complaint by O'Connor Hospital, Verity Medical Foundation against Foundation Medicine, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Foundation Medicine, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, March 23, 2021

Hearing Room 1575

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01542 O'Connor Hospital et al v. Musculoskeletal Transplant Foundation

#23.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01542. Complaint by O'Connor Hospital, St. Vincent Medical Center against Musculoskeletal Transplant Foundation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Musculoskeletal Transplant

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

11:00 AM

2:19-24986 Guillermo Garcia, Jr. and Rosie Helen Martinez-Garcia

Chapter 7

#100.00 APPLICANT: Trustee, PETER J MASTAN

Hearing re [33] and [34] Applications for chapter 7 fees and administrative expenses

Docket 0

Tentative Ruling:

3/22/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$908.76 [*see* Doc. No. 33]

Total Trustee's Expenses: \$54.80 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

11:00 AM

CONT... Guillermo Garcia, Jr. and Rosie Helen Martinez-Garcia

Chapter 7

Debtor(s):

Guillermo Garcia Jr.

Represented By
Sam Benevento

Joint Debtor(s):

Rosie Helen Martinez-Garcia

Represented By
Sam Benevento

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

11:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01024 Monge v. Iovita

#101.00 Hearing
RE: [11] Motion to Dismiss Adversary Proceeding

Docket 11

***** VACATED *** REASON: CONTINUED 5-19-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Plaintiff(s):

Siboney Monge

Represented By
Paul M Brent

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, March 23, 2021

Hearing Room 1568

11:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01022 Iovita v. Monge et al

#102.00 Hearing
RE: [10] MOTION TO DISMISS COMPLAINT PURSUANT TO FRBP 7012 (b)
(6); MOTION FOR MORE DEFINITE STATEMENT FRBP 7012(e)

Docket 10

***** VACATED *** REASON: CONTINUED 5-19-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Siboney Monge

Represented By
Paul M Brent

Malibu Reconveyance, LLC

Pro Se

Plaintiff(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

2:20-20948 Ashley Villatoro

Chapter 7

- #1.00 Show Cause Hearing
RE: [14] Debtor To Appear And Show Cause Why Case Should Not Be
Dismissed Because Of Debtor's Failure To Pay The Filing Fee In Installments.

Docket 1

*** VACATED *** REASON: FEES PAID IN FULL 3-22-21

Tentative Ruling:

3/23/2021

The case is dismissed based on the Debtors' failure to pay the filing fee as ordered by the Court. As of the date of issuance of this tentative ruling, fees are delinquent in the amount of \$200.00 (consisting of the second and third installment payments). The final installment payment in the amount of \$103.00 is due on or before Friday, March 26, 2021.

Pleadings Filed and Reviewed:

- 1) Order Requiring Debtor to Appear and Show Cause Why Case Should Not be Dismissed Because of Debtor's Failure to Pay the Filing Fee in Installments (the "OSC") [Doc. No. 14]
 - a) Notice of OSC [Doc. Nos. 15 and 17-18]

Ashley Villatoro (the "Debtor") filed a voluntary Chapter 7 petition on December 14, 2020. On December 15, 2020, the Court entered an *Order on Application to Pay Filing Fee in Installments* [Doc. No. 8] (the "Fee Installment Order"), which required the Debtor to pay the filing fee according to the following schedule:

- First installment payment: \$35.00 on or before December 29, 2020;
- Second installment payment: \$100.00 on or before January 29, 2021;
- Third installment payment: \$100.00 on or before February 26, 2021; and
- Fourth installment payment: \$103.00 on or before March 26, 2021.

See Fee Installment Order.

The Debtor paid the first installment payment in the amount of \$35.00 but has not

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Los Angeles
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Wednesday, March 24, 2021

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10:00 AM

CONT... Ashley Villatoro

Chapter 7

made any of the remaining installment payments. As of the date of issuance of this tentative ruling, fees are delinquent in the amount of \$200.00 (consisting of the second and third installment payments). The fourth installment payment in the amount of \$103.00 is due on or before March 26, 2021.

On February 10, 2021, the Court issued an *Order Requiring Debtor to Appear and Show Cause Why Case Should Not be Dismissed Because of Debtor's Failure to Pay the Filing Fee in Installments* [Doc. No. 14] (the "OSC"). The OSC ordered the Debtor to make the delinquent installment payments by no later than one week prior to the hearing. The Debtor have not made the delinquent payment and has not responded to the OSC.

Bankruptcy Rule 1017(b)(1) provides: "If any installment of the filing fee has not been paid, the court may, after a hearing on notice to the debtor and the trustee, dismiss the case."

The Debtor's case is dismissed based on the Debtor's failure to comply with the Fee Installment Order and the OSC. The Court will enter an order dismissing the case.

Party Information

Debtor(s):

Ashley Villatoro

Pro Se

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

2:21-10488 Karen Paulette Doherty

Chapter 7

#2.00 Show Cause Hearing
RE: [15] Order Requiring Debtor To Appear And Show Cause Why Case Should Not Be Dismissed Because Of Debtor's Failure To Pay The Filing Fee In Installments.

Docket 1

***** VACATED *** REASON: DISMISSED 2-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Paulette Doherty	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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

2:13-26403 Victor Gomez and Maria Socorro Gomez

Chapter 11

#3.00 HearingRE: [171] Motion For Final Decree and Order Closing Case. with Notice of Motion and proof of service (Pena, Leonard)

Docket 171

Tentative Ruling:

3/23/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is GRANTED in its entirety.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion in Chapter 11 Case for the Entry of a Final Decree and Order Closing Case (the "Motion") [Doc. No. 171]
- 2) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

Victor Gomez and Maria Socorro Gomez (the "Debtors") filed a voluntary Chapter 11 petition on June 25, 2013. On March 20, 2015, the Court entered an order confirming the Debtors' Chapter 11 Plan (the "Plan"). *See* Doc. No. 130 (the "Confirmation Order"). The Plan provided for the Debtors to make monthly payments to general unsecured creditors for a period of five years. On October 31, 2017, the Court entered an order closing the case on an interim basis so that the Debtors would not have to continue paying fees to the United States Trustee during the five-year payment period. Doc. No. 167.

On January 30, 2021, the Debtors filed a Motion to Reopen Chapter 11 Case, and the Court granted that motion on February 1, 2021. On March 1, 2021, the Debtors filed their Motion. The Debtors assert that they have made all payments required under the Plan and attach bank statements to that effect. The Debtors also

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10:00 AM

CONT... Victor Gomez and Maria Socorro Gomez

Chapter 11

note that there is \$5,013.40 in Unclaimed Funds (the "Unclaimed Funds") due to a handful of creditors not cashing their checks. No opposition to the Motion is on file.

II. Findings and Conclusions

The Motion is GRANTED in its entirety. Pursuant to the confirmed Plan, the Debtors are entitled to a discharge upon the completion of all payments contemplated by the Plan. The evidence submitted in connection with the Motion establishes that the Debtors have made all payments required under the Plan. Accordingly, the Debtors are entitled to entry of a discharge as provided by the Plan.

Entry of a final decree is appropriate. Pursuant to § 350(a) and Bankruptcy Rule 3022, the Court shall enter a final decree closing a chapter 11 case after the estate is fully administered. In determining whether an estate is fully administered, a court should consider:

- (1) whether the order confirming the plan has become final;
- (2) whether deposits required by the plan have been distributed;
- (3) whether the property proposed by the plan to be transferred has been transferred;
- (4) whether the debtor or the successor of the debtor under the plan has assumed the business of the management of the property dealt with by the plan;
- (5) whether payments under the plan have commenced; and
- (6) whether all motions, contested matters, and adversary proceedings have been finally resolved.

In re Ground Systems, Inc., 213 B.R. 1016, 1019 (9th Cir. BAP 1997), quoting Fed. R. Bankr. P. 3022 advisory committee's notes (1991). Here, the estate has been fully administered because the Debtors have made all payments required under the Plan. While the Court is prepared to close the case, the Court will retain jurisdiction because of the Unclaimed Funds. The Debtor must provide notice of the Unclaimed Funds to all creditors, notifying them that they have one year from the date of entry of the order to claim their share of Unclaimed Funds. If, after one year, any of the Unclaimed Funds remain unclaimed, they will re-vest in the Debtor. At the conclusion of one year, the Debtor is directed to lodge a declaration and a proposed order with language discussing the disposition of the Unclaimed Funds.

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Central District of California
Los Angeles
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Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

CONT... Victor Gomez and Maria Socorro Gomez

Chapter 11

Based upon the foregoing, the Motion is GRANTED, subject to the above modifications. Within seven days of the hearing, the Debtors shall submit a conforming order, incorporating this tentative ruling by reference. Within two weeks, the Debtors must file a proof of service that all creditors have been served with of the Order and are aware of the Unclaimed Funds. Upon entry of the order granting the Motion, the Clerk of the Court is directed to enter an Order of Discharge.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Victor Gomez

Represented By
Leonard Pena

Joint Debtor(s):

Maria Socorro Gomez

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#4.00 Hearing
RE: [5] Debtors Emergency Motion For Order Authorizing Debtor To Maintain Bank Accounts And Cash Management System And Continue Use Of Its Existing Business Forms

Docket 8

Tentative Ruling:

3/23/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's motion for order authorizing use of its cash management system.

Pleadings Filed and Reviewed

- 1) Debtor's Emergency Motion for Order Authorizing Debtor to Maintain Bank Accounts and Cash Management System and Continue Use of its Existing Business Forms; Memorandum of Points and Authorities in Support (the "Motion") [Doc. No. 5]
- 2) Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions (the "Schatzle Decl.") [Doc. No. 12]
- 3) United States Trustee's Opposition to Debtor's Emergency Motion for Order Authorizing Debtor to Maintain Bank Accounts and Cash Management System and Continue Use of its Existing Business Forms (the "Opposition") [Doc. No. 20].

I. Facts and Summary of Pleadings

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition.

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Wednesday, March 24, 2021

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10:00 AM

CONT... collab9, LLC, a Delaware limited liability company Chapter 11

The Debtor is a cloud security service provider for managed voice, collaboration, conferencing and contact center services primarily for U.S. public sector customers. Motion at 2. The Debtor states that its business operations have been severely undermined by Avaya, its largest creditor. Nevertheless, the Debtor asserts that it was able to find a path forward, "including obtaining funding, a commitment for additional essential financing, and implementation of a process to protect and preserve its business and the value of its business/assets through this chapter 11 case." *Id.* at 3. The Debtor intends to seek a sale of the company's business and assets shortly.

On March 22, 2021, the Debtor filed the instant Motion, requesting approval from this Court to continue using its cash management system. The Debtor has three accounts at Mechanics Bank: (1) a main operating account; (2) a payroll account; and (3) a money market account. The Debtor also has one account with UBS, which is used as an investment account. The accounts are used only by the Debtor for business purposes. Motion at 3-4.

Revenues and operating expenses flow through the main operating account. The Debtor usually receives revenue via electronic deposit into this account. Operating expenses to the Debtor's vendors are paid out of this account, normally via electronic deposit.

The payroll account is used to pay employees twice a month. ADP (a human resources and management software company) draws on the payroll account to pay the employees. Three to four days prior to the employee pay date, funds from either the main operating account or the money market account are transferred to the payroll account to cover salaries.

The money market account is an interest-bearing account which houses any excess funds.

The UBS account is an investment account that currently has just \$6,000 in it. The account was set up when the Debtor first received a loan from Avaya.

The Debtor states that if it were required to close all of its existing accounts immediately and open new ones, there would be a significant disruption in the Debtor's ability to collect and distribute funds during the ordinary course of its

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CONT... **collab9, LLC, a Delaware limited liability company** **Chapter 11**

operations. The Debtor also requests that, in order to minimize expenses, it be able to use its current correspondence and business forms, which do not reference the Debtor's status as a debtor-in-possession. The Debtor claims that if it is not permitted to maintain its bank accounts and use its current correspondence and business forms, it will be prejudiced by: "(a) the resulting disruption in the ordinary financial affairs and business operations of the Debtor; (b) potential delay in the administration of the Estate; and (c) the unnecessary cost to the Estate to set up new accounts and new systems and purchase/print new business forms." Motion at 8.

On March 23, 2021, the US Trustee filed its Opposition. The US Trustee does not object to the Debtor using its pre-petition bank accounts or business forms for a period of 60 days. However, the US Trustee objects to indefinite use of the pre-petition bank accounts and business forms beyond a 60-day period. Opposition at 1-2.

II. Findings of Fact and Conclusions of Law

Local Bankruptcy Rule ("LBR") 2015-2 requires that debtors-in-possession comply with guidelines and requirements issued by the US Trustee. The US Trustee's Guidelines and Requirements for Chapter 11 Debtors in Possession also state that "[a]ll accounts that the debtor owns, has access to, or over which the debtor exercises possession, custody or control must be closed immediately upon filing of the petition. Guidelines and Requirements for Chapter 11 Debtors in Possession, https://www.justice.gov/ust-regions-r16/file/ch11_debtors_possession.pdf/download. However, it is within the authority of the Court to relieve a Debtor of **some** of the requirements set forth by the US Trustee. *See In re Grant Broadcasting of Philadelphia, Inc.* 75 B.R. 819, 820 (E.D. Pa. 1987) (referencing the bankruptcy court's order approving of the Debtor's use of pre-petition bank accounts); *see also In re Johnson*, 106 B.R. 623, 624 (Bankr. D. Neb. 1989) (finding that the debtors were not required to imprint "debtors-in-possession" on their checks).

In this case, according to the Debtor, requiring it to close its existing bank accounts, and to open new ones, will disrupt the its business and cash flow, which would in turn seriously affect business operations. *See* Schatzle Decl. at ¶¶ 23-24 (noting the importance of continuing the Debtor's business operations because it provides critical communications systems and services to US Customs and Border Protection, US Health and Human Services, and the Defense Nuclear Facilities Safety Board). As an immediate matter, there is cause to relieve the Debtor from the UST

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CONT... **collab9, LLC, a Delaware limited liability company**
cash management requirements.

Chapter 11

However, while the Debtor may prefer to keep its current system, a bankruptcy filing will often disrupt the status quo. The court seriously doubts that a change in the Debtor's cash management system will negatively effect its business operation to the extent that government service will be at risk.

This matter should be the subject of discussions with the UST. The court will order a final hearing on the matter as set forth below.

III. Conclusion

For the reasons set forth above, the Court is prepared to **GRANT** the Motion, on an interim basis, to allow the Debtor to use its pre-petition bank accounts and cash management system, subject to a final hearing on the matter to be held on **Wednesday, May 19, 2021 at 10:00 a.m.** Any reply to the UST's objection to the cash management motion is due no later than **Wednesday, May 5**. The UST's reponse, if any, is due **May 12, 2021**.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#5.00 Hearing
RE: [6] Debtors Emergency Motion For Order Authorizing Payment And/Or Honoring Of Prepetition Workforce Obligations, Including Compensation, Benefits, Reimbursements, Withholding Taxes, Accrued Vacation, And Related Claims

Docket 8

Tentative Ruling:

3/23/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's motion to pay prepetition wages.

Pleadings Filed and Reviewed:

- 1) Debtor's Emergency Motion for Order Authorizing Payment and/or Honoring of Prepetition Workforce Obligations, Including Compensation, Benefits, Reimbursements, Withholding Taxes, Accrued Vacation, and Related Claims [Doc. No. 6] (the "Motion")
 - a) Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions [Doc. No. 12]
 - b) Order Setting Hearing on First Day Motions [Doc. No. 13]
 - c) Notice of Hearing on Emergency "First Day" Motions [Doc. No. 15]
 - d) Proof of Service Regarding "First Day" Motions [Doc. No. 16]
 - e) Declaration of Maria R. Viramontes Re: Notice and Service of "First Day" Motions [Doc. No. 17]
 - f) Declaration of Debbie A. Perez Re: Telephonic Notice of "First Day" Motions [Doc. No. 18]

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Hearing Room 1568

10:00 AM

CONT... collab9, LLC, a Delaware limited liability company

Chapter 11

I. Facts and Summary of Pleadings

On March 19, 2021, collab9, LLC (the "Debtor") filed a voluntary Chapter 11 petition. The Debtor operates a secure cloud platform for managed voice, collaboration, conferencing, and contact center services, primarily for U.S. public sector customers. [Note 1]

The Debtor seeks authorization to pay the prepetition wages and benefits of eighteen employees and four independent contractors. The Debtor pays employees twice a month, on the 7th and 23rd. Payroll on the 7th relates to days 15–31 of the prior month and payroll on the 23rd relates to days 1–15 of the current month. Payroll is processed by ADP, which withdraws funds from the Debtor's operating account three to four days prior to the pay date. The Debtor estimates that its obligation for the next payroll period will total approximately \$130,000 (consisting of approximately \$110,000 for employees and approximately \$20,000 for independent contractors).

The Debtor's Chief Executive Officer Kevin B. Schatzle (the "CEO") and Chief Technology Officer Mustafa A. Baig (the "CTO") are among the employees whose prepetition wages the Debtor seeks to pay. The Debtor asserts that although the CEO and CTO hold the title of officers, they are not "insiders" within the meaning of § 101(31) because the Debtor is managed by its Board of Directors, and the CEO and CTO are not members of the Board and do not hold an equity interest in the Debtor.

II. Findings of Fact and Conclusions of Law

Section 507(a)(4) designates "wages, salaries, or commissions, including vacation, severance, and sick leave pay" that are earned by an individual "within 180 days before the date of the filing of the petition" as a fourth-priority claim, subject to a limit of \$13,650 for each claimant. A leading national bankruptcy treatise explains:

[B]ecause wages are priority claims, courts have often permitted debtors to pay prepetition wage claims in the ordinary course in response to a motion filed by a debtor in possession at the commencement of a chapter 11 case. The ability to ensure that the employees receive their unpaid prepetition salary and do not miss a paycheck is critical to obtaining the stability necessary for the transition to operating as a debtor in possession. If wage claims were not entitled to priority, it would be difficult to justify "first day" orders approving payments of prepetition wages. There is no clear statutory authority for such first day orders, although a court with some confidence in the debtor's ability to satisfy

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CONT...

collab9, LLC, a Delaware limited liability company

Chapter 11

claims through the third priority could justify the order under section 105.

Collier on Bankruptcy ¶ 507.06[2] (16th rev'd ed. 2021).

Local Bankruptcy Rule 2081-1(a)(6) requires that a motion seeking authorization to pay prepetition wages be supported by evidencing establishing the following:

- a) The employees are still employed;
- b) The necessity for payment;
- c) The benefit of the procedures;
- d) The prospect of reorganization;
- e) Whether the employees are insiders;
- f) Whether the employees' claims are within the limits established by 11 U.S.C. § 507;
- g) The payment will not render the estate administratively insolvent.

LBR 2081-1(a)(6).

Similar to § 507(a)(4), § 507(a)(5) provides that contributions to an employee benefit plan, up to the amount of \$13,650 per employee, are entitled to administrative priority status.

Having reviewed the declaration of CEO Kevin B. Schatzle, the Court finds that the Debtor has established the necessity of paying the prepetition wages and benefits as set forth in the Motion. The employees at issue remain employed and are critical to the Debtor's ongoing operations. Failure to timely pay prepetition wages could cause key employees to leave. The Debtor will not pay wages or benefits in excess of the priority caps established by § 507(a)(4) and (a)(5). The payments will not render the estate administratively insolvent because the Debtor has obtained post-petition financing in the amount of \$1,190,000. Finally, the Debtor has made a sufficient showing that it has a reasonable prospect of selling its assets. If the Motion was not approved and key employees left, the value of the Debtor's assets would be substantially reduced, to the detriment of all of the estate's creditors.

With respect to the proposed payments to CEO Schatzle and CTO Baig, the Court will require the Debtor to comply with the procedures regarding payments to insiders set forth in Local Bankruptcy Rule ("LBR") 2014-1. This requirement is without prejudice to the Debtor's ability to bring a separate motion seeking findings that the CEO and CTO are not insiders and that the Debtor should be excused from compliance with LBR 2014-1 with respect to these employees. At this point, the

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CONT... **collab9, LLC, a Delaware limited liability company**

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Debtor has failed to demonstrate that the CEO and CTO are not insiders. Section 101(31)(B) states that an insider includes an “officer of the debtor.” The CEO and CTO are obviously both officers. The Debtor argues that notwithstanding the plain language of § 101(31)(B), the CEO and CTO “are not technically officers in the context of an LLC and should not be construed to be insiders, as they are not on the Debtor’s board, and are not equity holders (members) of the Debtor.” Motion at 17. The Debtor cites no authority in support of its theory that an officer may be excluded from insider status if the officer is not on the Board of Directors and does not hold equity. The statute states simply that an officer is an insider; it does not state that only officers who are also board members and who hold equity are insiders.

The Court will not require compliance with LBR 2014-1 with respect to payments to interim Chief Financial Officer Gina Lim. Lim is an independent contractor who has provided services to the Debtor only since January 5, 2021. Under the Debtor’s governance documents, Lim has no management authority, cannot authorize or approve vendor payments, and cannot bind the Debtor in any contracts. Lim’s limited authority and status as an independent contractor establish that she is an “officer” in name only and should not be deemed an insider for purposes of § 101(31)(B).

The Debtor is authorized to pay the prepetition wages of the independent contractors under the necessity of payment doctrine. The necessity of payment doctrine authorizes approval of prepetition payments to vendors who supply services critical to the Debtor’s continued operation. The Supreme Court has recently noted that Bankruptcy Courts have approved “‘critical vendor’ orders that allow payment of an essential suppliers’ prepetition invoices.” *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973, 985, 197 L. Ed. 2d 398 (2017). The Supreme Court’s statement in *Jevic* obviously was not a holding upon the validity of a critical vendor order; nonetheless, the Supreme Court’s acknowledgment that Bankruptcy Courts have reasoned that critical vendor orders are necessary to “enable a successful reorganization and make even the disfavored creditors better off” is significant. *Id.* at 985.

More on point, in the context of a cross-collateralization clause, the Ninth Circuit has recognized that “[c]ases have permitted unequal treatment of pre-petition debts when necessary for rehabilitation, in such contexts as (i) pre-petition wages to key employees; (ii) hospital malpractice premiums incurred prior to filing; (iii) debts to providers of unique and irreplaceable supplies; and (iv) peripheral benefits under labor contracts.” *Burchinal v. Central Wash. Bank (In re Adams Apple, Inc.)*, 829 F.2d 1484, 1490 (9th Cir. 1987). The Ninth Circuit’s recognition of the necessity of paying prepetition debts to “providers of unique and irreplaceable supplies” is particularly

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CONT... collab9, LLC, a Delaware limited liability company Chapter 11

salient; that relief is most analogous to the relief sought by the instant Motion.

The Debtor has shown that its four independent contractors provide services that are critical to the Debtor's continued operations. For example, CFO Lim is an independent contractor. It would be exceptionally difficult for the Debtor to function without a CFO. The remaining independent contractors work in human resources and provide technical consulting services. The services provided by these individuals are also critical to the Debtor's continued ability to operate.

III. Conclusion

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Motion. Within seven days of the hearing, the Debtor shall lodge a proposed order incorporating this tentative ruling by reference.

Note 1

Additional information on the Debtor's business and the events precipitating the filing of the petition is set forth in the tentative ruling on the Debtor's motion for authorization to obtain debtor-in-possession financing and is not repeated here.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 24, 2021

Hearing Room 1568

10:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#6.00 Hearing
RE: [7] Debtors Emergency Motion For Order: (1) Limiting Extent Of Notice
Required For Administrative Matters; And (2) Authorizing Service By Electronic
Mail

Docket 8

Tentative Ruling:

3/23/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's motion to limit notice.

Pleadings Filed and Reviewed

- 1) Debtor's Emergency Motion for Order: (1) Limiting Extent of Notice Required for Administrative Matters; and (2) Authorizing Service by Electronic Mail; Memorandum of Points and Authorities in Support Thereof (the "Motion") [Doc. No. 7]
- 2) Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions (the "Schatzle Decl.") [Doc. No. 12]
- 3) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition. The Debtor is a cloud security service provider for managed voice, collaboration, conferencing and contact center services primarily for U.S. public sector customers. Motion at 2. The Debtor avers that its business operations have been severely undermined by Avaya, its largest creditor. Nevertheless, the Debtor asserts that it was able to find a path forward, "including obtaining funding, a commitment for additional

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essential financing, and implementation of a process to protect and preserve its business and the value of its business/assets through this chapter 11 case." *Id.* at 3. The Debtor intends to seek a sale of the company's business and assets shortly.

On March 22, 2021, the Debtor filed the instant Motion. The Debtor believes that it should be allowed to limit notice because it has approximately 100 creditors and other parties in interest. Motion at 6. The Debtor anticipates that there will be many administrative matters brought before this Court, and it argues that limiting notice with respect to these administrative matters would "greatly reduce the substantial burden and expense" that would be imposed upon the estate. Motion at 6. The Debtor also argues that "[a]ny creditor or other party in interest desiring to receive notice of administrative matters can ensure that notice will be received by filing and serving a request for special notice. The Debtor also requests to serve all notices, pleadings, and other documents by e-mail, rather than hard copies, so as to save money on postage and copying. *Id.*

The Debtor proposes to limit notice of administrative matters to: (1) the Office of the United States Trustee; (2) members of the Official Committee of Unsecured Creditors appointed in this case, if any, or its counsel, and if no committee is appointed, to the top 20 general unsecured creditors; (3) the Debtor's pre-petition secured lender and post-petition DIP lender; (4) all other entities requesting special notice by filing a written request with the Clerk of Court and serving a copy of said request on counsel for the Debtor; and (5) any other parties that the Court may direct." *Id.* at 6-7.

II. Findings of Fact and Conclusions of Law

Fed. R. Bankr. P. 2002 authorizes the Court to limit the scope of notices that debtors are required to provide. Fed. R. Bankr. P. 2002(i) states in relevant part:

Copies of all notices required to be mailed pursuant to this rule shall be mailed to the committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents. Notwithstanding the foregoing subdivisions, the court may order that notices required by subdivision (a)(2), (3) and (6) of this rule be transmitted to the United States trustee and be mailed only to the committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents and to the creditors and

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equity security holders who serve on the trustee or debtor in possession and file a request that all notices be mailed to them. A committee appointed under § 1114 shall receive copies of all notices required by subdivisions (a)(1), (a)(5), (b), (f)(2), and (f)(7), and such other notices as the court may direct.

Additionally, Fed. R. Bankr. P. 9007 provides:

When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given. When feasible, the court may order any notices under these rules to be combined.

Here, the Debtor has approximately 100 creditors and other parties in interest on its master mailing list. Requiring the Debtor to provide notice of every matter to all interested parties would be unduly burdensome and disproportionately taxing relative to the size of this case. Therefore, the Court finds that the proposed procedures limiting who receives notice, as well as the use of e-mail notice, are appropriate under the circumstances.

III. Conclusion

For the reasons set forth above, the Court is prepared to **GRANT** the Motion and allow the Debtor to limit notice in accordance with its proposed procedures.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

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2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#7.00 Hearing
RE: [8] Debtors Emergency Motion For Extension Of Time To File Schedules,
Statement Of Financial Affairs, And Lists

Docket 8

Tentative Ruling:

3/23/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's motion for extension of time to file schedules.

Pleadings Filed and Reviewed

- 1) Debtor's Emergency Motion for Extension of Time to File Schedules, Statement of Financial Affairs, and Lists; Memorandum of Points and Authorities in Support Thereof (the "Motion") [Doc. No. 8]
- 2) Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions (the "Schatzle Decl.") [Doc. No. 12]
- 3) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition. The Debtor is a cloud security service provider for managed voice, collaboration, conferencing and contact center services primarily for U.S. public sector customers. Motion at 2. The Debtor avers that its business operations have been severely undermined by Avaya, its largest creditor. Nevertheless, the Debtor asserts that it was able to find a path forward, "including obtaining funding, a commitment for additional essential financing, and implementation of a process to protect and preserve its business and the value of its business/assets through this chapter 11 case." *Id.* at 3.

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The Debtor intends to seek a sale of the company's business and assets shortly.

On March 22, 2021, the Debtor filed the instant Motion. The Debtor argues that an extension to file its schedules, statement of financial affairs, and lists is warranted because the Debtor's accounting department consists of only two people, and there is a significant amount of documentation that needs to be identified and reviewed in order for the Debtor to accurately file its schedules. *Id.* at 5. In addition, those in the accounting department who are compiling information for the Debtor's schedules also have to prepare for "annual reviews, response to various internal/external requests for company financial data and assist in sales/use tax payment, quarterly reconciliations and audits. *Id.*

II. Findings of Fact and Conclusions of Law

Federal Rule of Bankruptcy Procedure ("FRBP") 1007(c) reads, in pertinent part:

In a voluntary case, the schedules and statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule . . . any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States Trustee . . . Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

The Debtor's deadline to file its schedules is April 2, 2021; however, it has sufficiently shown that cause exists. The Debtor's accounting department is just two people and in order properly complete its schedules, and identify all of the required information: "(1) voluminous documentation and records must be reviewed; and (2) compiling and preparing the information required by the Office of the United States Trustee under its initial requirements, will require a significant amount of time and attention of the persons responsible for the necessary accounting, financial, employee-related, and other operations information." Motion at 5-6. The Court is prepared to grant the Motion because the Debtor has a small accounting department and it must review and compile a significant amount of information before it can accurately file its schedules.

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III. Conclusion

For the reasons set forth above, the Court is prepared to **GRANT** the Motion and extend the Debtor's deadline to file its schedules, statement of financial affairs, and lists from April 2, 2021 to May 2, 2021.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
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Chapter 11

#8.00 Hearing

RE: [9] Debtors Emergency Motion For Interim And Final Orders: (1) Authorizing Debtor To Obtain PostPetition Loan Secured By Senior Lien Pursuant To 11 U.S.C. § 364; (2) Authorizing Debtors Use Of Cash Collateral Pursuant To 11 U.S.C. § 363; (3) Scheduling Final Hearing On Motion; And (4) Granting Related Relief

Docket 8

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Subject to any opposition which may be presented at the hearing, the Court is prepared to approve the DIP Loan and authorize the use of cash collateral, both on an interim basis.

Pleadings Filed and Reviewed:

- 1) Debtor's Emergency Motion for Interim and Final Orders: (1) Authorizing Debtor to Obtain Postpetition Loan Secured by Senior Lien Pursuant to 11 U.S.C. § 364; (2) Authorizing Debtor's Use of Cash Collateral Pursuant to 11 U.S.C. § 363; (3) Scheduling Final Hearing on Motion; and (4) Granting Related Relief [Doc. No. 9] (the "Motion")
 - a) Declaration of Gina Lim in Support of [Motion] [Doc. No. 10]
 - b) Declaration of Haze Walker in Support of [Motion] [Doc. No. 11]
 - c) Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions [Doc. No. 12]
 - d) Order Setting Hearing on First Day Motions [Doc. No. 13]
 - e) Notice of Hearing on Emergency "First Day" Motions [Doc. No. 15]

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- f) Proof of Service Regarding "First Day" Motions [Doc. No. 16]
- g) Declaration of Maria R. Viramontes Re: Notice and Service of "First Day" Motions [Doc. No. 17]
- h) Declaration of Debbie A. Perez Re: Telephonic Notice of "First Day" Motions [Doc. No. 18]

I. Facts and Summary of Pleadings

A. Background

On March 19, 2021 (the "Petition Date"), collab9, LLC (the "Debtor") filed a voluntary Chapter 11 petition. The Debtor operates a secure cloud platform for managed voice, collaboration, conferencing, and contact center services, primarily for U.S. public sector customers. The Debtor provides a unified communications as a service ("UCaaS") platform to government agencies, including the U.S. Customs and Border Protection Agency (the "CBP"), the U.S. Health and Human Services Agency (the "HHS"), the Defense Nuclear Facilities Safety Board (the "DNFSB"), and the state of Pennsylvania. Among other services, the Debtor (1) provides phone service for the DNFSB, (2) hosts internal call centers for the human resources department of the CBP, and (3) provides voicemail for the employees of HHS who are responsible for managing the federal government's response to the COVID-19 pandemic. To provide its UCaaS platform to the public sector, the Debtor is required to obtain authorization under the Federal Risk and Authorization Management Program ("FedRAMP").

The filing of the petition was precipitated by a dispute with Avaya, Inc. ("Avaya"). On August 31, 2017, the Debtor and Avaya entered into a five-year master agreement (the "Avaya Agreement"), which provided that the Debtor would use its FedRAMP experience to assist Avaya in obtaining FedRAMP compliance for its unified communications ("UC") products. In May 2019, Avaya extended a \$10 million unsecured loan to the Debtor, convertible into equity (the "Convertible Note"), in furtherance of the Avaya Agreement. The Convertible Note prohibited the Debtor from accessing capital from any source other than Avaya, and prohibited the Debtor from selling its assets without Avaya's express approval.

The Debtor asserts that in May 2020, Avaya unilaterally terminated the Avaya Agreement without just cause. The Debtor states that the termination caused it significant harm because the Debtor had expended substantial resources to comply with the agreement. The Debtor asserts that the termination was in bad faith, and accuses Avaya of secretly developing a competing platform while simultaneously

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falsely representing to the Debtor that no such competing platform was under development.

By February 2021, the Debtor had come close to exhausting the funds available under the Convertible Note. In February 2021, the Debtor commenced an arbitration proceeding against Avaya, asserting breaches of the Avaya Agreement. According to the Debtor, Avaya structured the Convertible Note in a manner that would prevent the Debtor from raising capital from other sources, in a bad-faith effort to drive the Debtor out of business after Avaya had obtained from the Debtor the knowledge and expertise necessary to launch a competing platform.

The Debtor currently operates at a loss of approximately \$518,000 per month. As of the Petition Date, the Debtor's unsecured debt amounted to approximately \$20 million (including the disputed Convertible Note of approximately \$11.5 million).

B. The DIP Financing and Cash Collateral Motion

The Debtor seeks authorization to obtain a senior secured financing facility in the amount of \$1,770,000 (the "DIP Loan") from SecureComm LLC ("SecureComm"), an insider of the Debtor. [Note 1] The postpetition line of credit under the DIP Loan will be \$1,190,000, with the remaining \$580,000 being dedicated to a roll-up of pre-petition secured debt held by SecureComm. The Debtor's only secured debt is the \$580,000 secured claim held by SecureComm that will be satisfied through the roll-up.

The material terms of the DIP Loan are as follows:

- 1) SecureComm shall be entitled to a first priority security interest in all of the Debtor's assets and a superpriority administrative claim. SecureComm's superpriority administrative claim shall be subject to a carve-out for (a) United States Trustee fees and (b) fees of the Debtor's proposed general bankruptcy counsel, capped at \$275,000.
- 2) SecureComm shall be entitled to an origination fee of 2% of the principal amount of the DIP Loan.
- 3) The DIP Loan bears interest at the rate of 12% per annum, to be paid on a monthly basis. If an Event of Default occurs, the interest rate increases to 18% per annum.
- 4) The DIP Loan matures on June 20, 2021.
- 5) The Debtor shall be in default if the Debtor fails to meet any of the following Bankruptcy Milestones:

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- a) The Debtor shall have filed a combined motion to approve sale procedures and a sale of substantially all of the Debtor's assets no later than fourteen days subsequent to the Petition Date (the "Sale Motion").
- b) A hearing on the Sale Motion shall have occurred on or before May 20, 2021.

The Debtor also seeks authorization to use SecureComm's cash collateral to pay ordinary and necessary operating and administrative expenses in accordance with a proposed 13-week budget (the "Budget"). The most significant expenditures under the Budget are as follows (figures are for the full 13-week period):

- 1) Payroll—\$926,748
- 2) Hardware and software maintenance and support—\$537,849
- 3) Legal fees for the Debtor's proposed general bankruptcy counsel—\$355,000
- 4) Data center charges—\$194,854
- 5) Consulting fees—\$180,148
- 6) Business and medical insurance—\$177,612
- 7) Outsourcing—\$161,270

II. Findings of Fact and Conclusions of Law

A. DIP Financing

Section 364 provides in relevant part:

- (c) If the trustee is unable to obtain unsecured credit allowable under section 503(b)(1) of this title as an administrative expense, the court, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt—
 - (1) with priority over any or all administrative expenses of the kind specified in section 503(b) or 507(b) of this title;
 - (2) secured by a lien on property of the estate that is not otherwise subject to a lien; or
 - (3) secured by a junior lien on property of the estate that is subject to a lien.
- (d)(1) The court, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property of the estate that is subject to a lien only if—

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(A) the trustee is unable to obtain such credit otherwise; and
(B) there is adequate protection of the interest of the holder of the lien on the property of the estate on which such senior or equal lien is proposed to be granted.

(2) In any hearing under this subsection, the trustee has the burden of proof on the issue of adequate protection.

§ 364(c)–(d).

Having reviewed the declarations of Gina Lim (the Debtor's interim Chief Financial Officer), Haze Walker (a managing partner at the financial firm hired by the Debtor to obtain financing), and Kevin Schatzle (the Debtor's CEO), the Court finds that the Debtor was unable to obtain financing on terms more favorable than those set forth in the DIP Loan. In early February 2021, Walker contacted lenders including SG Credit Partners (a software-as-a-service, asset-based, and cashflow lender), LSQ (an accounts receivable lender), and Utica Leasing (an equipment financing lender) in an attempt to secure funding. Each of these lenders refused to provide funding. The Debtor also sought funding from Avaya and Mechanics Bank, both of whom declined. Walker, who has 22 years of experience in banking, asset-based financing, factoring, and consumer receivables lending, testifies that he does not believe that any non-insider lender would be willing to extend financing to the Debtor.

The Debtor has established that it will suffer irreparable harm absent approval of the DIP Loan. The Debtor's cash on hand totals approximately \$395,000. Because the Debtor operates at a loss of \$518,000 per month, it will lack funds sufficient to sustain operations until its assets can be sold unless the DIP Loan is approved. Under the circumstances, the Court finds that the DIP Loan is necessary to afford the Debtor the opportunity to dispose of its assets in a manner that is most likely to generate an optimal recovery for creditors.

The Debtor has no secured debt other than the \$580,000 claim held by SecureComm, which will be satisfied by the roll-up. Therefore, the granting to SecureComm of a security interest in all the Debtor's assets and a superpriority administrative claim will not impair the interests of any other secured creditors. For these reasons, the Court approves the DIP Loan on an interim basis.

The Court finds that SecureComm has extended the DIP Loan in good faith and is therefore entitled to the protections of § 364(e). Although SecureComm is an insider, Walker's testimony establishes that the Debtor was not able to obtain financing on more favorable terms.

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B. Cash Collateral

Section 363(c)(2) requires court authorization for the use of cash collateral unless "each entity that has an interest in such cash collateral consents." Absent affirmative express consent, the Debtors "may not use" cash collateral absent the Court's determination that the use is "in accordance with the provisions" of Section 363—that is, that the secured creditor's interest in the cash collateral is adequately protected. § 363(c)(2)(B) and (e).

A secured creditor's interest is adequately protected if the value of its collateral is not declining; the secured creditor is not entitled to payment to compensate for its inability to foreclose upon the collateral during bankruptcy proceedings. *United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365 (1988).

The Debtor's only secured creditor is SecureComm, whose \$580,000 secured claim will be satisfied through the DIP Loan's roll-up provision. By consenting to the provisions of the DIP Loan, SecureComm has also consented to the Debtor's use of its cash collateral.

The Court approves the Budget on an interim basis. CFO Gina Lim testifies that "[a]ll payments described in the Budget are necessary to maintain and continue the Debtor's operations and to maximize the value of the Debtor's estate," and that the failure "to make payments in accordance with the Budget could result in immediate and irreparable harm to the Debtor's operations, system security profile, critical government communications systems, the value of the Estate, and the interests of creditors." Lim Decl. at ¶ 10. Based upon this testimony, and having reviewed the Budget, the Court finds that the expenditures proposed in the Budget are necessary to preserve the Debtor as a going-concern while its assets are marketed.

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C. Final Hearing

A final hearing on the Motion shall take place on **April 20, 2021 at 11:00 a.m.** Opposition to final approval of the DIP Loan and the continued use of cash collateral shall be filed no later than **April 6, 2021**. The Debtor's reply in support of the Motion is due by **April 14, 2021**. The Debtor shall file an updated Budget by **April 13, 2021**, even if no opposition to the Motion is filed. No later than **March 26, 2021**, the Debtor shall provide notice of the final hearing to interested parties and shall file a proof of

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service so indicating.

Chapter 11

III. Conclusion

Subject to any opposition which may be presented at the hearing, the Court is prepared to approve the DIP Loan and authorize the use of cash collateral, both on an interim basis. Within seven days of the hearing, the Debtor shall lodge a proposed order incorporating this tentative ruling by reference.

Note 1

The Debtor is 50% owned by Dinco Inc. and 50% owned by Dollab, LLC ("Dollab"). Dollab is an affiliate of SecureComm. Prior to the Petition Date, Dollab extended a secured loan in the amount of \$200,000 to the Debtor, which Dollab subsequently assigned to SecureComm. The Debtor acknowledges that SecureComm is an insider. *See* Motion at 21 ("As noted above, the DIP Lender is an insider of the Debtor").

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
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2:16-25740 QUIGG LA11, LLC and JONATHAN JACKSON, INC., a

Chapter 7

#100.00 HearingRE: [456] Motion to Consolidate Lead Case 2:16-bk-25740-ER with 2:16-bk-25763-ER; 2:16-bk-25768-ER; 2:16-bk-25782-ER; 2:16-bk-25783-ER; 2:16-bk-25784-ER; 2:16-bk-25786-ER; 2:16-bk-25787-ER (Lev, Daniel)

Docket 456

Tentative Ruling:

3/23/2021

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For the reasons set forth below, the Motion is GRANTED.

Pleadings Filed and Reviewed:

1. Chapter 7 Trustee's Motion for Order Authorizing Substantive Consolidation of Quigg LA 11, LLC, Quigg LA 13, LLC, Quigg LA 15, LLC, Quigg LA 17, LLC, Quigg LA 18, LLC, Quigg LA 19, LLC, Argan Properties, Inc., and Quigg Builders, Inc. Estates; Memorandum of Points and Authorities; Declaration of Elissa D. Miller in Support Thereof (the "Motion") [Doc. No. 456]
2. As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On November 30, 2016, Quigg LA 11 (the "Debtor"), along with Quigg 13, Quigg 15, Quigg 17, Quigg 18, Quigg 19, Ardan Properties, and Quigg Builders (collectively the "Quigg Entities") filed their separate voluntary chapter 7 petitions. On January 11, 2017, this Court granted Elissa Miller's (the "Trustee") motion to jointly administer all of abovementioned cases. Because the Quigg Entities' cases have been jointly administered, the Trustee now seeks substantive consolidation, arguing that "it would be extremely cumbersome and expensive (with no discernable

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benefit to creditors) to attempt to separate the months of operating expenses, the receipt of recoveries from avoidance power actions, and the time of professionals, in eight distinct estates." Motion at 5.

The principal of the Quigg Entities is Robert Quigg ("Robert"), a Canadian real estate developer who specialized in the construction and redevelopment of multi-family properties and luxury residences. Quigg 11, Quigg 13, Quigg 15, Quigg 17, Quigg 18, and Quigg 19 are single purpose entities established to hold title to various luxury homes or vacant land located in Beverly Hills and in the Bel Air, Hancock Park, and Windsor Square sections of Los Angeles. As of the petition date, the properties were in various stages of redevelopment. Quigg Builders acted as the general contractor for the redevelopment, and Ardan Properties was designated as the owner of the Quigg Entities. *Id.* at 6-7.

Prior to filing for bankruptcy, the Quigg Entities stopped paying their creditors, and Robert began a systematic process of draining the available cash from the estates of the Quigg Entities and then making large distributions to certain preferred creditors' estates. *Id.* at 8. Upon discovering this, Elisa Miller (the "Trustee") commenced numerous avoidance actions, and recovered approximately \$200,000. *Id.*

In support of her Motion, the Trustee argues that, if the Motion is denied, the work she and the professionals have done in the case would necessitate allocating the operational and litigation expenses between eight estates and filing eight separate final estate tax returns. She also avers that most of the creditors in the Quigg Entities' bankruptcy cases hold claims against more than one of the Quigg Entities. *Id.* at 15-18. For example, Mulligan's Painters, Inc. holds a claim against Quigg 11, Quigg 13, and Quigg Builders Estates. *Id.* at 17. The Trustee asserts that, because most of the creditors hold claims against multiple of the Quigg Entities' estates, that shows that the creditors viewed the Quigg Entities as one entity, and not eight separate ones. Finally, the Trustee also notes that "other than the Quigg 11 and Quigg Builders Estates, the other six estates have very few, if any, creditors who have not filed claims in other estates" and substantive consolidation will have no appreciable effect on the creditors. *Id.* at 19 & 21.

II. Findings and Conclusions

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Central District of California
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QUIGG LA11, LLC and JONATHAN JACKSON, INC., a

Chapter 7

The Bankruptcy Code contains no provision permitting the substantive consolidation of two bankruptcy estates. "[T]he power of substantive consolidation derives from the bankruptcy court's general equity powers as expressed in § 105 of the Bankruptcy Code." *Bonham v. Alexander (In re Bonham)*, 229 F.3d 750, 764 (9th Cir. 2000). The primary purpose of substantive consolidation "is to ensure the equitable treatment of all creditors." *Bonham*, 229 F.3d at 764. The purpose and effect of substantive consolidation are explained in *Bonham*:

Orders of substantive consolidation combine the assets and liabilities of separate and distinct—but related—legal entities into a single pool and treat them as though they belong to a single entity. Substantive consolidation 'enabl[es] a bankruptcy court to disregard separate corporate entities, to pierce their corporate veils in the usual metaphor, in order to reach assets for the satisfaction of debts of a related corporation.' The consolidated assets create a single fund from which all claims against the consolidated debtors are satisfied; duplicate and inter-company claims are extinguished; and, the creditors of the consolidated entities are combined for purposes of voting on reorganization plans. Without the check of substantive consolidation, debtors could insulate money through transfers among inter-company shell corporations with impunity.

Bonham, 229 F.3d at 764 (9th Cir. 2000) (internal citations omitted).

The Ninth Circuit has adopted the Second Circuit's test for determining whether substantive consolidation is appropriate. *Id.* at 766. That test requires consideration of two factors: "(1) whether creditors dealt with the entities as a single economic unit and did not rely on their separate identity in extending credit ... or (2) whether the affairs of the debtors are so entangled that consolidation will benefit all creditors" *Union Savings Bank v. Augie/Restivo Baking Co., Ltd. (In re Augie/Restivo Baking Co., Ltd.)*, 860 F.2d 515, 518 (2d Cir. 1988). As explained by the Ninth Circuit:

The presence of either factor is a sufficient basis to order substantive consolidation. *See id.* The first factor, reliance on the separate credit of the entity, is based on the consideration that lenders "structure their loans according to their expectations regarding th[e] borrower and do not anticipate

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, March 24, 2021

Hearing Room 1568

11:00 AM

CONT...

QUIGG LA11, LLC and JONATHAN JACKSON, INC., a

Chapter 7

either having the assets of a more sound company available in the case of insolvency or having the creditors of a less sound debtor compete for the borrower's assets." *In re Augie/Restivo*, 860 F.2d at 518–19. Consolidation under the second factor, entanglement of the debtor's affairs, is justified only where "the time and expense necessary even to attempt to unscramble them [is] so substantial as to threaten the realization of any net assets for all the creditors" or where no accurate identification and allocation of assets is possible." *Id.* at 519.

Bonham, 229 F.3d at 766 (9th Cir. 2000). The Second Circuit case supplying the substantive consolidation standard adopted by the Ninth Circuit provides that the remedy is "to be used sparingly." *In re Augie/Restivo Baking Co., Ltd.*, 860 F.2d 515, 518 (2d Cir. 1988).

Here, the Court finds that substantive consolidation is appropriate under the circumstances, and both factors of the *Augie/Restivo* test are met. To address the second factor first, "whether the affairs of the debtors are so entangled that consolidation will benefit all creditors," substantive consolidation is only justified where "the time and expense necessary even to attempt to unscramble [the Quigg Entities is] so substantial as to threaten the realization of any net assets for all the creditors or where no accurate identification and allocation of assets is possible." *Augie/Restivo*, 860 F.2d at 518; *Bonham*, 229 F.3d at 766. In support of a finding of substantive consolidation under the second factor, the Trustee argues that consolidation "will curtail potential administrative expenses that could possibly be incurred if the estates are maintained and administered solely as separate, jointly administered estates." Motion at 15. Furthermore, she asserts that maintaining separate estates would necessitate the filing of estate tax returns for each of the Quigg Entities, which would be both "expensive and unnecessary." *Id.* As these Quigg Entities' bankruptcy cases are winding down, the Trustee and the professionals have engaged in a substantial amount of work - to then be required to allocate the operational and litigation expenses between each of the estates would require a substantial amount of time and expense that would "threaten the realization of any net assets for all the creditors." *Bonham*, 229 F.3d at 766. It is evident that if the Trustee were required to expend more resources on each individual case, the creditors would be harmed by receiving a smaller payout. Therefore, the second factor in the *Augie/Restivo* test is met.

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CONT... QUIGG LA11, LLC and JONATHAN JACKSON, INC., a

Chapter 7

The rationale for the first factor, "whether creditors dealt with the entities as a single economic unit and did not rely on their separate identity in extending credit," is that creditors "do not anticipate either having the assets of a more sound company available in the case of insolvency or having the creditors of a less sound debtor company for the borrower's assets." *Augie/Restivo*, 860 F.2d at 518; *Bonham*, 229 F.3d at 766. In *Bonham*, the court came to the conclusion that the second factor of the *Augie/Restivo* test was met because there was "no clear demarcation" between the debtor entities. 229 F.3d at 767. Here, the Trustee makes a convincing argument that the various creditors treated the Quigg Entities as one entity, not eight. The Quigg Entities held themselves out as a single unit and there was no "clear demarcation" between the them because the separate LLCs were established in furtherance of its operation as a single enterprise. *Id.* Numerous creditors have claims against more than one of the Quigg Entities, and many of them are identical. For example, Commodity Trucking Acquisition LLC holds identical claims against Quigg 15 and Quigg Builders Estates, and Morgan Newfield and William Emer hold identical claims against all eight of the Quigg Entities. Motion at 16 & 18. The duplicate claims, coupled with the lack of demarcation between the Quigg Entities is evidence that creditors were treating the Quigg Entities as one organization, rather than eight. Therefore, the first factor of the *Augie/Restivo* test is also met.

III. Conclusion

For the reasons set forth above, the Trustee's Motion is GRANTED in its entirety.

The Trustee is directed to lodge conforming proposed orders, incorporating the tentative ruling by reference, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
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11:00 AM

CONT... QUIGG LA11, LLC and JONATHAN JACKSON, INC., a

Chapter 7

Debtor(s):

QUIGG LA11, LLC

Represented By
David M Reeder

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Asa S Hami
Jessica Vogel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Thursday, March 25, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

#1.00 Trial Date Set

RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

FR. 1-27-20; 2-24-20; 4-27-20; 5-25-20; 9-28-20; 1-25-21

Docket 13

***** VACATED *** REASON: CONTINUED 5-25-21 AT 9:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

**United States Bankruptcy Court
Central District of California
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Thursday, March 25, 2021

Hearing Room 1568

9:00 AM

CONT... **Verity Health System of California, Inc.**

Chapter 11

Sam J Alberts
Shirley Cho
Patrick Maxcy

Defendant(s):

HERITAGE PROVIDER

Pro Se

Plaintiff(s):

VERITY HEALTH SYSTEM OF

Represented By
Steven J Kahn

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 29, 2021

Hearing Room 1568

9:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01111 Danny's Silver Jewelry Inc., a California cor v. Zendedel

#1.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01111. Complaint by Danny's Silver Jewelry Inc., a California corporation, dba Danny's Silver, Inc., dba Danny's Silver & Gold against Bahram Zendedel. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Tabibi, Nico)

fr. 4-14-20; 11-30-20

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11-17-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Bahram Zendedel

Pro Se

Plaintiff(s):

Danny's Silver Jewelry Inc., a

Represented By
Nico N Tabibi

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Monday, March 29, 2021

Hearing Room 1568

9:00 AM

2:19-12402 Ryan James McMillin

Chapter 7

Adv#: 2:19-01137 Elite Optoelectronics Co., Ltd a China Limited Lia v. McMillin et al

#2.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01137. Complaint by G-Sight Solutions, LLC against Ryan James McMillin, G-Sight Solutions, Inc., a California Corporation. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(14 (Recovery of money/property - other)) (Zshornack, Errol)

fr: 1-25-21

Docket 1

***** VACATED *** REASON: CONTINUED 5-24-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan James McMillin

Represented By
John A Harbin

Defendant(s):

Ryan James McMillin

Represented By
Steven J Renshaw
Errol J Zshornack
Peter J Tormey

G-Sight Solutions, Inc., a California

Pro Se

Plaintiff(s):

Elite Optoelectronics Co., Ltd a

Represented By
Peter J Tormey
Errol J Zshornack

G-Sight Solutions, LLC, a California

Represented By

**United States Bankruptcy Court
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Monday, March 29, 2021

Hearing Room 1568

9:00 AM

CONT...

Ryan James McMillin

Chapter 7

Peter J Tormey
Errol J Zshornack

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Monday, March 29, 2021

Hearing Room 1568

9:00 AM

2:19-17235 Ruben Lino Zuniga

Chapter 7

Adv#: 2:20-01118 Kwok v. Zuniga

#3.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01118. Complaint by Richard Kwok against Ruben Lino Zuniga. (d),(e)),(65 (Dischargeability - other)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (MacBride, Richard)

Docket 1

***** VACATED *** REASON: DISMISSED 6/19/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Lino Zuniga

Represented By
Raymond J Bulaon

Defendant(s):

Ruben L Zuniga

Pro Se

Plaintiff(s):

Richard Kwok

Represented By
Richard MacBride

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 29, 2021

Hearing Room 1568

9:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01119 Rodriguez v. Arid

#4.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01119. Complaint by Luis Rodriguez against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brown, David)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 8-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Luis Rodriguez

Represented By
Brian Center
David W Brown

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 29, 2021

Hearing Room 1568

9:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01120 Frooza, Inc. v. Arid

#5.00

Trial Date Set

RE: [1] Adversary case 2:20-ap-01120. Complaint by Frooza, Inc. against Jonathan Andrew Arid

Docket 3

***** VACATED *** REASON: PER ORDER ENTERED 8-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Frooza, Inc.

Represented By
Matthew Malczynski

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, March 29, 2021

Hearing Room 1568

10:00 AM

2:21-11388 Nam Sup Yi

Chapter 7

#100.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1528 W. 7th Street, Los Angeles, CA 90017 . # 2 Exhibit Exhibit B (Notice) # 3 Exhibit Exhibit C (Complaint)) (Cruz, Joseph)

Docket 9

Tentative Ruling:

3/26/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Notwithstanding the Notice of Dismissal [Doc. No. 12] the Court retains jurisdiction as to the determination of the automatic stay in the instant Motion.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after a the Movant caused a notice to be quit to be served on the Debtor. The Movant filed an unlawful detainer action on January 21, 2021.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R.

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Monday, March 29, 2021

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10:00 AM

CONT... **Nam Sup Yi**
867, 876 (Bankr. C.D. Cal. 2002).

Chapter 7

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

This order does not terminate any state or federal moratorium on evictions, foreclosures, or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Nam Sup Yi

Represented By
Young K Chang

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 29, 2021

Hearing Room 1568

10:00 AM

2:21-11137 Ruben Duran, Jr.

Chapter 7

#101.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 HONDA ACCORD .

Docket 8

Tentative Ruling:

3/26/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court has reviewed the "Voluntary Surrender of Collateral" form (attached as Ex. 4 to the Motion), indicating the Debtor's intent to surrender the vehicle, and finds it sufficient.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge,

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 29, 2021

Hearing Room 1568

10:00 AM

CONT... Ruben Duran, Jr.

Chapter 7

the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Ruben Duran Jr.

Represented By
Gregory M Shanfeld

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, March 29, 2021

Hearing Room 1568

10:00 AM

2:21-10962 Godfrey Soul Wilson

Chapter 7

#102.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Civic, VIN: 19XFC1F96GE214781 . (Ith, Sheryl)

Docket 10

Tentative Ruling:

3/26/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

In his March 15, 2021 Response, the Debtor asserts that he will file a Motion to Redeem the vehicle in question. Therefore, this order granting stay relief will not take effect until April 21, 2021. The Debtor must file a Motion to Redeem by no later than

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10:00 AM

CONT... Godfrey Soul Wilson

Chapter 7

March 31, 2021, and that Motion will be heard on April 20, 2021, at 11:00 a.m. If the Debtor does not file timely file the Motion, the Creditor may submit a supplemental order that will take effect immediately.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Godfrey Soul Wilson

Represented By
Michael T Reid

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, March 31, 2021

Hearing Room 1568

10:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

- #1.00 Hearing
RE: [5] Emergency motion for Entry of Order: (1) Authorizing Debtor to Pay Prepetition Wages and Compensation, (2) Authorizing Debtor to Honor and Continue Prepetition Employee Benefit Programs, (3) Authorizing Debtor to Pay Prepetition Commissions, and (4) Waiving 14-Day Stay

Docket 5

Tentative Ruling:

3/30/21 4:06 PM **Revised Tentative Ruling**

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's motion to pay prepetition wages.

Pleadings Filed and Reviewed:

- 1) Motion for Entry of Order: (1) Authorizing Debtor to Pay Prepetition Wages and Compensation, (2) Authorizing Debtor to Honor and Continue Prepetition Employee Benefit Programs, (3) Authorizing Debtor to Pay Prepetition Commissions, and (4) Waiving 14-day Stay [Doc. No. 5] (the "Motion")
 - a) Declaration of John H. Bryant III in Support of First Day Motions [Doc. No. 9]
 - b) Notice of Hearing on First Day Motions [Doc. No. 15]
 - c) Declaration of Michael G. D'Alba Re Notice of First Day Motions
- 2) **Opposition of the United States Trustee to Motion for Entry of Order: (1) Authorizing Debtor to Pay Prepetition Wages and Compensation, (2) Authorizing Debtor to Honor and Continue Prepetition Employee Benefit Programs, (3) Authorizing Debtor to Pay Prepetition Commissions, and (4) Waiving 14-day Stay**

I. Facts and Summary of Pleadings

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, March 31, 2021

Hearing Room 1568

10:00 AM

CONT...

J.H. Bryant Jr., Inc.

Chapter 11

On March 26, 2021 (the "Petition Date"), J.H. Bryant, Jr., Inc. (the "Debtor") filed a voluntary Chapter 11 petition. The Debtor has elected to proceed under Subchapter V of Chapter 11. Susan K. Seflin of Brutzkus Gubner Rozansky Seror Weber LLP has been appointed as the Subchapter V Trustee.

The Debtor is a general contractor for commercial and industrial remodeling that was founded in 1951. The Debtor remodels coffee shops, bank branches, schools, and similar facilities, and has approximately 85 full-time employees.

The Debtor's president, John H. Bryant III ("Bryant"), holds 40% of its equity; the remaining 60% of the Debtor's equity is held by the Survivor's Trust of the Amended and Restated Bryant Family Trust dated January 1, 1986 (the "Trust"). Bryant is also the president of J.H. Bryant, Jr. Contractors, Inc., which has not sought bankruptcy protection.

The filing of the petition was precipitated by two state court judgments against the Debtor. The judgments resulted from a financial scheme involving Bryant's brother, who is now incarcerated. In connection with one of the judgments, the Debtor reached a settlement requiring it to pay \$772,000. Bryant loaned the Debtor the funds to make an initial settlement payment; the amount still owed under the settlement is approximately \$305,000. The other judgment, in the amount of \$1,531,066.34, was entered against the Debtor on March 8, 2021.

The Debtor seeks authorization to pay the prepetition wages of its hourly employees, and to continue to honor the prepetition benefits of its salaried employees. (The Debtor paid the prepetition wages of salaried employees prior to the Petition Date, on March 24, 2021. The March 24 payment included a prepayment of wages earned through March 31, 2021.) The Debtor has 66 full-time hourly employees and 19 full-time salaried employees.

The next payroll for hourly employees covers the period from March 15, 2021 through March 28, 2021. The Debtor sought bankruptcy protection on March 26, 2021, so this period includes twelve days' worth of prepetition wages.

Bryant, the Debtor's president, was inadvertently included among the salaried employees who were prepaid on March 24. As to the six days of post-petition earnings that were paid to Bryant on March 24, the Debtor seeks to be excused from complying with the procedures regarding payments to insiders set forth in Local Bankruptcy Rule ("LBR") 2014-1. The Debtor states that going forward, it will comply with LBR 2014-1's requirements with respect to payments to Bryant.

The Debtor also seeks authorization to immediately pay insiders John D. Bryant and Gregory Bryant, who are Bryant's nephews. The Debtor argues that requiring

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Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

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Hearing Room 1568

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CONT...

J.H. Bryant Jr., Inc.

Chapter 11

payments to the nephews to be delayed under the insider compensation procedures would impose a financial hardship upon them, because each nephew earns approximately only \$75,000 per year.

Finally, the Debtor seeks authorization to pay its salesperson, Christopher Valois, up to \$17,149.02 in post-petition commissions. Valois is entitled to the commissions on account of jobs that began prior to the Petition Date but that will not be completed until subsequent to the Petition Date. The Debtor argues that the \$13,650 priority cap set forth in § 507(a)(4) does not apply to Valois' commissions because Valois will not become entitled to receive the commissions until the jobs have been completed, which will not occur until after the Petition Date.

The United States Trustee (the "UST") opposes the Debtor's requests for authorization to immediately pay Bryant's nephews and to excuse compliance with the insider compensation procedures with respect to the six days of post-petition earnings paid to Bryant. The UST states that he has not had sufficient time to evaluate whether the compensation to Bryant's nephews is reasonable. The UST argues that if financial hardship were sufficient to waive the insider compensation requirements, then every single Chapter 11 debtor would request the same treatment.

II. Findings of Fact and Conclusions of Law

A. The Debtor is Authorized to Pay the Prepetition Wages of its Hourly Employees

Section 507(a)(4) designates "wages, salaries, or commissions, including vacation, severance, and sick leave pay" that are earned by an individual "within 180 days before the date of the filing of the petition" as a fourth-priority claim, subject to a limit of \$13,650 for each claimant. A leading national bankruptcy treatise explains:

[B]ecause wages are priority claims, courts have often permitted debtors to pay prepetition wage claims in the ordinary course in response to a motion filed by a debtor in possession at the commencement of a chapter 11 case. The ability to ensure that the employees receive their unpaid prepetition salary and do not miss a paycheck is critical to obtaining the stability necessary for the transition to operating as a debtor in possession. If wage claims were not entitled to priority, it would be difficult to justify "first day" orders approving payments of prepetition wages. There is no clear statutory authority for such first day orders, although a court with some confidence in the debtor's ability to satisfy claims through the third priority could justify the order under section 105.

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Collier on Bankruptcy ¶ 507.06[2] (16th rev'd ed. 2021).

Local Bankruptcy Rule 2081-1(a)(6) requires that a motion seeking authorization to pay prepetition wages be supported by evidencing establishing the following:

- a) The employees are still employed;
- b) The necessity for payment;
- c) The benefit of the procedures;
- d) The prospect of reorganization;
- e) Whether the employees are insiders;
- f) Whether the employees' claims are within the limits established by 11 U.S.C. § 507;
- g) The payment will not render the estate administratively insolvent.

LBR 2081-1(a)(6).

Similar to § 507(a)(4), § 507(a)(5) provides that contributions to an employee benefit plan, up to the amount of \$13,650 per employee, are entitled to administrative priority status.

Having reviewed the declaration John H. Bryant III, the Debtor's president, the Court finds that the Debtor has established the necessity of paying the prepetition wages of its hourly employees. The employees at issue remain employed. The Debtor's failure to timely pay prepetition wages would be detrimental to morale and would likely cause some employees to depart, which would disrupt the Debtor's ability to complete ongoing construction projects. *See In re CEI Roofing, Inc.*, 315 B.R. 50, 61 (Bankr. N.D. Tex. 2004) ("Thus, there has evolved a rule for the payment of prepetition wages and benefits which is based on both common sense and the express provisions of the Bankruptcy Code. If employees are not paid, they will leave. If they leave the Debtor's business, the bankruptcy case fails shortly after the filing. No one will benefit from the process."). Given that the filing of the petition was precipitated by the judgments against the Debtor rather than weakness in the Debtor's underlying business, it does not appear that the payments will render the state administratively insolvent. The showing made by the Debtor as to its prospects for reorganization is sufficient to support payment of the wages.

B. The Debtor is Authorized to Immediately Pay John D. Bryant and Gregory Bryant as Though They Are Not Insiders

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Local Bankruptcy Rule (“LBR”) 2014-1(a)(1) requires that a debtor wishing to make payments to insiders first file and serve a *Notice of Setting/Increasing Insider Compensation* (the “Notice”) that complies with procedures promulgated by the United States Trustee (the “UST”). If no objection to the Notice is filed within fourteen days, the insider may receive compensation from the estate. LBR 2014-1(a)(3). If an objection is filed, the insider may not be paid until after a hearing on not less than 21 days’ notice. LBR 2014-1(a)(4).

John D. Bryant and Gregory Bryant are insiders because they are nephews of John H. Bryant III, the Debtor’s president. *See* § 101(31)(B)(iv) (an insider includes a relative of an officer of the debtor). John D. Bryant works for the Debtor as an Electrical Supervisor and Gregory Bryant works for the Debtor as an Electrical Trainee. Each of the nephews earns approximately \$75,000 per year.

Notwithstanding LBR 2014-1, the Debtor is authorized to immediately pay John D. Bryant and Gregory Bryant as though they are not insiders. The \$75,000 salary of these employees is consistent with the market rate for the work they perform, as opposed to an inflated rate influenced by their insider status. Requiring the Debtor to delay payment until the fourteen-day notice period runs could subject these employees to financial hardship. The Court is authorized to “waive the application of any Local Bankruptcy Rule in any case or proceeding ... in the interest of justice.” LBR 1001-1(d). The Court finds it appropriate to waive the application of LBR 2014-1 to allow John D. Bryant and Gregory Bryant to be paid at the same time as the Debtor’s other employees. However, this waiver is without prejudice to the ability of any party to object to and seek disgorgement of the compensation paid to John B. Bryant and Gregory Bryant on the ground that it is excessive.

C. The Debtor is Excused From Compliance with the Insider Compensation Restrictions as to the Six Days of Postpetition Earnings Paid to John H. Bryant III

Prior to the Petition Date, the Debtor inadvertently paid its president, John H. Bryant III, six days’ worth of post-petition earnings. The Debtor’s request to be excused from compliance with LBR 2014-1’s procedures regarding insider compensation with respect to these six days of post-petition earnings is granted. Again, this waiver is without prejudice to the ability of any party to object to and seek disgorgement of Bryant’s compensation on the ground that it is excessive.

D. The Debtor is Authorized to Pay Christopher Valois Up to \$17,149.02 in

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Postpetition Commissions

The Court finds that commissions owed to Christopher Valois on account of jobs that began prior to the Petition Date but that will not be completed until subsequent to the Petition Date do not constitute prepetition wages. Valois is not entitled to receive a commission until a job has been completed and the client has been paid. Because Valois' right to payment arises after the Petition Date, Valois' commissions do not constitute a pre-petition claim. Instead, the commissions qualify as an expense that the Debtor may pay in the ordinary course of business without Court approval pursuant to § 363(c). [Note 1]

III. Conclusion

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Motion in its entirety.

Note 1

In addition to asserting that Valois is entitled to be paid commissions in the ordinary course of business under § 363(c), the Debtor argues in the alternative that Valois' commissions are payable under a "critical vendor" theory. Having found that the commissions constitute a post-petition ordinary-course expense, the Court need not reach the merits of the Debtor's "critical vendor" argument.

3/30/2021 (Prior Tentative)

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Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's motion to pay prepetition wages.

Pleadings Filed and Reviewed:

3) Debtor's Emergency Motion for Order Authorizing Payment and/or Honoring of

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Prepetition Workforce Obligations, Including Compensation, Benefits, Reimbursements, Withholding Taxes, Accrued Vacation, and Related Claims [Doc. No. 6] (the "Motion")

- a) Declaration of John H. Bryant III in Support of First Day Motions [Doc. No. 9]
- b) Notice of Hearing on First Day Motions [Doc. No. 15]
- c) Declaration of Michael G. D'Alba Re Notice of First Day Motions [Doc. No. 17]

I. Facts and Summary of Pleadings

On March 26, 2021 (the "Petition Date"), J.H. Bryant, Jr., Inc. (the "Debtor") filed a voluntary Chapter 11 petition. The Debtor has elected to proceed under Subchapter V of Chapter 11. As of the date of issuance of this tentative ruling, a Subchapter V Trustee has not yet been appointed.

The Debtor is a general contractor for commercial and industrial remodeling that was founded in 1951. The Debtor remodels coffee shops, bank branches, schools, and similar facilities, and has approximately 85 full-time employees.

The Debtor's president, John H. Bryant III ("Bryant"), holds 40% of its equity; the remaining 60% of the Debtor's equity is held by the Survivor's Trust of the Amended and Restated Bryant Family Trust dated January 1, 1986 (the "Trust"). Bryant is also the president of J.H. Bryant, Jr. Contractors, Inc., which has not sought bankruptcy protection.

The filing of the petition was precipitated by two state court judgments against the Debtor. The judgments resulted from a financial scheme involving Bryant's brother, who is now incarcerated. In connection with one of the judgments, the Debtor reached a settlement requiring it to pay \$772,000. Bryant loaned the Debtor the funds to make an initial settlement payment; the amount still owed under the settlement is approximately \$305,000. The other judgment, in the amount of \$1,531,066.34, was entered against the Debtor on March 8, 2021.

The Debtor seeks authorization to pay the prepetition wages of its hourly employees, and to continue to honor the prepetition benefits of its salaried employees. (The Debtor paid the prepetition wages of salaried employees prior to the Petition Date, on March 24, 2021. The March 24 payment included a prepayment of wages earned through March 31, 2021.) The Debtor has 66 full-time hourly employees and 19 full-time salaried employees.

The next payroll for hourly employees covers the period from March 15, 2021 through March 28, 2021. The Debtor sought bankruptcy protection on March 26,

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2021, so this period includes twelve days' worth of prepetition wages.

Bryant, the Debtor's president, was inadvertently included among the salaried employees who were prepaid on March 24. As to the six days of post-petition earnings that were paid to Bryant on March 24, the Debtor seeks to be excused from complying with the procedures regarding payments to insiders set forth in Local Bankruptcy Rule ("LBR") 2014-1. The Debtor states that going forward, it will comply with LBR 2014-1's requirements with respect to payments to Bryant.

The Debtor also seeks authorization to immediately pay insiders John D. Bryant and Gregory Bryant, who are Bryant's nephews. The Debtor argues that requiring payments to the nephews to be delayed under the insider compensation procedures would impose a financial hardship upon them, because each nephew earns approximately only \$75,000 per year.

Finally, the Debtor seeks authorization to pay its salesperson, Christopher Valois, up to \$17,149.02 in post-petition commissions. Valois is entitled to the commissions on account of jobs that began prior to the Petition Date but that will not be completed until subsequent to the Petition Date. The Debtor argues that the \$13,650 priority cap set forth in § 507(a)(4) does not apply to Valois' commissions because Valois will not become entitled to receive the commissions until the jobs have been completed, which will not occur until after the Petition Date.

II. Findings of Fact and Conclusions of Law

A. The Debtor is Authorized to Pay the Prepetition Wages of its Hourly Employees

Section 507(a)(4) designates "wages, salaries, or commissions, including vacation, severance, and sick leave pay" that are earned by an individual "within 180 days before the date of the filing of the petition" as a fourth-priority claim, subject to a limit of \$13,650 for each claimant. A leading national bankruptcy treatise explains:

[B]ecause wages are priority claims, courts have often permitted debtors to pay prepetition wage claims in the ordinary course in response to a motion filed by a debtor in possession at the commencement of a chapter 11 case. The ability to ensure that the employees receive their unpaid prepetition salary and do not miss a paycheck is critical to obtaining the stability necessary for the transition to operating as a debtor in possession. If wage claims were not entitled to priority, it would be difficult to justify "first day" orders approving payments of prepetition wages. There is no clear statutory authority for such first day

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orders, although a court with some confidence in the debtor's ability to satisfy claims through the third priority could justify the order under section 105.

Collier on Bankruptcy ¶ 507.06[2] (16th rev'd ed. 2021).

Local Bankruptcy Rule 2081-1(a)(6) requires that a motion seeking authorization to pay prepetition wages be supported by evidencing establishing the following:

- h) The employees are still employed;
- i) The necessity for payment;
- j) The benefit of the procedures;
- k) The prospect of reorganization;
- l) Whether the employees are insiders;
- m) Whether the employees' claims are within the limits established by 11 U.S.C. § 507;
- n) The payment will not render the estate administratively insolvent.

LBR 2081-1(a)(6).

Similar to § 507(a)(4), § 507(a)(5) provides that contributions to an employee benefit plan, up to the amount of \$13,650 per employee, are entitled to administrative priority status.

Having reviewed the declaration John H. Bryant III, the Debtor's president, the Court finds that the Debtor has established the necessity of paying the prepetition wages of its hourly employees. The employees at issue remain employed. The Debtor's failure to timely pay prepetition wages would be detrimental to morale and would likely cause some employees to depart, which would disrupt the Debtor's ability to complete ongoing construction projects. *See In re CEI Roofing, Inc.*, 315 B.R. 50, 61 (Bankr. N.D. Tex. 2004) ("Thus, there has evolved a rule for the payment of prepetition wages and benefits which is based on both common sense and the express provisions of the Bankruptcy Code. If employees are not paid, they will leave. If they leave the Debtor's business, the bankruptcy case fails shortly after the filing. No one will benefit from the process."). Given that the filing of the petition was precipitated by the judgments against the Debtor rather than weakness in the Debtor's underlying business, it does not appear that the payments will render the state administratively insolvent. The showing made by the Debtor as to its prospects for reorganization is sufficient to support payment of the wages.

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B. The Debtor is Authorized to Immediately Pay John D. Bryant and Gregory Bryant as Though They Are Not Insiders

Local Bankruptcy Rule (“LBR”) 2014-1(a)(1) requires that a debtor wishing to make payments to insiders first file and serve a *Notice of Setting/Increasing Insider Compensation* (the “Notice”) that complies with procedures promulgated by the United States Trustee (the “UST”). If no objection to the Notice is filed within fourteen days, the insider may receive compensation from the estate. LBR 2014-1(a)(3). If an objection is filed, the insider may not be paid until after a hearing on not less than 21 days’ notice. LBR 2014-1(a)(4).

John D. Bryant and Gregory Bryant are insiders because they are nephews of John H. Bryant III, the Debtor’s president. *See* § 101(31)(B)(iv) (an insider includes a relative of an officer of the debtor). John D. Bryant works for the Debtor as an Electrical Supervisor and Gregory Bryant works for the Debtor as an Electrical Trainee. Each of the nephews earns approximately \$75,000 per year.

Notwithstanding LBR 2014-1, the Debtor is authorized to immediately pay John D. Bryant and Gregory Bryant as though they are not insiders. The \$75,000 salary of these employees is consistent with the market rate for the work they perform, as opposed to an inflated rate influenced by their insider status. Requiring the Debtor to delay payment until the fourteen-day notice period runs could subject these employees to financial hardship. The Court is authorized to “waive the application of any Local Bankruptcy Rule in any case or proceeding ... in the interest of justice.” LBR 1001-1(d). The Court finds it appropriate to waive the application of LBR 2014-1 to allow John D. Bryant and Gregory Bryant to be paid at the same time as the Debtor’s other employees. However, this waiver is without prejudice to the ability of any party to object to and seek disgorgement of the compensation paid to John B. Bryant and Gregory Bryant on the ground that it is excessive.

C. The Debtor is Excused From Compliance with the Insider Compensation Restrictions as to the Six Days of Postpetition Earnings Paid to John H. Bryant III

Prior to the Petition Date, the Debtor inadvertently paid its president, John H. Bryant III, six days’ worth of post-petition earnings. The Debtor’s request to be excused from compliance with LBR 2014-1’s procedures regarding insider compensation with respect to these six days of post-petition earnings is granted. Again, this waiver is without prejudice to the ability of any party to object to and seek disgorgement of Bryant’s compensation on the ground that it is excessive.

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D. The Debtor is Authorized to Pay Christopher Valois Up to \$17,149.02 in Postpetition Commissions

The Court finds that commissions owed to Christopher Valois on account of jobs that began prior to the Petition Date but that will not be completed until subsequent to the Petition Date do not constitute prepetition wages. Valois is not entitled to receive a commission until a job has been completed and the client has been paid. Because Valois' right to payment arises after the Petition Date, Valois' commissions do not constitute a pre-petition claim. Instead, the commissions qualify as an expense that the Debtor may pay in the ordinary course of business without Court approval pursuant to § 363(c). [Note 1]

III. Conclusion

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Motion in its entirety.

Note 1

In addition to asserting that Valois is entitled to be paid commissions in the ordinary course of business under § 363(c), the Debtor argues in the alternative that Valois' commissions are payable under a "critical vendor" theory. Having found that the commissions constitute a post-petition ordinary-course expense, the Court need not reach the merits of the Debtor's "critical vendor" argument.

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

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2:21-12463 J.H. Bryant Jr., Inc.

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#2.00 Hearing
RE: [6] Emergency motion for Entry of Order Authorizing Debtor to Maintain Certain Prepetition Bank Accounts and Other Accounts, Granting Related Relief, and Waiving 14-Day Stay

Docket 6

Tentative Ruling:

3/30/2021 1:47 PM **Revised Tentative Ruling**

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's Motion on an interim basis.

Pleadings Filed and Reviewed

- 1) Debtor's Motion for Entry of Order Authorizing Debtor to Maintain Certain Prepetition Bank Accounts and Other Accounts, Granting Related Relief, and Waiving 14-Day Stay; and Memorandum of Points and Authorities in Support Thereof (the "Motion") [Doc. No. 6]
- 2) Declaration of John H. Bryant III in Support of First Day Motions ("Bryant Decl.") [Doc. No. 9]
- 3) **United States Trustee's Opposition to Motion for Entry of Order Authorizing Debtor to Maintain Certain Prepetition Bank Accounts and Other Accounts, Granting Related Relief, and Waiving 14-Day Stay (the "Opposition") [Doc. No. 22]**
- 4) ~~As of the preparation of this tentative ruling, no opposition is on file~~

I. Facts and Summary of Pleadings

On March 26, 2021, J.H. Bryant, Jr. Inc. (the "Debtor") filed its petition, electing to proceed under subchapter V of chapter 11 of the Bankruptcy Code. The

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Debtor, founded in 1951, is a contractor for commercial and industrial remodeling. Motion at 2. The president of the Debtor is John H. Bryant III ("Bryant"). The Debtor was involved in two Superior Court actions stemming from a financial scheme of Bryant's brother. Both actions were tried and the Debtor was found to be liable. *Id.* A post-trial settlement was reached in one action, which required the Debtor to pay \$772,000. Bryant loaned the Debtor funds to make a first payment on that settlement, and the outstanding amount owed under the settlement is approximately \$305,000. In the second action, judgment was entered against the Debtor on March 8, 2021 in the amount of \$1,531,066.32. *Id.* at 3. The Debtor filed its bankruptcy proceeding shortly thereafter, after it was unable to come to a resolution with the judgment creditors. *Id.*

On March 29, 2021, the Debtor filed the instant Motion. The Debtor requests approval from this Court to continue use of three pre-petition bank accounts (a general account, a payroll account, and a local vendor account) and three pre-petition credit accounts (a Home Depot account, a vehicle account, and a WEX Bank account).

Pre-Petition Bank Accounts

The Debtor's general account receives payments from customers, including electronic transfers. The Debtor's customers are located throughout the state, and occasionally outside of the state, and have different levels of administrative efficiency. The Debtor believes that the task of informing all of its customers of a new bank account would burden both the Debtor as well as the customers. Switching bank accounts could create delays in payments, which would further hinder the Debtor's reorganization efforts. Motion at 3-4. The Debtor suggests that all funds in this general account be swept three times per week into a debtor-in-possession ("DIP") account.

The Debtor's payroll account is used to process its payroll, which it does on its own. All checks and electronic deposits are paid from this account. Approximately 28 hourly employees do not have personal bank accounts where they can deposit their paychecks. To cash their paychecks, those employees would normally need to pay a fee at a check cashing service. However, because the payroll account is kept at Bank of America, Bank of America does not charge fees to the employees to cash their checks there. *Id.* at 4. The Debtor believes it would be a hardship on the hourly employees who would have to pay a check cashing fees should the Debtor change bank accounts. The Debtor suggests that the payroll funds deposited into the payroll account come from the DIP account.

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The Debtor also operates a local vendor account out of its Hayward office, which is used to issue approximately 5-15 checks per month. The checks are used to pay local vendors with which the Debtor does not have an account, for materials or services that are needed for urgent jobs. The local vendor account is funded by the general account in the amount of approximately \$5,000 every month. If the Debtor loses access to this account, then the only way it would be able to fund certain projects would be by sending checks by overnight mail to the Hayward office. The Debtor suggests that the funds for the local vendor account come from the DIP account, in the amount of \$5,000 per month. *Id.* at 5.

Pre-Petition Credit Accounts

The Debtor has a line of credit with Citibank, N.A., which the Debtor uses at Home Depot. The Debtor has issued approximately 40 credit cards to its employees with access to this Home Depot account, which they use to buy supplies at Home Depot for the Debtor's "tenant improvement" jobs. The average monthly amount paid on this account is \$25,000. The Debtor argues that, if it does not have access to this line of credit, the Debtor would lose the ability to purchase plywood and other materials at Home Depot necessary for its jobs. If the Debtor were to find alternative sources, jobs could be delayed and the materials could be more expensive. The Debtor does not seek to pay pre-petition amounts owed on this account, and there may be none owed. *Id.* at 5-6

The Debtor has a vehicle account with Enterprise Fleet Management whereby the Debtor pays for approximately 50 vehicles. The Debtor's employees use the vehicles to travel to job sites and carry tools and materials. This account costs the Debtor approximately \$40,000 monthly. Without this account, the Debtor avers that it would difficult to continue operating its business. The Debtor does not seek to pay any pre-petition amounts owed on this account, and there may be none owed. *Id.* at 6-7.

Finally, the Debtor has a credit account at WEX Bank, which certain of its employees use to purchase fuel for the Debtor's vehicles. The Debtor has issued approximately 60 credit cards to its employees on this account and the average monthly expense for the WEX account is \$25,000. The Debtor does not seek to pay pre-petition amounts owed on this account, and there may be none owed. *Id.* at 7.

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On March 30, 2021, the US Trustee filed its Opposition. The US Trustee is amenable to a 60-day transition period to allow the Debtor time to open DIP accounts. However, the US Trustee objects to continued use of any pre-petition bank accounts beyond that time period. The US Trustee does not object to the use of the Debtor's pre-petition credit accounts, but notes that "each of these accounts must be properly reported on the Debtor's monthly operating reports and the monthly statements for each account must be attached to the monthly operating report." Opposition at 2.

II. Findings of Fact and Conclusions of Law

Local Bankruptcy Rule ("LBR") 2015-2 requires that debtors-in-possession comply with guidelines and requirements issued by the US Trustee. The US Trustee's Guidelines and Requirements for Chapter 11 Debtors in Possession also state that "[a]ll accounts that the debtor owns, has access to, or over which the debtor exercises possession, custody or control must be closed immediately upon filing of the petition. Guidelines and Requirements for Chapter 11 Debtors in Possession, https://www.justice.gov/ust-regions-r16/file/ch11_debtors_possession.pdf/download. However, it is within the authority of the Court to relieve a Debtor of **some** of the requirements set forth by the US Trustee. *See In re Grant Broadcasting of Philadelphia, Inc.* 75 B.R. 819, 820 (E.D. Pa. 1987) (referencing the bankruptcy court's order approving of the Debtor's use of pre-petition bank accounts).

Here, according to the Debtor, requiring it to close its existing bank accounts and open new ones will disrupt the business and cash flow, which would in turn create a hardship on certain of its employees, could cause delays in payments from its customers, and could delay its construction projects. *See Bryant Decl.* at ¶¶ 21-23 (describing the Debtor's bank accounts and payroll system). As to the pre-petition credit accounts, the Debtor's business relies significantly on these accounts and, without them, it would hamper the Debtor's ability to complete construction projects and therefore effectively restructure its business. It is evident that being able to purchase goods at Home Depot, use trucks, and pay for gasoline, are all necessary to the Debtor's functioning.

As an immediate matter, there is cause to relieve the Debtor from the US Trustee's cash management requirements. However, while the Debtor may prefer to keep its current system, a bankruptcy filing will often disrupt the status quo. The Court seriously doubts that a change in the Debtor's bank accounts and cash

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management will severely negatively effect the Debtor's business operations. This matter should be the subject of discussion with the US Trustee.

III. Conclusion

For the reasons set forth above, the Court is prepared to **GRANT** the Motion, on an interim basis, to allow the Debtor use of its pre-petition bank accounts and pre-petition credit accounts, subject to a final hearing on the matter to be held on **Wednesday, May 26, 2021 at 10:00 a.m.** Any **reply to the US Trustee's** objection to the cash management motion is due no later than **Wednesday, May 12**. The **US Trustee's response** ~~Debtor's reply~~, if any, is due **May 19, 2021**.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

3/30/2021 (Prior Tentative)

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Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's Motion on an interim basis.

Pleadings Filed and Reviewed

5) Debtor's Motion for Entry of Order Authorizing Debtor to Maintain Certain

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Prepetition Bank Accounts and Other Accounts, Granting Related Relief, and Waiving 14-Day Stay; and Memorandum of Points and Authorities in Support Thereof (the "Motion") [Doc. No. 6]

- 6) Declaration of John H. Bryant III in Support of First Day Motions ("Bryant Decl.") [Doc. No. 9]
- 7) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On March 26, 2021, J.H. Bryant, Jr. Inc. (the "Debtor") filed its petition, electing to proceed under subchapter V of chapter 11 of the Bankruptcy Code. The Debtor, founded in 1951, is a contractor for commercial and industrial remodeling. Motion at 2. The president of the Debtor is John H. Bryant III ("Bryant"). The Debtor was involved in two Superior Court actions stemming from a financial scheme of Bryant's brother. Both actions were tried and the Debtor was found to be liable. *Id.* A post-trial settlement was reached in one action, which required the Debtor to pay \$772,000. Bryant loaned the Debtor funds to make a first payment on that settlement, and the outstanding amount owed under the settlement is approximately \$305,000. In the second action, judgment was entered against the Debtor on March 8, 2021 in the amount of \$1,531,066.32. *Id.* at 3. The Debtor filed its bankruptcy proceeding shortly thereafter, after it was unable to come to a resolution with the judgment creditors. *Id.*

On March 29, 2021, the Debtor filed the instant Motion. The Debtor requests approval from this Court to continue use of three pre-petition bank accounts (a general account, a payroll account, and a local vendor account) and three pre-petition credit accounts (a Home Depot account, a vehicle account, and a WEX Bank account).

Pre-Petition Bank Accounts

The Debtor's general account receives payments from customers, including electronic transfers. The Debtor's customers are located throughout the state, and occasionally outside of the state, and have different levels of administrative efficiency. The Debtor believes that the task of informing all of its customers of a new bank account would burden both the Debtor as well as the customers. Switching bank accounts could create delays in payments, which would further hinder the Debtor's reorganization efforts. Motion at 3-4. The Debtor suggests that all funds in this general account be swept three times per week into a debtor-in-possession ("DIP") account.

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The Debtor's payroll account is used to process its payroll, which it does on its own. All checks and electronic deposits are paid from this account. Approximately 28 hourly employees do not have personal bank accounts where they can deposit their paychecks. To cash their paychecks, those employees would normally need to pay a fee at a check cashing service. However, because the payroll account is kept at Bank of America, Bank of America does not charge fees to the employees to cash their checks there. *Id.* at 4. The Debtor believes it would be a hardship on the hourly employees who would have to pay a check cashing fees should the Debtor change bank accounts. The Debtor suggests that the payroll funds deposited into the payroll account come from the DIP account.

The Debtor also operates a local vendor account out of its Hayward office, which is used to issue approximately 5-15 checks per month. The checks are used to pay local vendors with which the Debtor does not have an account, for materials or services that are needed for urgent jobs. The local vendor account is funded by the general account in the amount of approximately \$5,000 every month. If the Debtor loses access to this account, then the only way it would be able to fund certain projects would be by sending checks by overnight mail to the Hayward office. The Debtor suggests that the funds for the local vendor account come from the DIP account, in the amount of \$5,000 per month. *Id.* at 5.

Pre-Petition Credit Accounts

The Debtor has a line of credit with Citibank, N.A., which the Debtor uses at Home Depot. The Debtor has issued approximately 40 credit cards to its employees with access to this Home Depot account, which they use to buy supplies at Home Depot for the Debtor's "tenant improvement" jobs. The average monthly amount paid on this account is \$25,000. The Debtor argues that, if it does not have access to this line of credit, the Debtor would lose the ability to purchase plywood and other materials at Home Depot necessary for its jobs. If the Debtor were to find alternative sources, jobs could be delayed and the materials could be more expensive. The Debtor does not seek to pay pre-petition amounts owed on this account, and there may be none owed. *Id.* at 5-6

The Debtor has a vehicle account with Enterprise Fleet Management whereby the Debtor pays for approximately 50 vehicles. The Debtor's employees use the

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vehicles to travel to job sites and carry tools and materials. This account costs the Debtor approximately \$40,000 monthly. Without this account, the Debtor avers that it would difficult to continue operating its business. The Debtor does not seek to pay any pre-petition amounts owed on this account, and there may be none owed. *Id.* at 6-7.

Finally, the Debtor has a credit account at WEX Bank, which certain of its employees use to purchase fuel for the Debtor's vehicles. The Debtor has issued approximately 60 credit cards to its employees on this account and the average monthly expense for the WEX account is \$25,000. The Debtor does not seek to pay pre-petition amounts owed on this account, and there may be none owed. *Id.* at 7.

II. Findings of Fact and Conclusions of Law

Local Bankruptcy Rule ("LBR") 2015-2 requires that debtors-in-possession comply with guidelines and requirements issued by the US Trustee. The US Trustee's Guidelines and Requirements for Chapter 11 Debtors in Possession also state that "[a]ll accounts that the debtor owns, has access to, or over which the debtor exercises possession, custody or control must be closed immediately upon filing of the petition. Guidelines and Requirements for Chapter 11 Debtors in Possession, https://www.justice.gov/ust-regions-r16/file/ch11_debtors_possession.pdf/download. However, it is within the authority of the Court to relieve a Debtor of **some** of the requirements set forth by the US Trustee. *See In re Grant Broadcasting of Philadelphia, Inc.* 75 B.R. 819, 820 (E.D. Pa. 1987) (referencing the bankruptcy court's order approving of the Debtor's use of pre-petition bank accounts).

Here, according to the Debtor, requiring it to close its existing bank accounts and open new ones will disrupt the business and cash flow, which would in turn create a hardship on certain of its employees, could cause delays in payments from its customers, and could delay its construction projects. *See Bryant Decl.* at ¶¶ 21-23 (describing the Debtor's bank accounts and payroll system). As to the pre-petition credit accounts, the Debtor's business relies significantly on these accounts and, without them, it would hamper the Debtor's ability to complete construction projects and therefore effectively restructure its business. It is evident that being able to purchase goods at Home Depot, use trucks, and pay for gasoline, are all necessary to the Debtor's functioning.

As an immediate matter, there is cause to relief the Debtor from the US

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Trustee's cash management requirements. However, while the Debtor may prefer to keep its current system, a bankruptcy filing will often disrupt the status quo. The Court seriously doubts that a change in the Debtor's bank accounts and cash management will severely negatively effect the Debtor's business operations. This matter should be the subject of discussion with the US Trustee.

III. Conclusion

For the reasons set forth above, the Court is prepared to **GRANT** the Motion, on an interim basis, to allow the Debtor use of its pre-petition bank accounts and pre-petition credit accounts, subject to a final hearing on the matter to be held on **Wednesday, May 26, 2021 at 10:00 a.m.** Any objection to the cash management motion is due no later than **Wednesday, May 12.** The Debtor's reply, if any, is due **May 19, 2021.**

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
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2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

- #3.00 Hearing
RE: [7] Emergency motion for Entry of Order (1) Finding that Utilities have been Provided with Adequate Assurance of Payment, (2) Approving Offer of and Procedures on Requests for Additional or Different Adequate Assurance, and (3) Prohibiting Utilities from Altering, Refusing or Discontinuing Service

Docket 7

Tentative Ruling:

3/30/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's Motion.

Pleadings Filed and Reviewed

- 1) Debtor's Motion for Entry of Order (1) Finding that Utilities Have Been Provided with Adequate Assurance of Payment, (2) Approving Offer of and Procedures on Requests for Additional or Different Adequate Assurance, and (3) Prohibiting Utilities from Altering, Refusing or Discontinuing Service; and Memorandum of Points and Authorities in Support Thereof (the "Motion") [Doc. No. 7]
- 2) Declaration of John H. Bryant III in Support of First Day Motions [Doc. No. 9]
- 3) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On March 26, 2021, J.H. Bryant, Jr. Inc. (the "Debtor") filed its petition, electing to proceed under subchapter V of chapter 11 of the Bankruptcy Code. The Debtor, founded in 1951, is a contractor for commercial and industrial remodeling. Motion at 2. The president of the Debtor is John H. Bryant III ("Bryant"). The Debtor

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was involved in two Superior Court actions stemming from a financial scheme of Bryant's brother. Both actions were tried and the Debtor was found to be liable. *Id.* A post-trial settlement was reached in one action, which required the Debtor to pay \$772,000. Bryant loaned the Debtor funds to make a first payment on that settlement, and the outstanding amount owed under the settlement is approximately \$305,000. In the second action, judgment was entered against the Debtor on March 8, 2021 in the amount of \$1,531,066.32. *Id.* at 3. The Debtor filed its bankruptcy proceeding shortly thereafter, after it was unable to come to a resolution with the judgment creditors. *Id.*

On March 29, 2021, the Debtor filed the instant Motion. The Debtor proposes providing each utility a cash deposit in the amount of the approximate monthly payment within 30 days of the entry of order granting this Motion. The Debtor has timely paid its utilities in the past and expects that its post-petition cash will suffice to pay all post-petition obligations to the utilities. The Debtor also seeks an order providing that, absent compliance with certain procedures, the utilities are "forbidden to alter, refuse, or discontinue services on account of any prepetition charges or the commencement of the Debtor's bankruptcy case, or to require additional assurance of payment." Motion at 4. Those procedures, as laid out in the Motion, are as follows:

- 1) If any utility is not satisfied with the assurance of future payment provided by the Debtor, such utility must serve a written request upon the Debtor setting forth the account number(s), the outstanding balance for each account, a summary of the Debtor's payment history on each account, and an explanation of why the deposit is inadequate;
- 2) The written request must be received by the Debtor's counsel, Aaron E. de Leest, Danning, Gill, Israel & Krasnoff, LLP, 1901 Avenue of the Stars, Suite 450, Los Angeles, California 90067-6006, within 20 days after the entry of the order granting this motion (the "Request Deadline");
- 3) Without further order of this Court, the Debtor may enter into agreements granting additional adequate assurance to any utility which serves a timely written request, if the Debtor, in its business judgment, determines that the request is reasonable;
- 4) If the Debtor believes that a Request is unreasonable, then it may, within 15 days after the Request Deadline, file a motion pursuant to Bankruptcy Code Section 366(c)(3) seeking an order that the deposit, plus any additional consideration offered by the Debtor, constitute adequate

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assurance of payment. Pending notice and a hearing on such motion, the utility that is the subject of the unresolved request may not alter, refuse, or discontinue services to the Debtor or recover or setoff against a prepetition deposit, if any; and

- 5) The deposit shall be deemed to constitute adequate assurance of payment for any utility that fails to make a timely written request. If a particular utility believes that the deposit constitutes adequate assurance of payment, such utility need not take any action.

Motion at 4-5. The Debtor also proposes that, if it adds a utility company to the list after the Court enters an order granting this Motion, the Debtor will serve a copy of the Motion and the signed order on the new utility company and provide said utility company with a deposit within 30 days. In the event that the Debtor terminates the services of any of the utilities, the Debtor requests that the order provide that the utility must immediately refund any deposits after all post-petition invoices owed by the Debtor have been paid. *Id.* at 5.

II. Findings and Conclusions

Section 366(c)(2) provides that a utility provider may “alter, refuse, or discontinue utility service if, during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor . . . adequate assurance of payment for utility service that is satisfactory to the utility.” However, § 366(c)(3) provides that upon request of a party in interest and after notice and a hearing, the court “may order modification of the amount of an assurance of payment” under § 366(c)(2).

In *In re Circuit City Stores, Inc.*, 2009 WL 484553 (Bankr. E.D. Va. Jan. 14, 2009), the court evaluated proposed procedures for determining adequate assurance of payment to utility providers. The *Circuit City* court concluded that the statute “does not prohibit a court from making a determination about the adequacy of an assurance of payment until only after a payment ‘satisfactory to the utility’ has been received from the debtor under § 366(c)(2). The first clause of § 366(c)(2) clearly renders the entire section subject to the court’s authority outlined in § 366(c)(3).” *Id.* at *5.

The *Circuit City* court rejected the interpretation of § 363(c)(2) that “concludes that a bankruptcy court may not determine the appropriate amount of

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adequate assurance until the debtor has first paid whatever amount the utility has demanded.” *Id.* at *3. Such an interpretation, the court reasoned, “is simply unworkable” and “could lead to absurd results.” *Id.* For instance, a utility company might “simply fail to respond to a debtor’s offer of adequate assurance, or it may choose to respond on the thirtieth day. In either event, the result would be calamitous for a debtor in the throes of bankruptcy.” *Id.*

“The requirement is for ‘adequate assurance’ of payment, which . . . need not necessarily be provided by deposit.” *In re Adelpia Bus. Solutions, Inc.*, 280 B.R. 63, 80 (Bankr. S.D.N.Y. 2002). “Whether utilities have adequate assurance of future payment is determined by the individual circumstances of each case.” *Id.* “Accordingly, bankruptcy courts must be afforded reasonable discretion in determining what constitutes ‘adequate assurance’ of payment for continuing utility services.” *Virginia Elec. & Power Co. v. Caldor, Inc.-New York*, 117 F.3d 646, 650 (2d Cir. 1997) (citations omitted).

The Court finds that the deposits proposed by the Debtor provide "adequate assurance of payment" to the Debtor’s utility providers consistent with the requirements of § 366(c). The Debtor has made its utility payments pre-petition, and appears to be able to make all deposits and post-petition payments with its post-petition cash flow. An order finding that the deposits satisfy the requirements of § 366(c) is necessary to avoid an unexpected interruption of utility services which would prove detrimental to the Debtor’s business.

III. Conclusion

Subject to any opposition which may be filed subsequent to the issuance of this tentative ruling, the Court is prepared to **GRANT** the Motion in its entirety.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

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10:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

#4.00 Hearing

RE: [8] Emergency motion for Entry of Order Extending Time for Debtor to File its Schedules, Statements and Other Documents Required by Federal Rule of Bankruptcy Procedure 1007(b) and Applicable Local Rules of Procedure

Docket 8

Tentative Ruling:

3/30/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Subject to any opposition which may be presented at the hearing, the Court is prepared to **GRANT** the Debtor's Motion.

Pleadings Filed and Reviewed

- 1) Debtor's Motion for Entry of Order Extending Time for Debtor to File its Schedules, Statements and Other Documents Required by Federal Rule of Bankruptcy Procedure 1007(b) and Applicable Local Rules of Procedure; and Memorandum of Points and Authorities in Support Thereof (the "Motion") [Doc. No. 8]
- 2) Declaration of John H. Bryant III in Support of First Day Motions [Doc. No. 9]
- 3) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On March 26, 2021, J.H. Bryant, Jr. Inc. (the "Debtor") filed its petition, electing to proceed under subchapter V of chapter 11 of the Bankruptcy Code. The Debtor, founded in 1951, is a contractor for commercial and industrial remodeling. Motion at 2. The president of the Debtor is John H. Bryant III ("Bryant"). The Debtor was involved in two Superior Court actions stemming from a financial scheme of Bryant's brother. Both actions were tried and the Debtor was found to be liable. *Id.* A

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post-trial settlement was reached in one action, which required the Debtor to pay \$772,000. Bryant loaned the Debtor funds to make a first payment on that settlement, and the outstanding amount owed under the settlement is approximately \$305,000. In the second action, judgment was entered against the Debtor on March 8, 2021 in the amount of \$1,531,066.32. *Id.* at 3. The Debtor filed its bankruptcy proceeding shortly thereafter, after it was unable to come to a resolution with the judgment creditors. *Id.*

On March 29, 2021, the Debtor filed the instant Motion. The Debtor argues that an extension to file its schedules and statement of financial affairs is warranted because it had hoped that it would be able to reach an agreement with its judgment creditors, as opposed to filing for bankruptcy. *Id.* at 3-4. After realizing that an agreement was unlikely to materialize, the Debtor quickly filed for bankruptcy protection, but has not yet been able to put together its schedules and statement of financial affairs. The Debtor runs a complex day-to-day business with three locations and a small number of employees who handle accounting. Therefore, the Debtor believes that a short 14-day extension is warranted to allow the accountants to help the Debtor's counsel to assemble the requisite schedules and financial affairs. *Id.* at 4.

II. Findings of Fact and Conclusions of Law

Federal Rule of Bankruptcy Procedure ("FRBP") 1007(c) reads, in pertinent part:

In a voluntary case, the schedules and statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule . . . any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States Trustee . . . Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

The Debtor's deadline to file its schedules is April 9, 2021; however, it has sufficiently shown that cause exists. The Debtor's accounting department is small and it was unprepared for a bankruptcy filing. While the Debtor had hoped a resolution with the judgment creditors would materialize, it was unable to come to an agreement and sought bankruptcy protection. The Debtor was forced to act quickly in filing its

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CONT... J.H. Bryant Jr., Inc.

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case, and has so far been expeditious in seeking relief. A short 17-day extension is warranted to allow the accountants and the Debtor's counsel to review and compile the information needed for the Debtor's schedules.

III. Conclusion

For the reasons set forth above, the Court is prepared to **GRANT** the Motion and extend the Debtor's deadline to file its schedules, statements, and other documents, from April 9, 2021 to April 26, 2021.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

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Monday, April 5, 2021

Hearing Room 1568

10:00 AM

2:21-10555 Dianna Perez Cedeno

Chapter 7

#1.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Accord, VIN: 1HGCR2F38GA217012 . (Ith, Sheryl)

Docket 11

Tentative Ruling:

4/2/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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Monday, April 5, 2021

Hearing Room 1568

10:00 AM

CONT... Dianna Perez Cedeno

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Dianna Perez Cedeno

Represented By
John D Sarai

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Monday, April 5, 2021

Hearing Room 1568

10:00 AM

2:21-11557 Suzanne Marie Cole

Chapter 7

#2.00 HearingRE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 MERCEDES-BENZ M2CA46, VIN: WD3PE7CDXHP544431 . (Kim, John)

Docket 8

Tentative Ruling:

4/2/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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CONT... Suzanne Marie Cole

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Suzanne Marie Cole

Represented By
Randall V Sutter

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#3.00 HearingRE: [6437] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Correa, Hernandez v. St. Francis Medical Center with Proof of Service.

Docket 6437

Tentative Ruling:

4/2/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Court will enter an order providing that pursuant to the Confirmation Order, the automatic stay no longer enjoins Movants from prosecuting the State Court Action.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 [Doc. No. 6437] (the "Motion")
- 2) Debtors' Response to Motion for Relief from the Automatic Stay Filed on Behalf of Maximo Correa and Iris Hernandez [Doc. No. 6442]
 - a) Declaration of Service by Kurtzman Carson Consultants, LLC Regarding Debtors' Response to Motion for Relief from the Automatic Stay Filed on Behalf of Maximo Correa and Iris Hernandez [Doc. No. 6445]

I. Facts and Summary of Pleadings

On August 31, 2018 (the "Petition Date"), Verity Health System of California, Inc. ("VHS") and certain of its subsidiaries (collectively, the "Debtors") filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors' cases are being jointly administered. On August 14, 2020, the Court confirmed the *Modified Second Amended Joint Chapter 11 Plan of Liquidation (Dated July 2, 2020) of the Debtors, the Prepetition Secured Creditors, and the Committee* [Bankr. Doc.

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CONT... Verity Health System of California, Inc.

Chapter 11

No. 5468, Ex. A] (the “Plan”). *See* Doc. No. 5504 (the “Confirmation Order”). The Effective Date of the Plan was September 4, 2020. *See* Doc. No. 6044.

Iris Hernandez and Maximo Correa (the “Movants”) seek stay relief, pursuant to § 362(d)(1), for the purposing of litigating a personal injury action against the Debtors [**Note 1**] in the Los Angeles Superior Court (the “State Court Action”). Movants seek recovery only from applicable insurance and waive any deficiency claims against the Debtors.

Given that Movants seek recovery only from applicable insurance, Debtors do not oppose the Motion. Debtors note that the Confirmation Order has already lifted the automatic stay as to claimants who are seeking a recovery only against insurance proceeds.

II. Findings and Conclusions

Section 362(d)(1) requires the Court to lift the automatic stay for “cause.” “Because there is no clear definition of what constitutes ‘cause,’ discretionary relief from the stay must be determined on a case by case basis.” *Piombo Corp. v. Castlerock Props. (In re Castlerock Props.)*, 781 F.2d 159, 163 (9th Cir. 1986). Where stay relief is sought to permit litigation to continue in another forum, the fact that the debtor’s insurance carrier has assumed full financial responsibility for defending the litigation constitutes “cause” for lifting the stay. *Truebro, Inc. v. Plumberex Specialty Prods., Inc. (In re Plumberex Specialty Prods., Inc.)*, 311 B.R. 551, 559-60 (Bankr. C.D. Cal. 2004).

As noted by the Debtors, because Movants seek recovery only from insurance proceeds, the Plan has already lifted the automatic stay as to the State Court Action. Nonetheless, to provide a clear record, the Court will enter an order providing that Movants’ prosecution of the State Court Action is not enjoined by the automatic stay. As requested by the Debtors, the order shall state that insurance carriers may assert all applicable defenses in the State Court Action.

Within seven days of the hearing, Movants shall submit an order incorporating this tentative ruling by reference. [**Note 2**]

No appearance is required if submitting on the court’s tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, April 5, 2021

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CONT... Verity Health System of California, Inc.

Chapter 11

appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

The Court notes that pursuant to the Plan and Confirmation Order, certain of the Debtors are now "Post-Effective Date Debtors." For simplicity, the Court refers to the Post-Effective Date Debtors as "Debtors."

Note 2

To ensure that the Debtors have the opportunity to review Movant's proposed order as to form, Movants shall either (a) submit a *Notice of Lodgment* of the proposed order in accordance with the procedure set forth in Local Bankruptcy Rule 9021-1(b)(3)(A) or, in the alternative, shall (b) obtain Debtors' endorsement as to the form of the proposed order pursuant to the procedure set forth in Local Bankruptcy Rule 9021-1(b)(3)(C).

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 5, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Lawrence B Gill

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:19-20228 Sheila G. Scott

Chapter 7

#1.00 HearingRE: [81] Application for Compensation Final Fees and/or expenses (11 USC Section 330) for Robert S Altagen, Debtor's Attorney, Period: 8/29/2019 to 12/17/2020, Fee: \$12,500, Expenses: \$1,961.60.

Docket 81

Tentative Ruling:

4/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$26,295 approved [*See* Doc. No. 81] (consisting of a \$10,000 retainer the Applicant has already received, \$4,800 in funds that are held in reserve, and \$11,495 sought in connection with this application. The applicant requested \$12,500 in connection with this application; however, the Court determined that it is necessary to subtract \$1,005 in fees for work done on a Limited Opposition for a hearing held on December 15, 2020. [Doc Nos. 53 and 56.] The Court did not consider the Limited Opposition because it was filed ten days late, in violation of LBR 9013-1(f)(1). In fact, counsel began working on the Limited Opposition after the period for opposition had run. Therefore, the Court will not allow the applicant to receive fees for that work.)

Expenses: \$1,961.60 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should

**United States Bankruptcy Court
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Los Angeles
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Sheila G. Scott

Chapter 7

an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Sheila G. Scott

Represented By
Robert S Altagen

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Paul R Shankman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01503 Tardaguila v. Tardaguila

#2.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01503. Complaint by Ann Tardaguila against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Mitnick, Eric)

fr. 3-10-20; 4-14-20; 6-16-20; 1-12-21

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

1/11/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The Trustee and Plaintiff/Counter-Defendant shall appear to provide the Court an update on the status of the contemplated settlement of the Fraud Counterclaims.

On December 8, 2019, Ann Tardaguila, as Trustee of the Tardaguila Living Trust dated June 16, 1999 (the "Plaintiff/Counter-defendant"), filed this non-dischargeability action against Gregory Tardaguila (the "Defendant/Counter-claimant"). Plaintiff/Counter-defendant alleges that she loaned Defendant/Counter-claimant in excess of \$750,000; that Defendant/Counter-claimant failed to repay the indebtedness; and that Defendant/Counter-claimant committed actual fraud by diverting funds that could have been used to repay the indebtedness. The Complaint seeks a judgment that the indebtedness is non-dischargeable pursuant to § 523(a)(2) (A) and (a)(6), and seeks denial of Defendant/Counter-claimant's discharge pursuant to § 727(a)(2), (3), (4)(A), and (5).

Defendant/Counter-claimant filed a Counterclaim, in which he alleges that the note evidencing the indebtedness at issue in the Complaint (the "Note") is a sham that was created to change the character of the transaction from a gift to a loan. The Counterclaim alleges that the \$750,000 loaned to Defendant/Counter-claimant was an

**United States Bankruptcy Court
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CONT... Gregory Tardaguila

Chapter 7

advance upon his inheritance. The Counterclaim further alleges that the Defendant/Counter-claimant did not sign the Note until several years after the funds were advanced and that Defendant/Counter-claimant was induced to sign the Note under false pretenses. The Counterclaim (1) objects to any claim against the estate on account of the Note asserted by Plaintiff/Counter-defendant; (2) seeks cancellation of the Note; and (3) seeks damages for fraud and negligent misrepresentations.

On January 16, 2020, the Court entered an order providing that the litigation deadlines set for the Counterclaim would also apply to the Complaint. *See* Doc. No. 21. Trial of the Complaint and Counterclaim is set for October 25, 2021. *See* Doc. No. 66.

On February 28, 2020, the Court entered an order (1) designating the first and second counterclaims as affirmative defenses to be litigated in connection with the Complaint, (2) finding that the third and fourth counterclaims for fraud and negligent misrepresentation (the "Fraud Counterclaims") accrued prepetition, were property of the bankruptcy estate, and could be prosecuted only by the Chapter 7 Trustee (the "Trustee"), (3) directing the Trustee to file a notice stating whether he intended to prosecute the Fraud Counterclaims by no later than March 13, 2020, and (4) dismissing the Fraud Counterclaims, but giving the Trustee leave to amend should he elect to prosecute the Fraud Counterclaims. *See* Doc. No. 31. The Court subsequently extended the Trustee's deadline to determine whether to prosecute the Fraud Counterclaims to November 30, 2020.

The Trustee has not indicated whether he intends to prosecute the Fraud Counterclaims. In the Status Report filed on December 29, 2020, the Trustee states that he will seek a further extension of his deadline to determine whether to prosecute the Fraud Counterclaims. In addition, the Trustee has represented that he is attempting to settle the Fraud Counterclaims, but that such settlement has been delayed by the COVID-19 pandemic. *See* Doc. No. 59.

The Trustee and Plaintiff/Counter-Defendant shall appear to provide the Court an update on the status of the contemplated settlement of the Fraud Counterclaims.

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 6, 2021

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10:00 AM

CONT... Gregory Tardaguila

Chapter 7

Plaintiff(s):

Ann Tardaguila

Represented By
Eric A Mitnick

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01503 Tardaguila v. Tardaguila

#3.00 Status Hearing

RE: [10] **Counterclaim** by Gregory Tardaguila against Ann Tardaguila as Trustee of the Tardaguila Living Trust dated 07-16-1999, Ann Tardaguila (Altholz, Andrew)

fr. 4-14-20; 6-16-20; 1-12-21

Docket 10

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

1/11/2021

See Cal. No. 3, above, incorporated in full by reference.

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Represented By
Andrew P Altholz

Plaintiff(s):

Ann Tardaguila

Represented By
Eric A Mitnick

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01203 St. Vincent Medical Center v. Harris & Batra Cardiology Medical Group,

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01203. Complaint by St. Vincent Medical Center against Harris & Batra Cardiology Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Harris & Batra Cardiology Medical

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01209 Verity Health System of California, Inc. v. 360 Management Group, LLC

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01209. Complaint by Verity Health System of California, Inc. against 360 Management Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

360 Management Group, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01212 St. Vincent Medical Center v. A B C Agüero's Builders Company, Inc.

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01212. Complaint by St. Vincent Medical Center against A B C Agüero's Builders Company, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A B C Agüero's Builders Company,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01213 St. Francis Medical Center v. A Team Security, Inc.

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01213. Complaint by St. Francis Medical Center against A Team Security, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A Team Security, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01215 St. Vincent Medical Center v. Advanced Bionics, LLC

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01215. Complaint by St. Vincent Medical Center against Advanced Bionics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Advanced Bionics, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01218 Verity Medical Foundation v. Ramirez, MD

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01218. Complaint by Verity Medical Foundation against Alfredo F. Ramirez, MD. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-2-20; 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alfredo F. Ramirez, MD

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01237 O'Connor Hospital v. Centinel Spine, LLC

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01237. Complaint by O'Connor Hospital against Centinel Spine, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Centinel Spine, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01245 St. Vincent Medical Center v. Citiguard Inc.

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01245. Complaint by St. Vincent Medical Center against Citiguard Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Citiguard Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01350 Verity Health System of California, Inc. v. Microsoft Corporation

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01350. Complaint by Verity Health System of California, Inc. against Microsoft Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-21-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Microsoft Corporation

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01355 Verity Medical Foundation v. NCMB No. 3, LLC

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01355. Complaint by Verity Medical Foundation against NCMB No. 3, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

NCMB No. 3, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01356 Seton Medical Center v. Nehi Construction, Inc.

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01356. Complaint by Seton Medical Center against Nehi Construction, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Nehi Construction, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01357 St. Vincent Medical Center v. NeoGenomics Laboratories, Inc.

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01357. Complaint by St. Vincent Medical Center against NeoGenomics Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

NeoGenomics Laboratories, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01360 Verity Health System of California, Inc. v. NThrive Solutions, Inc.

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01360. Complaint by Verity Health System of California, Inc. against NThrive Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

NThrive Solutions, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, April 6, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01362 Seton Medical Center v. Omnicell, Inc.

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01362. Complaint by Seton Medical Center against Omnicell, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Omnicell, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01371 Verity Health System of California, Inc. v. Parker Brown, Inc.

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01371. Complaint by Verity Health System of California, Inc. against Parker Brown, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Parker Brown, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01373 Verity Business Services v. Patient Accounting Service Center, LLC

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01373. Complaint by Verity Business Services against Patient Accounting Service Center, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 4-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Patient Accounting Service Center,

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01375 St. Francis Medical Center v. Pepperdine University

#20.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01375. Complaint by St. Francis Medical Center against Pepperdine University. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Pepperdine University

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01376 Verity Medical Foundation v. Personal Telephone Answering Service

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01376. Complaint by Verity Medical Foundation against Personal Telephone Answering Service. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Personal Telephone Answering

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01377 Verity Health System of California, Inc. v. Phillips DiPisa & Associates. Inc.

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01377. Complaint by Verity Health System of California, Inc. against Phillips DiPisa & Associates. Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Phillips DiPisa & Associates. Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01379 Verity Health System of California, Inc. v. Picis Clinical Solutions, Inc.

#23.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01379. Complaint by Verity Health System of California, Inc. against Picis Clinical Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Picis Clinical Solutions, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01380 Verity Medical Foundation v. Pinnacle Brokers Insurance Solutions, LLC

#24.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01380. Complaint by Verity Medical Foundation against Pinnacle Brokers Insurance Solutions, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-29-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Pinnacle Brokers Insurance

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01384 St. Francis Medical Center v. Proprietary Access Control Enterprises, Inc

#25.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01384. Complaint by St. Francis Medical Center against Proprietary Access Control Enterprises, Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Proprietary Access Control

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01385 Seton Medical Center v. Protocol Agency, Inc.

#26.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01385. Complaint by Seton Medical Center against Protocol Agency, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Protocol Agency, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01386 St. Vincent Medical Center v. Providence Medical Institute

#27.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01386. Complaint by St. Vincent Medical Center against Providence Medical Institute. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Providence Medical Institute

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01387 Seton Medical Center v. Providence Medical Technology, Inc.

#28.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01387. Complaint by Seton Medical Center against Providence Medical Technology, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Providence Medical Technology,

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01388 Verity Health System of California, Inc. v. Quadramed Corporation

#29.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01388. Complaint by Verity Health System of California, Inc. against Quadramed Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Quadramed Corporation

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01389 Verity Health System of California, Inc. v. Quest Diagnostics Clinical

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01389. Complaint by Verity Health System of California, Inc. against Quest Diagnostics Clinical Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Quest Diagnostics Clinical

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01390 Verity Medical Foundation v. Quest Diagnostics Incorporated

#31.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01390. Complaint by Verity Medical Foundation against Quest Diagnostics Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Quest Diagnostics Incorporated

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01391 Verity Medical Foundation v. Questivity, Inc.

#32.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01391. Complaint by Verity Health System of California, Inc. against Questivity, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Questivity, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Tania M Moyron

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01392 St. Francis Medical Center v. R. F. MacDonald Co.

#33.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01392. Complaint by St. Francis Medical Center against R. F. MacDonald Co.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

R. F. MacDonald Co.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01394 St. Vincent Medical Center v. RadAdvantage, a Professional Corporation,

#34.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01394. Complaint by St. Vincent Medical Center against RadAdvantage, a Professional Corporation, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

RadAdvantage, a Professional

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01396 St. Francis Medical Center v. Reginald J. Jones, M.D., F.A.C.S., Inc.

#35.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01396. Complaint by St. Francis Medical Center against Reginald J. Jones, M.D., F.A.C.S., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Reginald J. Jones, M.D., F.A.C.S.,

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01397 St. Francis Medical Center v. Reliable Properties

#36.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01397. Complaint by St. Francis Medical Center against Reliable Properties. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-21-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Reliable Properties

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01406 Seton Medical Center v. Shamrock Surgical

#37.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01406. Complaint by Seton Medical Center against Shamrock Surgical. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Shamrock Surgical

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01412 Verity Health System of California, Inc. v. Software Information Systems,

#38.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01412. Complaint by Verity Health System of California, Inc. against Software Information Systems, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Software Information Systems, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01413 Verity Medical Foundation et al v. Muhammad J Memon, Professional

#39.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01413. Complaint by Verity Medical Foundation, St. Francis Medical Center against Muhammad J Memon, Professional Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Muhammad J Memon, Professional

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01416 Seton Medical Center et al v. Alcon Laboratories, Inc.

#40.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01416. Complaint by Seton Medical Center, St. Francis Medical Center, O'Connor Hospital against Alcon Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alcon Laboratories, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01418 Seton Medical Center et al v. Avanos Medical Sales, LLC

#41.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01418. Complaint by Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center against Avanos Medical Sales, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Avanos Medical Sales, LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01419 St. Francis Medical Center et al v. Bayer Healthcare LLC

#42.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01419. Complaint by St. Francis Medical Center, O'Connor Hospital, Saint Louise Regional Hospital against Bayer Healthcare LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bayer Healthcare LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01420 Seton Medical Center et al v. Carl Zeiss Meditec, Inc.

#43.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01420. Complaint by Seton Medical Center, St. Vincent Medical Center, Verity Medical Foundation against Carl Zeiss Meditec, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Carl Zeiss Meditec, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01424 O'Connor Hospital et al v. Getinge Group Logistics Americas, LLC

#44.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01424. Complaint by O'Connor Hospital, St. Vincent Medical Center, St. Francis Medical Center against Getinge Group Logistics Americas, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Getinge Group Logistics Americas,

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01425 St. Vincent Medical Center et al v. KCI USA, Inc.

#45.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01425. Complaint by St. Vincent Medical Center, O'Connor Hospital, St. Francis Medical Center against KCI USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

KCI USA, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01426 Verity Business Services et al v. Kforce Inc.

#46.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01426. Complaint by Verity Business Services, St. Vincent Medical Center, St. Francis Medical Center against Kforce Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Kforce Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01427 St. Francis Medical Center et al v. Kone Inc.

#47.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01427. Complaint by St. Francis Medical Center, Verity Holdings, LLC, Seton Medical Center against Kone Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Kone Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01430 O'Connor Hospital et al v. Organogenesis, Inc.

#48.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01430. Complaint by O'Connor Hospital, Seton Medical Center, Saint Louise Regional Hospital against Organogenesis, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Organogenesis, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01431 St. Vincent Medical Center et al v. Penumbra, Inc.

#49.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01431. Complaint by St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital against Penumbra, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Penumbra, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01433 O'Connor Hospital et al v. SeaSpine Sales LLC

#50.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01433. Complaint by O'Connor Hospital, Seton Medical Center, St. Vincent Medical Center against SeaSpine Sales LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

SeaSpine Sales LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01434 St. Vincent Medical Center et al v. Siemens Healthcare Diagnostics Inc.

#51.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01434. Complaint by St. Vincent Medical Center, O'Connor Hospital, St. Francis Medical Center against Siemens Healthcare Diagnostics Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 3-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Siemens Healthcare Diagnostics Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01435 O'Connor Hospital et al v. Smiths Medical ASD, Inc.

#52.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01435. Complaint by O'Connor Hospital, Seton Medical Center, St. Vincent Medical Center against Smiths Medical ASD, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Smiths Medical ASD, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01437 St. Vincent Medical Center et al v. T.R.L. Systems, Incorporated

#53.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01437. Complaint by St. Vincent Medical Center, St. Francis Medical Center, Verity Holdings, LLC against T.R.L. Systems, Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

T.R.L. Systems, Incorporated

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01439 Verity Health System of California, Inc. et al v. TeleTracking Technologies,

#54.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01439. Complaint by Verity Health System of California, Inc., St. Francis Medical Center, Seton Medical Center against TeleTracking Technologies, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TeleTracking Technologies, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01442 Seton Medical Center et al v. US Foods, Inc.

#55.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01442. Complaint by Seton Medical Center, O'Connor Hospital, Saint Louise Regional Hospital against US Foods, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

US Foods, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01443 St. Francis Medical Center et al v. VOX Network Solutions, Inc.

#56.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01443. Complaint by St. Francis Medical Center, Verity Health System of California, Inc., Verity Medical Foundation against VOX Network Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

VOX Network Solutions, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01444 Saint Louise Regional Hospital et al v. W.W. Grainger, Inc.

#57.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01444. Complaint by Saint Louise Regional Hospital, Seton Medical Center, O'Connor Hospital against W.W. Grainger, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

W.W. Grainger, Inc.

Pro Se

Plaintiff(s):

Saint Louise Regional Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01464 St. Louise Regional Hospital v. Total Renal Care, Inc.

#58.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Louise Regional Hospital against Total Renal Care, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01464. Complaint by St. Louise Regional Hospital against Total Renal Care, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Louise Regional Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 12-22-20

Docket 2

***** VACATED *** REASON: DISMISSED 1-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Total Renal Care, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01469 St. Vincent Medical Center v. Transplant Management Group, LLC

#59.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Transplant Management Group, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01469. Complaint by St. Vincent Medical Center against Transplant Management Group, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Transplant Management Group, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01482 Verity Health System of California, Inc. v. VMware, Inc.

#60.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against VMware, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01482. Complaint by Verity Health System of California, Inc. against VMware, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 1-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

VMware, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01484 Verity Health System of California, Inc. v. WageWorks, Inc.

#61.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against WageWorks, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01484. Complaint by Verity Health System of California, Inc. against WageWorks, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 2-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

WageWorks, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01490 St. Francis Medical Center v. Zoll Medical Corporation

#62.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Zoll Medical Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01490. Complaint by St. Francis Medical Center against Zoll Medical Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Zoll Medical Corporation

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01495 Seton Medical Center et al v. Airgas, Inc.

#63.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01495. Complaint by Seton Medical Center, St. Vincent Medical Center against Airgas, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Airgas, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01550 St. Vincent Medical Center et al v. Pacific Litho, LLC

#64.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01550. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Pacific Litho, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Pacific Litho, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01551 St. Vincent Medical Center et al v. Paragon 28, Inc.

#65.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01551. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Paragon 28, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Paragon 28, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01553 Verity Health System of California, Inc. et al v. Peregrine Lab Corp.

#66.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01553. Complaint by Verity Health System of California, Inc., St. Vincent Medical Center against Peregrine Lab Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Peregrine Lab Corp.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01558 Verity Health System of California, Inc. et al v. Sagewell Healthcare Benefits

#67.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01558. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Sagewell Healthcare Benefits Trust. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sagewell Healthcare Benefits Trust

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

2:20-14808 SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

#68.00 Hearing
RE: [104] Motion for Extension of Time to have Plan of Reorganization
Confirmed

Docket 104

Tentative Ruling:

4/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed

1. Notice of Motion and Motion for Extension of Time to Have Plan of Reorganization Confirmed; Memorandum of Points and Authorities; Declaration of Robert B. Rosenstein in Support Thereof (the "Motion") [Doc. No. 104]
2. Notice of Motion and Motion to Approve Disclosure Statement; Memorandum of Points and Authorities (the "Disclosure Statement") [Doc. No. 99]
3. Chapter 11 Plan of Reorganization (the "Plan") [Doc. No. 101]
4. As of the preparation of this tentative ruling, no objection is on file

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession, Schreiner's Fine Sausages, Inc. (the "Debtor") filed a voluntary chapter 11 petition on May 26, 2020 (the "Petition Date"). The Debtor operates a family-owned wholesale and retail meat market and restaurant, conducting business as "Schreiner's Fine Sausages," and located at 3417 Ocean View Blvd., Glendale, California 91208 (the "Business"). The Business has been managed by the Schreiner family for three generations: Marcia Schreiner holds an 85% ownership stake in the Debtor, and her son, Walter Thomas Schreiner ("W.T.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

Schreiner"), holds the remaining 15% interest. The Debtor's bankruptcy filing was precipitated by certain high-interest pre-petition business loans, which the Debtor was unable repay in light of the COVID-19 pandemic. The Debtor wishes to reorganize its debts and continue business operations.

The Debtor has filed its Disclosure Statement, which is set for hearing in front of this Court on April 20, 2021. The Debtor's Disclosure Statement proposes a Plan that will pay all allowed claims in full within five years of the effective date of the Plan. As a small business, the Debtor is required to have its plan of reorganization confirmed within 45 days of filing, which would be April 16, 2021. The Debtor requests a short extension to June 21, 2021 because it avers that the April 16 deadline "does not allow time for notice to creditors of a confirmation hearing or the filings required prior to such hearing." Motion at 4.

II. Findings of Fact and Conclusions of Law

11 U.S.C. § 1129(e) reads: "[i]n a small business case, the court shall confirm a plan that complied with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3)." Section 1121(e)(3) reads:

[T]he time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within the plan shall be confirmed, may be extended only if—

- (A) the Debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;
- (B) a new deadline is imposed at the time the extension is granted; and
- (C) the order extending time is signed before the existing deadline has expired.

As the Debtor has properly served the parties in interest, proposed a new deadline, and the hearing on this Motion is taking place before the existing deadline is to expire, the only question for the Court is whether the Debtor has demonstrated, by a preponderance of the evidence, that it is "more likely than not" that this Court will

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

confirm the Plan.

While it is obvious that "preponderance of the evidence" simply means more than a 50% likelihood that the Court will approve the Debtor's plan, there is little authority discussing what sort of information a plan would need to contain to have a 51% likelihood of confirmation. Most courts have instead dealt with what is insufficient. *See In re Safeguard-RX, Inc.*, 2009 WL 249767, *2 (Bankr. S.D. Tex. Feb. 2, 2009) (finding that where a plan did not "address resolution of the disputes between the Debtor and its landlord" and the disclosure statement lacked "any indication of any sort of financial planning on the part of its Debtor for its existence as a reorganized Debtor," an extension of time must be denied for failure to prove, by a preponderance of the evidence, that a plan would be confirmed); *see also In re Save Our Springs (S.O.S.) Alliance, Inc.*, 388 B.R. 202, 225 & 229 (Bankr. W.D. Tex. Apr. 11, 2008) (finding that where the First Amended Plan was substantially similar to the original Plan, which had already been denied, the Debtor failed show, by a preponderance of the evidence, that the First Amended Plan would be confirmed); *In re Luther*, 2008 WL 1063008, *2 (Bankr. D. Md. Mar. 22, 2007) (finding that where a Debtor "failed to appear and also failed to file any documents in support of" an extension, the Debtor did not prove, by a preponderance of the evidence, that a plan would be confirmed).

Here, there is no indication of any of the aforementioned problems with the Debtor's Plan. The Debtor's Plan "proposes to pay all allowed claims in full within five (5) years of the effective date of the Plan, defined as thirty (30) days after entry of the confirmation order, and the Debtor has filed its Disclosure Statement to provide adequate information about the Plan." Motion at 5. Giving the Plan and the Disclosure Statement a cursory review, it does appear, by a preponderance of the evidence, that the Court may approve the Plan and Disclosure Statement. The Debtor has approximately \$200,000 cash on hand which will jump-start the funding for the plan, in addition to its monthly income from running its business. *See* Plan at 10; *see also* Disclosure Statement at 12. The Debtor's average monthly gross is \$163,000 and its 2021 sales projections are consisted with historical sales. Disclosure Statement at 20. The Plan provides for minimum monthly payments of \$10,000 to pay all creditors in full, and the Debtor's business operations have historically netted enough to pay that amount. *Id.* Furthermore, all creditors and parties in interest having been properly noticed, and there are no objections to this Motion.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

10:00 AM

CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

III. Conclusion

For the reasons set forth above, the Motion is **GRANTED**. The Debtor's deadline for confirmation of its Plan is extended from April 16, 2021 to and including June 21, 2021.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

SCHREINER'S FINE SAUSAGES,

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 6, 2021

Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

#100.00 HearingRE: [202] Motion to Extend Time Notice of Motion and Motion to Extend Deadline to File Complaint Under 11 USC Section 546 with Proof of Service (Attachments: # 1 Part Two of Two) (Haes, Chad)

Docket 202

Tentative Ruling:

4/5/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is GRANTED. The Trustee's deadline to file avoidance actions is extended from March 19, 2021 to and including June 18, 2021. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion to Extend Deadline to File Complaint Under 11 U.S.C. § 546; Memorandum of Points and Authorities; and Declaration of Chad V. Haes in Support (the "Motion") [Doc. No. 202]
- 2) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On January 18, 2019 (the "Petition Date"), Bahram Zendedel ("Debtor") filed a voluntary Chapter 7 petition. The Chapter 7 Trustee (the "Trustee") moves to extend the deadline to file avoidance actions from March 19, 2021 to and including June 18, 2021. The Trustee asserts that his investigation of the Debtor's financial affairs has been delayed by the Debtor's failure to appear at the meeting of creditors and failure to provide documents requested by the Trustee. The Trustee requested supplemental bank statements from the Debtor at the latest meeting of creditors on December 16, 2020, but has not yet received those statements. Motion at 6. In fact, the Debtor's

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counsel has informed the Trustee that "he does not expect [the] Debtor to take any further action to obtain the New [Bank] Statements." *Id.* The Trustee is also waiting on various banks to turn over documents pursuant to orders that this Court issued on March 4, 2021. *See* Doc. Nos. 182-188. No opposition to the Motion is on file.

II. Findings and Conclusions

Section 546(a) requires the Trustee to file avoidance actions within two years after the entry of the order for relief. The statute of limitations set forth in § 546(a) is not jurisdictional and is not a statute of repose, *Ernst & Young v. Matsumoto (In re United Ins. Mgmt., Inc.)*, 14 F.3d 1380, 1385 (9th Cir. 1994), and is therefore subject to enlargement pursuant to Bankruptcy Rule 9006(b). *See In re Fundamental Long Term Care, Inc.*, 501 B.R. 784, 788 (Bankr. M.D. Fla. 2013) (concluding that the two-year deadline set forth in § 546(a) is subject to enlargement by the court because § 546 is a statute of limitations, not a jurisdictional bar or statute of repose). Bankruptcy Rule 9006(b) authorizes the Court to enlarge a deadline "for cause shown" [Note 1]

Here, at the most recent meeting of creditors on December 16, 2020, the Trustee requested supplemental bank statements from the Debtor that were previously undisclosed. Motion at 6. The Trustee has followed up with the Debtor's counsel numerous times, but has yet to receive the new bank statements. The Debtor's counsel has even informed the Trustee that he "does not expect [the] Debtor to take any further action to obtain the New [Bank] Statements." Motion at 6. Furthermore, the Trustee filed seven motions for orders authorizing production of documents from various banks, which the Court granted on March 4, 2021. *See* Doc. Nos. 182-188. The Trustee is still waiting to receive those documents. In conjunction with the Debtor's continued failure to comply with court orders, failure to appear at duly-noticed § 341(a) meetings, and failure to sufficiently respond to the Trustee's document requests, the Trustee has shown ample cause for an enlargement of the statute of limitations set forth in § 546(a). *See* Doc. Nos. 99, 100, 120, & 123.

III. Conclusion

Based upon the foregoing, the Motion is GRANTED in its entirety. The Trustee's deadline to file avoidance actions is extended from March 19, 2021 to and including June 18, 2021. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

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No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: Where, as here, a motion seeking enlargement is filed before the applicable deadline has expired, the Court may enlarge the deadline "with or without motion or notice" Therefore, the fact that the Motion may not necessarily have been served upon the persons against whom the contemplated avoidance actions will be filed is immaterial.

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

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2:18-11284 Damu Vusha and Akiba Vusha

Chapter 11

#1.00 Post-Confirmation Status Conference

fr. 11-19-19; 3-18-20; FR. 3-31-20; 6-2-20; 12-8-20

Docket 156

***** VACATED *** REASON: PER ORDER ENTERED 2-18-21**

Tentative Ruling:

6/1/2020

For the reasons set forth below, a continued Post-Confirmation Status Conference shall take place on **December 8, 2020, at 10:00 a.m.**

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Pleadings Filed and Reviewed:

- 1) Chapter 11 Post-Confirmation Status Report (Second) [Doc. No. 190] (the "Status Report")
- 2) Notice of Withdrawal of the Motion to Withdraw as Reorganized Debtors' Bankruptcy Counsel filed on March 3, 2020 [Doc. No. 178]

No appearances required. This is the second post-confirmation status conference. A continued Post-Confirmation Status Conference shall be held on **December 8, 2020, at 10:00 a.m.** The Debtors must submit a further Post-Confirmation Status Report (the "Third Status Report") by no later than fourteen days prior to the hearing. The Third Status Report should inform the Court about the status of the sale of real property located at 1300 W. 69th Street, Los Angeles, California 90044, and if the Debtors successfully cured outstanding deficiencies.

The Debtors shall submit an order setting the continued Post-Confirmation Status Conference within seven days of the hearing.

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CONT... Damu Vusha and Akiba Vusha

Chapter 11

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Carlos Nevarez or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Damu Vusha

Represented By
Michael Jay Berger

Joint Debtor(s):

Akiba Vusha

Represented By
Michael Jay Berger

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2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#2.00 Status Hearing re [1624] results of mediation

FR. 2-17-21

Docket 0

***** VACATED *** REASON: CONTINUED 6-2-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II

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2:10-62208 EPD Investment Co., LLC

Chapter 7

#3.00 Hearing

RE: [1361] Motion to Approve Compromise Under Rule 9019 Motion of Trustee for Order: (1) Approving Settlement with Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, and John C. Kirkland; and (2) Authorizing Private Sale of Trustees Rights, Title, and Interests in Judgments; Memorandum of Points and Authorities; Declaration of Jason M. Rund; and Request for Judicial Notice, with Proof of Service, Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) . (Attachments: # 1 Exhibit Exhibits 1 to 3 and Proof of Service) (Hessling, Robert)

FR. 3-10-21

Docket 1361

Tentative Ruling:

4/6/2021 12:02 PM

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion to approve the Settlement is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Motion of Trustee for Order: (1) Approving Settlement with Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, and John C. Kirkland; and (2) Authorizing Private Sale of Trustee's Rights, Title, and Interests in Judgments [Doc. No. 1361] (the "Motion")
 - a) Notice of Motion [Doc. Nos. 1362-63]
 - b) Notice of Sale of Estate Property [Doc. No. 1364]
- 2) Administrative Creditor Brutzkus Gubner's Objection to Motion of Trustee for Order: (1) Approving Settlement with Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, and John C. Kirkland; and (2)

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Authorizing Private Sale of Trustee's Rights, Title, and Interests in Judgments [Doc. No. 1379] (the "BG Opposition")

- 3) Berkeley Research Group, LLC's Response and Objection to Motion of Trustee Approving Settlement [Doc. No. 1380]
- 4) Trustee's Reply to Oppositions of Brutzkus Gubner and Berkely Research Group, LLC, to Motion of Trustee for Order: (1) Approving Settlement with Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009, and John C. Kirkland; and (2) Authorizing Private Sale of Trustee's Rights, Title, and Interests in Judgments [Doc. No. 1381]
- 5) John C. Kirkland and Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009's Reply in Support of the Trustee's Motion to Approve Settlement [Doc. No. 1384]
- 6) Administrative Creditor Brutzkus Gubner's Motion to Strike John C. Kirkland and Poshow Ann Kirkland, as Trustee of the Bright Conscience Trust Dated September 9, 2009's Reply in Support of the Trustee's Motion to Approve the Settlement [Doc. No. 1385]

I. Facts and Summary of Pleadings

A. Introduction

Before the Court is a motion (the "Motion") to approve a *Settlement Agreement and Mutual Release* (the "Settlement") brought by Jason M. Rund, the Chapter 7 Trustee (the "Trustee"). The Settlement is between the Bright Conscience Trust Dated September 9, 2009 (the "BC Trust") and John Kirkland ("Kirkland"), on the one hand, and the Trustee, on the other hand. Papers in support of approval of the Settlement were filed by the Trustee and by the BC Trust and Kirkland. Approval of the Settlement is opposed by the Trustee's former special litigation counsel, Brutzkus Gubner Rozansky Seror Weber, LLP ("BG") and by the Trustee's accountants and financial advisors, Berkeley Research Group ("BRG").

B. The Involuntary Petition

On December 7, 2010 (the "Petition Date"), creditors filed an involuntary petition against EPD Investment Co., LLC ("EPD"). *See* Bankr. Doc. No. 1. [Note 1] The Court entered an Order for Relief on February 9, 2011. *See* Bankr. Doc. No. 29. On February 1, 2012, Jerrold S. Pressman ("Pressman") filed a voluntary Chapter 7 petition. On June 4, 2012, the bankruptcy cases of EPD and Pressman (collectively, the "Debtors") were substantively consolidated. Bankr. Doc. No. 227. Jason M. Rund has been appointed as the Trustee responsible for administering the estates of both

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C. The Adversary Proceeding Against the BC Trust and Kirkland

On October 31, 2012, the Trustee filed a complaint against the BC Trust and Kirkland, commencing adversary proceeding 2:12-ap-02424-ER (the "Adversary Proceeding"). The operative Fourth Amended Complaint [Adv. Doc. No. 234] (the "Complaint") was filed on October 14, 2016. [Note 2] The Complaint seeks to (1) disallow and/or equitably subordinate proofs of claim filed by the BC Trust and (2) avoid allegedly fraudulent transfers from the Debtors to both Kirkland and the BC Trust.

On December 17, 2018, the District Court withdrew the reference of the Adversary Proceeding from the Bankruptcy Court. *Rund v. Kirkland (In re EPD Investment Co., LLC)*, 594 B.R. 423 (C.D. Cal. 2018). Withdrawal of the reference was based on Kirkland's right to a jury trial conducted by the District Court. *Id.* at 426. Observing the "common issues of fact and the overlapping nature of the claims against the BC Trust and John Kirkland," the District Court found that "judicial economy and the uniformity of bankruptcy administration ... would be best served by withdrawing the entire action." *Id.*

On June 4, 2019, the District Court granted the Trustee's motion to bifurcate the trial of the (1) disallowance, equitable subordination, and fraudulent transfer claims against the BC Trust and (2) the fraudulent transfer claims against Kirkland. District Court Doc. No. 117. A six-day jury trial of the Trustee's claims against Kirkland was conducted between June 25, 2019 and July 3, 2019. District Court Doc. Nos. 180–86. Specifically, the Trustee sought to avoid, as actually and constructively fraudulent, \$104,852.82 in payments made by the Debtors towards the mortgage on Kirkland's home (the "Mortgage Transfers").

The jury returned a verdict in favor of Kirkland. In reaching its verdict, the jury found that EPD was a Ponzi scheme, *see* Verdict Form re Ponzi Scheme [District Court Doc. No. 174]; that Kirkland was not an insider of EPD and/or Pressman, *see* Verdict Form re Insider [District Court Doc. No. 174]; that EPD and/or Pressman transferred property to Kirkland to hinder, delay, and defraud one or more of their creditors, *see* Verdict Form No. 1 (Actual Fraud—California Law) at Question 3 and Verdict Form No. 2 (Actual Fraud—Bankruptcy Code) at Question 3 [District Court Doc. No. 174]; and that Kirkland received the Mortgage Transfers in good faith and for reasonably equivalent value, *see* Verdict Form No. 1 (Actual Fraud—California Law) at Questions 4–5; Verdict Form No. 2 (Actual Fraud—Bankruptcy Code) at Questions 4–5; Verdict Form No. 3 (Constructive Fraud—California Law) at

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Question 3; and Verdict Form No. 5 (Constructive Fraud—Bankruptcy Code) at Question 3 [District Court Doc. No. 174].

The District Court did not enter final judgment in favor of Kirkland because the jury trial did not resolve the Trustee's claims against the BC Trust. *See* Civil Rule 54(b) (providing that where an action involves claims against multiple parties, judgment may not be entered against fewer than all the parties unless "the court expressly determines that there is no just reason for delay"). On October 3, 2019, the District Court remanded the Trustee's claims against the BC Trust to the Bankruptcy Court, and dismissed Count 1 of the Complaint (for disallowance and/or equitable subordination of the BC Trust's proofs of claim) as to Kirkland. District Court Doc. No. 189 (the "Remand Order"). The District Court stated that it saw no reason why the Bankruptcy Court could not rely upon the testimony provided during the jury trial in adjudicating the claims against the BC Trust. *Id.*

On January 21, 2021, upon Kirkland's motion, the Court entered final judgment in his favor. *See* Adv. Doc. No. 486 (the "Kirkland Judgment"). The Court found that delaying the entry of final judgment as to Kirkland until the completion of the adjudication of the claims against the BC Trust would be prejudicial to Kirkland. The Court noted that in an unrelated arbitration proceeding pending against Kirkland, a party had introduced into evidence the jury's Ponzi scheme finding in support of the allegation that Kirkland had engaged in a Ponzi scheme. The Court concluded that in light of the complexity of the action, the absence of an unambiguous final judgment would make it unduly difficult and expensive for Kirkland to show that he has prevailed on the claims at issue in this case. *See* Adv. Doc. No. 487 (ruling granting Kirkland's motion for entry of final judgment). **[Note 3]**

On January 26, 2021, the BC Trust filed a notice of appeal with respect to only that portion of the Kirkland Judgment in which the jury found that (1) EPD was a Ponzi scheme and (2) that EPD and/or Pressman transferred property to Kirkland to hinder, delay, and defraud one or more of their creditors (the "Ponzi Verdict").

On October 29, 2020, the Court entered a *Memorandum of Decision Granting in Part and Denying in Part Cross-Motions for Summary Judgment Filed by the Chapter 7 Trustee and the BC Trust* [Adv. Doc. No. 460] (the "Memorandum") and an accompanying order [Adv. Doc. No. 461] (the "Order"). The Order provides in relevant part:

- 1) [paragraph omitted]
- 2) The BC Trust holds an allowed secured claim in the amount of \$1,950,613.41. This finding is without prejudice to the ability of the

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Trustee and the BC Trust to assert that the claim is subject to the following adjustments:

- a) The BC Trust may assert that the claim should be increased by approximately \$75,000, based on the fact that the estate has received approximately \$75,000 in proceeds from a Court-approved settlement with Union Bank, and the estate is entitled to only a single satisfaction of avoided transfers under § 550(d).
- b) The Trustee may assert that the claim is subject to being surcharged in the amount of \$309,166.70 under § 506(c), based on the fact that the Trustee was required to pay this amount to facilitate a settlement with Robert Geringer.
- 3) The BC Trust is not entitled to any interest on its claim because the Trustee is entitled to avoid the claim as an actually fraudulent transfer pursuant to § 548(a)(1)(A). Notwithstanding such avoidance, the BC Trust is entitled to a claim of \$1,950,613.41 because it has established that it acquired the claim in good faith and for value pursuant to § 548(c).
- 4) The BC Trust's claim **does not** attach to (a) \$3,886,650.83 in proceeds from the Trustee's settlement of avoidance actions or (b) \$1,250,000.00 in proceeds from the Trustee's settlements with Luce Forward and Greenberg Traurig. The BC Trust's claim **does** attach to (a) \$3,615,817.85 in proceeds from a settlement with Robert Geringer and (b) \$104,588.83 in proceeds from the sale of stock in Ice Skating Enterprises and Sidecreek Development.
- 5) The BC Trust is entitled to summary adjudication in its favor on the Trustee's constructively fraudulent transfer claims (claims four and five).
- 6) This Order does not dispose of all the claims for relief at issue in this action and is therefore an interlocutory order.
- 7) Neither party is entitled to summary adjudication with respect to the Trustee's equitable subordination claim.

Order at ¶¶ 1–6 (footnotes omitted).

The Court set a trial on the equitable subordination claim and ordered the parties to engage in mediation prior to the trial date. On January 29, 2021, the Trustee and the BC Trust and Kirkland participated in a mediation session before David Murphy of Phillips ADR Enterprises. The Trustee's special litigation counsel who has been responsible for prosecuting the Adversary Proceeding did not participate in the mediation. Instead, the Trustee was represented by his general bankruptcy counsel.

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The parties entered into a *Settlement Agreement and Mutual Release* [Bankr. Doc. No. 1361, Ex. 1] (the "Settlement") subsequent to the mediation, and the Trustee filed the instant Motion for approval of the Settlement. The Court took the trial date off calendar after the Motion was filed.

Upon the filing of the Motion, the Trustee's special litigation counsel, Brutzkus Gubner Rozansky Seror Weber, LLP ("BG") sought authorization to withdraw from representation, citing conflicts of interest between the Trustee and BG created by the Settlement. The Trustee initially opposed BG's withdrawal, but stipulated to withdraw his opposition in order to save administrative costs [**Note 4**] after the Court set a hearing and briefing schedule on BG's withdrawal motion. On February 17, 2021, the Court approved a stipulation between the Trustee and BG authorizing BG's withdrawal. *See* Bankr. Doc. No. 1375.

D. Professionals Employed on Behalf of the Estate

On April 26, 2011, the Court approved the Trustee's application to employ Ezra Brutzkus Gubner LLP as his special litigation counsel. (The firm subsequently changed its name to Brutzkus Gubner Rozansky Seror Weber, LLP; for simplicity, both firms are referred to as "BG"). *See* Bankr. Doc. No. 120. As noted above, the Court authorized BG to withdraw as special litigation counsel on February 17, 2021. *See* Bankr. Doc. No. 1375.

On March 23, 2011, the Court authorized the Trustee to employ Danning, Gill, Diamond & Kollitz, LLP ("DGDK") as his general bankruptcy counsel. *See* Bankr. Doc. No. 80. DGDK served as the Trustee's general counsel through and including June 26, 2012. After the DGDK attorney primarily responsible for the matter relocated to a new firm, the Court authorized the Trustee to employ Robert A. Hessling, APC ("RAH") as his general bankruptcy counsel. *See* Bankr. Doc. No. 266.

On June 21, 2012, the Court authorized the Trustee to employ Berkeley Research Group, LLC ("BRG") to review the Debtors' finances and work with BG in the prosecution of avoidance actions on behalf of the estate. *See* Bankr. Doc. No. 235. When the professionals at BRG responsible for the matter relocated to Development Specialists, Inc. ("DSI"), the Court authorized the Trustee to employ DSI as the successor to BRG. *See* Bankr. Doc. No. 1269.

E. The Estate's Financial Position

Cash on hand in the estate is \$2,614,960.68. [**Note 5**] The Trustee's administration of the estate has generated receipts of \$8,861,062.81 (the "Estate Receipts"). The following table sets forth the primary sources of the Estate Receipts:

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Source	Amount
Proceeds of settlements of the Trustee's avoidance claims	\$3,811,650.83
Proceeds of settlements with Luce Forward and Greenberg Traurig, two of Kirkland's prior law firms, based on the Trustee's claims related to Kirkland's actions or inactions while employed at those firms	\$1,250,00.00
Proceeds of settlement with Robert Geringer, representing the amount that Geringer paid Pressman for stock in North Hills Industrial Park, Inc.	\$3,615,817.85
Proceeds from the sale of stock in Ice Skating Enterprises, Inc.	\$54,558.83
Proceeds realized in connection with the liquidation of Pressman's stock ownership in Sidecreek Development, Inc.	\$50,000.00

The Court has awarded, on an interim basis, fees and costs to the estate's professionals in the total amount of \$5,856,429.38. Of the fees and costs awarded, the Court has authorized the Trustee to pay professionals the total amount of \$5,661,903.59. RAH, the Trustee's successor general bankruptcy counsel, is the only professional whose allowed fees have not been paid in their entirety. The amount of fees awarded to RAH but not yet authorized for payment totals \$194,525.79. The following table summarizes the fees and costs that have been allowed and paid:

Professional	Allowed Interim Fees and Costs	Paid Interim Fees and Costs
RAH (successor general bankruptcy counsel)	\$443,730.19	\$249,164.400
DGDK (former general bankruptcy counsel)	\$214,632.22	\$214,632.22
BG (special litigation counsel)	\$4,313,348.58	\$4,313,348.58
BRG (financial advisors)	\$884,758.39	\$176,000.00
TOTAL	\$5,856,429.38	\$5,661,903.59

Except for RAH, none of the estate's professionals have been awarded fees and expenses for work performed subsequent to July 31, 2015. [Note 6] According to the Trustee, the amount of fees incurred but not yet allowed for work performed after July 2015 totals approximately \$3,248,000.00. [Note 7] (Fee applications on account of

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this work have not yet been filed.) The following table sets forth the Trustee's estimate of fees and costs that have been incurred but not yet allowed:

Professional	Estimated Fees and Costs
Trustee	\$300,000.00
RAH (successor general bankruptcy counsel)	\$55,000.00
EBG (special litigation counsel)	\$2,700,000.00
BRG (financial advisors)	\$176,000.00
DSI (successor financial advisors)	\$17,000.00
TOTAL	\$3,248,000.00

If the Court were to allow all of the fees set forth above in the amounts estimated by the Trustee, the estate would be administratively insolvent. Total administrative expenses, including the claim of National Mortgage Resources, Inc. that the Trustee paid to facilitate the Geringer settlement, would total \$9,738,712.53—an amount that exceeds the Estate Receipts by approximately \$875,000.

F. Summary of the Settlement

The material terms of the Settlement are as follows:

- 1) The BC Trust shall have an allowed secured claim in the amount of \$10,000,000.00, secured by all assets of the estate. The Trustee waives all rights to surcharge the BC Trust's collateral under § 506(c).
- 2) The Trustee accepts the Kirkland Judgment, which shall remain final and binding. With regard to the BC Trust's limited appeal of the Kirkland Judgment, the Trustee agrees to stipulate to vacate the Ponzi Verdict in the Bankruptcy Court and/or District Court.
- 3) Promptly after entry of an order approving the Settlement becomes final and non-appealable and the entry of judgment in the BC Trust's favor in the Adversary Proceeding becomes final and non-appealable, the Trustee shall pay the BC Trust \$2,600,000.00 in partial satisfaction of its secured claim (the "Partial Payment").
- 4) The Trustee and the BC Trust shall file a joint motion against BG and BRG for the disallowance and disgorgement of the allowed, paid interim fees and costs of BG and BRG (the "Disgorgement Motion"). The Disgorgement Motion shall be made on all available bases, including that (a) the BC Trust's

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cash collateral cannot be used to pay administrative claims absent its consent, (b) the services provided by BG and BRG were not necessary or beneficial to the estate, and (c) the fees and costs incurred by BG and BRG were not reasonable.

- 5) The Trustee shall be entitled to receive 25% of any proceeds received from the Disgorgement Motion (the "Disgorgement Proceeds," and the Trustee's share of such proceeds, the "Trustee's Share"). The BC Trust shall be entitled to receive 75% of the Disgorgement Proceeds (the "BC Trust's Share").
- 6) The BC Trust consents to the Trustee's prior payment of \$1,045,646.30 in administrative expenses from its cash collateral, as follows:
 - a) \$249,164.40 paid to RAH in connection with its Second Interim Fee Application;
 - b) \$214,632.22 paid to DGDK in connection with its First Interim and Final Fee Applications;
 - c) \$309,166.70 paid to National Mortgage Resources, Inc. on account of a claim secured by a lien on shares of stock in North Hills Industrial, Park, Inc.;
 - d) \$216,300.74 paid to Union Bank for account service fees and charges;
 - e) \$2,459.51 paid to Associated Bank for account service fees and charges;
 - f) \$24,665.81 paid to International Sureties, Ltd. for the Trustee's bond;
 - g) \$25,057.00 paid to the Franchise Tax Board for taxes; and
 - h) \$4,200.00 paid to JAMS, Inc. for mediation fees in the Adversary Proceeding.
- 7) The BC Trust consents to the Trustee's payment of \$25,000, in partial satisfaction of the unsecured priority claims of the Internal Revenue Service and the Franchise Tax Board, from the Trustee's Share and the Estate Fund Balance.
- 8) The BC Trust expressly declines to consent to the use of any of its cash collateral or the use of the Trustee's Share to pay the fees and costs of BG or BRG. The BC Trust consents to the use of the Trustee's Share to pay administrative expenses, including without limitation the fees and costs of the Trustee, RAH, DSI, and counsel to the petitioning creditors. The Trustee will join the BC Trust in strenuously opposing any motion by BG and/or BRG to retain or obtain any portion of the BC Trust's cash collateral.
- 9) The Trustee represents that he relied on the advice of counsel in prosecuting the Adversary Proceeding. If BG and BRG do not disgorge all funds received from the estate within 30 days of the date of the Settlement, the Trustee

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waives the attorney-client privilege with respect to all documents and communications involving BG and BRG, and irrevocably instructs BG and BRG to deliver all such documents and communications to counsel for Kirkland and the BC Trust immediately upon entry of a court order approving the Settlement.

- 10) In exchange for assigning to the BC Trust and Kirkland the estate's interest in (a) the default judgment that the Trustee obtained in *Rund v. Pollack* (Adv. No. 2:12-ap-02593-ER) and (b) the stipulated judgment that the Trustee obtained in *Rund v. Jerrold Pressman* [Bankr. Doc. No. 265], the Trustee shall be entitled to retain, free and clear of the BC Trust's lien, the funds that remain in the estate after making the Partial Payment (the "Estate Fund Balance"). As of February 10, 2021, the Estate Fund Balance was \$17,309.46.

G. Potential Litigation if the Settlement is Not Approved

Kirkland and the BC Trust have informed the Trustee that absent approval of the Settlement, they intend to commence and/or continue to pursue the following litigation:

- 1) Kirkland will continue prosecuting his appeal of the Kirkland Judgment to set aside the Ponzi Verdict.
- 2) Kirkland will file a motion to recover his attorneys' fees and costs in the Adversary Proceeding and will assert that such fees and costs are entitled to administrative priority.
- 3) The BC Trust will proceed to trial on the equitable subordination claim and will appeal certain aspects of the Memorandum if they remain.
- 4) The BC Trust will file a motion to recover its attorneys' fees and costs in the Adversary Proceeding and will assert that such fees and costs should be added to the amount of its secured claim.
- 5) The BC Trust and Kirkland will commence a malicious prosecution action against BG and BRG. The action would involve the Trustee if BG and BRG filed cross-claims against the Trustee.
- 6) Kirkland will commence an action against BG and BRG to recover alleged damages to his personal and professional reputation caused by the Adversary Proceeding, including punitive damages. Kirkland intends to assert that any damages, attorneys' fees, and costs awarded to him in such an action would be entitled to administrative priority. The action would also involve the Trustee if BG and BRG filed cross-claims against the Trustee.

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- 7) If the Trustee does not file a disgorgement motion, the BC Trust and Kirkland intend to seek leave of the Bankruptcy Court to file a motion for disgorgement of the fees and expenses previously awarded to certain professionals, and to file the disgorgement motion if leave is granted.

H. Contentions of the Parties

The Trustee asserts that the Settlement should be approved because the estate is "hopelessly administratively insolvent" and the Settlement "extricates the Trustee and the Estate from this dire predicament [administrative insolvency] and focuses the parties on the major issue that would likely remain absent any settlement—the disgorgement, disallowance, and/or reduction of the fees and costs of BG and BRG." Motion at 32–33. The Trustee emphasizes that "[a]bsent any settlement, Kirkland and the BC Trust have made it clear that they will pursue disgorgement and disgorgement therefore will still be at issue." *Id.* at 32.

BG opposes the Motion. It argues that the Settlement cannot be approved for the following reasons:

- 1) The treatment afforded to the BC Trust's claim in the Settlement is inconsistent with findings made by the Court in the Memorandum. Specifically:
 - a) The Settlement provides that the BC Trust's claim attaches to all assets of the estate, even though the Memorandum found that the BC Trust's claim does not attach to proceeds from the settlement of avoidance actions or proceeds from the settlements with Greenberg Traurig and Luce Forward.
 - b) The Settlement provides that the BC Trust is entitled to interest on its claim, even though the Memorandum found that interest was not allowable because EPD operated as a Ponzi scheme.
- 2) The Settlement requires the Trustee to join the BC Trust in filing the Disgorgement Motion, on the ground that the services provided by BG were not beneficial to the estate and that the fees charged by BG for its services were not reasonable. The Trustee is estopped from taking such a position because he previously filed declarations in support of BG's interim fee applications.
- 3) The Settlement contravenes the priority scheme set forth in § 726(b) by allowing the Trustee's general bankruptcy counsel to retain previously awarded interim fees while simultaneously compelling the disgorgement of interim fees awarded to BG and BRG.

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BRG also opposes the Settlement, and makes the following arguments in support of its opposition:

- 1) Through the Settlement, the Trustee has secured broad releases for himself. Therefore, the Trustee is no longer a disinterested party who can objectively evaluate the Settlement's benefit to the estate. Given the Trustee's self-interest, review of the Settlement should at a minimum be subjected to heightened scrutiny. However, the more appropriate course of action would be to remove the Trustee and replace him with an estate fiduciary capable of objectively evaluating the merits of any settlement with Kirkland and the BC Trust.
- 2) The Settlement may adversely affect investors in EPD. Under guidance promulgated by the IRS, victims of a Ponzi scheme are entitled to deduct a theft loss only in the year the taxpayer discovers the loss. After the jury found in 2019 that EPD was a Ponzi scheme, it is likely that many of EPD's investors would have sought to take advantage of a theft loss deduction in connection with their 2019 tax returns. The Settlement provides for vacatur of the jury's Ponzi scheme funding, which would adversely affect any EPD investors would claimed a theft loss deduction.

Kirkland and the BC Trust filed a reply in support of approval of the Settlement, in which they make the following arguments:

- 1) BG's opposition to the Motion should be stricken because BG violated its duties of loyalty and confidentiality to the Trustee by opposing the Trustee's decision to settle.
- 2) The Settlement resolves many issues that remain to be litigated. Absent approval of the Settlement, the BC Trust will proceed with multiple appeals, on which it is likely to prevail. The BC Trust will appeal (a) the ruling that it is not entitled to interest on its secured claim, (b) the ruling that its lien does not attach to the proceeds of the settlements with Luce Forward and Greenberg Traurig and the proceeds of the settlements of the Trustee's avoidance actions, and (c) the ruling that the Trustee can proceed on the disallowance and subordination claim on the basis that Kirkland's conduct is imputed to the BC Trust.
- 3) The Settlement does not harm unsecured creditors. With or without the

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Settlement, there will be no money for unsecured creditors for at least two reasons. First, the BC Trust's secured claim exceeds all assets in the estate. Second, if the Court disapproves the Settlement and maintains its finding limiting the assets to which the BC Trust's secured claim can attach, unsecured creditors will not receive anything because funds will be exhausted by the administrative claims of the estate's professionals.

The Trustee filed a reply in support of approval of the Settlement, in which he makes the following arguments:

- 1) BG and BRG have failed to refute the Trustee's showing that the Settlement is in the best interests of the estate and creditors. The estate is hopelessly administratively insolvent, and BG has withdrawn as the Trustee's special litigation counsel, leaving the Trustee to fend for himself if the Settlement is not approved. The Trustee has no unencumbered funds to retain substitute special litigation counsel. Consequently, the Trustee will be unable to prosecute the pending equitable subordination claim against the BC Trust and will be unable to defend against pending and future litigation by Kirkland and the BC Trust. The Settlement extricates the Trustee from this dire predicament.
- 2) The Settlement is in the best interests of creditors because the BC Trust has agreed to a carveout through which unsecured priority creditors will be paid up to \$25,000. If the Settlement is not approved, these priority creditors will receive nothing because cash on hand in the estate is insufficient to pay the BC Trust's secured claim.

BG filed a motion to strike the reply in support of the Settlement filed by Kirkland and the BC Trust. BG argues that the reply contains substantive content and declarations going well beyond the substance of the Motion, and that BG has been deprived of the opportunity to respond to this additional material.

II. Findings of Fact and Conclusions of Law

A. Approval of the Settlement Would Compel the Court to Subsequently Order BG and BRG to Disgorge All Fees Previously Awarded

Kirkland and the BC Trust contend that approval of the Settlement is distinct from the review of BG and BRG's fees: "Approval of the settlement does not, itself, trigger disgorgement. Instead, the propriety of [BG and BRG's] fees and costs will be fully

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and fairly considered through motion practice, after the settlement is approved." Doc. No. 1384 at 10. The Trustee makes the same argument: "[S]ome of [the] arguments [raised by BG and BRG] ... involve the issue of disgorgement and are not relevant to the settlement motion. A disgorgement motion has not yet been filed." Doc. No. 1381 at 4.

The Settlement has been structured in a manner such that were the Court to approve it, the Court would have no alternative but to order the disgorgement of all the fees and costs previously awarded on an interim basis to BG and BRG. The Settlement grants the BC Trust a \$10 million claim secured by all assets of the estate, and provides that the Trustee waives his right to surcharge the BC Trust's secured claim. It is black letter law that expenses of administration (here, the fees awarded to BG and BRG) are junior to a secured claim. *See Rus, Miliband & Smith, APC v. Yoo (In re Dick Cepek, Inc.)*, 339 B.R. 730, 737 (B.A.P. 9th Cir. 2006) ("As a general rule, *expenses of administration must be satisfied from assets of the estate not subject to liens* Only surplus proceeds are available for distribution to creditors of the estate and administrative claimants. Therefore, absent equity in the collateral, administrative claimants cannot look to encumbered property to provide a source of payment for their claims.") (emphasis in original; internal citation omitted). The Settlement's granting to the BC Trust of a claim secured by *all assets* of the estate means that the fees of BG and BRG could be paid only if the Trustee surcharged the BC Trust's collateral. But the Settlement prevents the Trustee from seeking to surcharge that collateral: "the allowed secured claim of the BC Trust is not subject to any defenses, avoidance, subordination, *surcharge*, adjustment, offset, disallowance, or reduction, and none of the BC Trust's collateral is subject to surcharge. The Trustee hereby waives all rights to surcharge under 11 U.S.C. section 506(d)." Settlement at ¶ 4.

In addition, to guarantee that all options under which BG and BRG might be allowed to retain fees previously awarded are foreclosed, the Settlement expressly bars the Trustee from seeking to return to BG and BRG any Disgorgement Proceeds that he recovers from those firms:

The BC Trust expressly declines to consent to the use of any of its collateral, the Estate Fund Balance, and the Trustee's Share to any person or entity ..., including but not limited to any payments to BG or BRG, including but not limited to the respective fees and costs of BG and BRG, and expressly declines to carve out for and assign to the Trustee the Estate Fund Balance and the Trustee's Share for the payment of any fees or costs of BG or BRG. The

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Trustee will join the BC Trust in strenuously opposing any motion or application by BG and/or BRG to retain or obtain any portion of the BC Trust's collateral.

Id. at ¶ 6.

It is important for the Court to emphasize that approval of the Settlement would compel the Court to order BG and BRG to disgorge their fees based solely on an the application of the Bankruptcy Code's priority scheme. That is, disgorgement would be required because expenses of administration (BG and BRG's fees) cannot be paid ahead of a secured creditor's claim (the \$10 million secured claim the Settlement awards to the BC Trust). The issues of whether BG and BRG's work benefitted the estate and whether the fees awarded were reasonable in relation to the work performed would not even come into consideration.

B. The Court Declines to Strike BG's Opposition

Kirkland and the BC Trust argue that by opposing the Motion for approval of the Settlement, BG has violated its duties of loyalty and confidentiality to the Trustee, BG's former client. In support of this contention, Kirkland and the BC Trust submit the testimony of Mark L. Tuft. Kirkland and the BC Trust argue that BG's opposition should be stricken from the record.

Tuft specializes in the field of professional responsibility of lawyers and is certified as a Legal Malpractice Specialist by the State Bar of California. Tuft Decl. [Doc. No. 1384-3] at ¶ 6. Tuft is the co-author of the *California Practice Guide on Professional Responsibility*, published by the Rutter Group. *Id.* at ¶ 8. He has been a member of several State Bar of California Commissions for the Revision of the Rules of Professional Conduct and is a past chair and special advisor of the State Bar of California Committee on Professional Responsibility. *Id.* at ¶¶ 9–10.

The Court finds that under Federal Rule of Evidence ("FRE") 702, Tuft is qualified to offer expert testimony as to BG's ethical obligations. FRE 702 provides:

- A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:
- a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
 - b) the testimony is based on sufficient facts or data;
 - c) the testimony is the product of reliable principles and methods; and

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- d) the expert has reliably applied the principles and methods to the facts of the case.

Tuft's declaration establishes that he has sufficient knowledge, experience, training, and education to testify regarding the ethical obligations of attorneys. In forming his opinions, Tuft reviewed the Motion to approve the Settlement, BG's opposition thereto, and the orders and pleadings pertaining to BG's employment as the Trustee's special litigation counsel and its subsequent withdrawal as special litigation counsel. As a result of his review of these portions of the record, Tuft's testimony is based on sufficient facts and data. The Court finds that Tuft's testimony is the product of reliable principles and methods that have been applied to the facts of this case.

According to Tuft, BG's opposition to the Motion violates its duties of loyalty and confidentiality to the Trustee:

Brutzkus Gubner's objections as an administrative creditor to the Trustee's motion are based on its status as the Trustee's prior special litigation counsel in the litigation which is the subject of the Trustee's motion. In doing so, Brutzkus Gubner has violated its duties of loyalty and confidentiality to the Trustee. A lawyer's duty of loyalty includes advancing the client's interest before the interests of the lawyer and is violated when the lawyer assumes a position adverse or antagonistic to the client without the client's informed consent. *Flatt v. Superior Court*, 9 Cal. 4th 275, 289 (1994); *Cal Pak Delivery, Inc. v. United Postal Service, Inc.*, 52 Cal. App. 4th 1, 10–11 (1997).

Brutzkus Gubner's duty of loyalty to the Trustee continues after termination of the attorney-client relationship to the extent that the firm may not act in a manner that will injure the former client with respect to the matter involved in the prior representation. *Oasis West Realty, LLC v. Goldman*, 51 Cal. 4th 811, 821 (2011); *Wutchumna Water Co. v. Bailey*, 216 Cal. 564, 571 (1932)....

Brutzkus Gubner's objection to the Trustee's motion constitutes a direct attack on the Trustee's judgment in settling the Adversary Proceeding and the District Court Action. Presumably, the firm would have advised the Trustee during the negotiations as special litigation counsel regarding the various statutes, case law, legal doctrines and rulings the firm now raises as grounds why it believes the settlement is improper.

Tuft Decl. at ¶¶ 15–16 and 19.

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However, Tuft testifies that BG could oppose the Disgorgement Motion without violating its duties of loyalty and confidentiality to the Trustee:

In my opinion, Brutzkus Gubner would be permitted to oppose the disgorgement motion contemplated by the settlement and could ethically raise objections and assert available defenses in that proceeding. However, the firm is not ethically permitted to oppose the Trustee's motion to approve the settlement of the litigation in which the firm represented the Trustee.

Tuft Decl. at ¶¶ 20.

For the reasons set forth in Section II.A., above, approval of the Settlement would require the Court to order the disgorgement of BG's fees. The parties could have crafted the Settlement in a manner such that the Court would have been able to adjudicate the Disgorgement Motion at the same time it considered whether to approve the Settlement. Instead, the parties decided to separate the hearings on the two matters, even though approval of the Settlement would make approval of the Disgorgement Motion a fait-accompli. It now appears that the decision to bifurcate consideration of the Settlement and Disgorgement Motion was a tactical maneuver to deprive BG from any meaningful opportunity to oppose the disgorgement of its fees.

Given the manner in which the Settlement has been crafted, the Court finds it appropriate to construe the papers filed by BG in opposition to the Settlement as an opposition to the upcoming Disgorgement Motion. Most of the arguments presented in BG's opposition are directed to issues which, if decided adversely to BG, would severely limit (if not entirely eliminate) BG's ability to oppose the Disgorgement Motion. For example, the BG Opposition argues that the Settlement improperly grants the BC Trust a secured claim in all assets of the estate, in contravention to prior rulings made by the Court. The scope of the BC Trust's secured claim directly affects the Disgorgement Motion, since as a matter of law BG is not entitled to retain fees derived from the proceeds of estate assets to which the BC Trust's claim attaches. Arguments made by BG regarding (a) the assets of the estate to which the BC Trust's Claim can attach, (b) the amount of the BC Trust's claim, (c) the appropriateness of allowing interest on the BC Trust's claim, and (d) the appropriateness of allowing the BC Trust's claim to be augmented by attorney's fees and costs all go to the scope of the BC Trust's claim, and are therefore directly relevant to the Disgorgement Motion. BG's argument that the Settlement does not provide *pro rata* treatment to administrative creditors likewise pertains primarily to the upcoming Disgorgement Motion.

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Tuft testifies that BG is ethically permitted to oppose the Disgorgement Motion. Having construed the BG Opposition as an opposition to the Disgorgement Motion, the Court declines to find that BG has violated its ethical obligations to the Trustee by filing the BG Opposition. Therefore, the Court declines to strike the BG Opposition from the record. In making this finding, it is important to note that there is nothing in Tuft's declaration showing that he has a sophisticated understanding of the Bankruptcy Code's priority scheme. It does not appear to the Court that Tuft could have been aware that approval of the Settlement would mean that the Court would be required to order BG to disgorge its fees. In fact, the papers that Tuft reviewed in forming his opinions give the false impression that approval of the Settlement and the Disgorgement Motion are separate issues. *See, e.g.*, Motion at 31 ("The Settlement ... provides certain administrative claimants and the unsecured nonpriority creditors with at least the possibilities of payments regarding their claims, *depending on the outcome of the disgorgement motion.*").

C. The Settlement is Not Fair and Equitable

"It is clear that there must be more than a mere good faith negotiation of a settlement by the trustee in order for the bankruptcy court to affirm a compromise agreement. The court must also find that the compromise is fair and equitable." *Martin v. Kane (In re A & C Properties)*, 784 F.2d 1377, 1381 (9th Cir. 1986). A compromise is not fair and equitable if it unduly favors one settling party to the detriment of an objecting party whose claim has some probability of success. The Ninth Circuit reversed the Bankruptcy Court's approval of just such a compromise in *Woodson v. Fireman's Fund Ins. Co. (In re Woodson)*, 839 F.2d 610 (9th Cir. 1988). In *Woodson*, the issue was whether the debtor or his creditors were entitled to the proceeds of a \$1 million life insurance policy. Over the objection of Fireman's Fund, a creditor holding 90% of the claims against the debtor, the Bankruptcy Court approved a compromise that allocated \$900,000 to the debtor, \$100,000 to creditors of a company controlled by the debtor, and nothing to the debtor's creditors. In reversing approval of the settlement, the Ninth Circuit explained that the "agreement ... was not a compromise but a complete rejection of Fireman's Fund's claim." *Woodson*, 839 F.2d at 620. The court stated that the Bankruptcy Court "should have recognized that Fireman's Fund had *some* probability of ultimate success on its claim, and therefore that [the debtor's] personal creditors had *some* entitlement to the \$1 million." *Id.*

Like the "so-called compromise" at issue in *Woodson*, the Settlement presented here is not a compromise at all but the Treaty of Versailles - i.e. a near total victory

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for Kirkland and the BC Trust. *Id.* As such, the Settlement is not fair and equitable to the estate's two largest administrative creditors, BG and BRG.

The backdrop against which the Settlement was negotiated is important. As set forth above, in October 2020 the Court issued a detailed Memorandum ruling upon many of the issues in dispute. Certain findings in the Memorandum favored Kirkland and the BC Trust; others favored the Trustee. The underlying logic of the Settlement incorporates all those aspects of the Memorandum beneficial to Kirkland and the BC Trust while simultaneously disregarding those beneficial to the Trustee. It is as though all the Memorandum's findings favorable to the Trustee have disappeared down the memory hole.

For example, the Settlement latches onto the Memorandum's finding that the BC Trust is entitled to an allowed secured claim, but ignores the findings that (1) the BC Trust is not entitled to interest on its claim because EPD operated as a Ponzi scheme and that (2) the BC Trust's claim **cannot** attach to (a) \$3,866,650.83 in proceeds from the Trustee's settlement of avoidance actions or (b) \$1,250,000.00 in proceeds from the Trustee's settlements with Luce Forward and Greenberg Traurig, but instead can only attach to (c) \$3,615,817.85 in proceeds from a settlement with Robert Geringer and (d) \$104,588.83 in proceeds from the sale of stock in two entities. In express derogation of these findings, the Settlement provides that the BC Trust is entitled to an allowed secured claim of \$10 million (more than five times the amount of the \$1,950,613.41 claim set forth in the Memorandum) that attaches to *all* assets of the estate.

It is not the Court's view that any acceptable settlement must be dictated by the exact findings of the Memorandum. Any successful settlement involves give and take. This, however, is not a situation where the parties negotiated within the framework established by the Memorandum's findings. The variance between the Settlement and the Memorandum is so extreme that there is no way that the two documents can be reconciled. Approval of the Settlement would require the Court to jettison significant portions of the Memorandum.

For example, the Settlement provides that the BC Trust's claim attaches to \$3,866,650.83 in proceeds from the Trustee's settlement of avoidance actions. In the Memorandum, the Court found that as a matter of law, the BC Trust's claim could not attach to the avoidance action proceeds:

In McGoldrick v. Juice Farms, Inc. (In re Ludford Fruit Prod., Inc.), 99 B.R. 18, 24–25 (Bankr. C.D. Cal. 1989), the court rejected a creditor's contention that it held a security interest in the recoveries obtained by the

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Trustee through the exercise of his avoidance powers. The *Ludford Fruit* court reasoned that “it is difficult to understand how an avoidance power action that springs into being with the commencement of a bankruptcy case could be the proceeds of *any* form of collateral.” *Id.*

The BC Trust cites *In re Figearo*, 79 B.R. 914, 918 (Bankr. D. Nev. 1987) for the proposition that proceeds collected from the settlement of a fraudulent transfer action may be subject to a creditor’s security interest. The Court declines to follow *Figearo*, which is contrary to *Ludford Fruit*. The leading treatise, *Collier on Bankruptcy*, is consistent with *Ludford Fruit*:

Some courts have ruled that, where the creditor has an independent right to recover the property in question, the creditor may claim an interest in that same property if and when it is recovered by the trustee pursuant to an avoiding power under the Bankruptcy Code. Under this reasoning, monies recovered as the result of a fraudulent transfer action sometimes are found to be "proceeds" of the creditor’s independent right to follow such monies when they are traceable into the hands of the transferee....

Once a bankruptcy case commences, however, because all recoveries under the avoiding powers are property of the estate, administered almost exclusively by the trustee for the benefit of the estate as a whole rather than for any creditor individually, it is difficult to see how such recoveries can be other than "after-acquired property" within the meaning of section 552(a), rather than proceeds of prepetition collateral under section 552(b) (1). This is true for fraudulent transfers as well as preferences, and no persuasive distinction seems possible along these lines. Prebankruptcy state law preferences exist, and may be asserted postbankruptcy under section 544(b) of the Bankruptcy Code. And the assertion by a trustee of state fraudulent transfer law under section 544(b) allows for an expanded recovery under the rule of *Moore v. Bay*, as well as section 550, underscoring the fact that the recoveries that are property of the estate under section 541(a)(3) are peculiarly postpetition in nature. Indeed, a creditor may not sue to recover a state law fraudulent transfer once a case in bankruptcy is commenced, because this would be taking a chose in action from the estate, thereby violating the automatic stay. On the whole, therefore, the more persuasively reasoned opinions do not permit secured creditors to share in recoveries obtained by bankruptcy trustees or estate representatives pursuant to the avoiding powers, even where such creditors

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may have independent, traceable rights to those funds.

5 Collier on Bankruptcy ¶ 552.02 (16th ed. 2020).

The Court further notes that *Figearo* is contrary to the weight of authority and has not been followed by more recent cases. *See, e.g., Official Committee of Unsecured Creditors v. UMB Bank, NA et al. (In re Residential Capital, LLC)*, 497 B.R. 403, 414 (Bankr. S.D.N.Y. 2013) (declining to follow *Figearo*; holding that the Trustee's avoidance power claims "must be considered after-acquired property belonging to the estate"; and holding that "because the Debtor does not own the right to pursue a fraudulent transfer action in bankruptcy (since that action belongs to the trustee post-petition under section 554(b)), the Debtor could not have encumbered or assigned that right prepetition").

Memorandum at 32–33.

The Settlement also provides that the BC Trust's claim attaches to \$1,250,000.00 in proceeds that the Trustee recovered from Luce Forward and Greenberg Traurig (consisting of \$750,000.00 from the Luce Forward Settlement and \$500,000.00 from the Greenberg Traurig Settlement). Both settlements released the firms from the Trustee's claims for "professional negligence" and "legal malpractice" arising in connection with actions Kirkland took or failed to take with respect to EPD. As such, the proceeds of the settlements qualify as a "commercial tort claim" pursuant to Cal. Com. Code § 9-204. *See* Cal. Com. Code § 9-102 (defining a "commercial tort claim" as "a claim arising in tort," provided that "[t]he claimant is an organization").

The Memorandum found that the BC Trust's claim does **not** attach to the proceeds of the Luce Forward and Greenberg Traurig Settlements. In making this finding, the Court rejected the BC Trust's argument that the BC Trust had a security interest in the settlement proceeds:

Although the Security Agreement giving rise to the BC Trust's secured claim provides for a security interest in "commercial tort claims," the BC Trust's secured claim does not attach to the proceeds of the Luce Forward and Greenberg Traurig Settlements for two reasons. First, a "security interest does not attach under a term constituting an after-acquired property clause to ... [a] commercial tort claim." Cal. Com. Code § 9-204(b)(2). The Editors' Note to § 9-204 explains:

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Subsection (b)(2) provides that an after-acquired property clause in a security agreement does not reach future commercial tort claims. In order for a security interest in a tort claim to attach, the claim must be in existence when the security agreement is authenticated.

Editors' Note to Cal. Com. Code § 9-204.

Second, a security interest can attach to a commercial tort claim only if the security agreement adequately describes the claim. "A description only by type of collateral defined in this code is an insufficient description of ... [a] commercial tort claim." Cal. Com. Code § 9-108(e)(1). The Editors' Note to § 9-108(e) explains:

Under Section 9-204, an after-acquired collateral clause in a security agreement will not reach future commercial tort claims. It follows that when an effective security agreement covering a commercial tort claim is entered into the claim already will exist. Subdivision (e) does not require a description to be specific. For example, a description such as "all tort claims arising out of the explosion of debtor's factory" would suffice, even if the exact amount of the claim, the theory on which it may be based, and the identity of the tortfeasor(s) are not described. (Indeed, those facts may not be known at the time.)

Editors' Note Cal. Com. Code § 9-108.

Here, the Security Agreement states only that it applies to "commercial tort claims." That description lacks the necessary specificity. Even if a security agreement could attach to after-acquired commercial tort claims (which it cannot), a description such as "all tort claims arising from actions or inactions taken by Kirkland" would be necessary in order for the security interest to attach....

Finally, in an effort to escape the California Commercial Code's limitations on the attachment of commercial tort claims, the BC Trust argues that proceeds of the law firm settlements are "general intangibles," rather than "commercial tort claims." The argument lacks merit. Cal. Com. Code § 9-102 defines a "general intangible" as "any personal property, including things in action, *other than* ... commercial tort claims" As discussed above, the Trustee's claims for professional negligence and legal malpractice qualify as commercial tort claims. Therefore, such claims cannot also qualify as general

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intangibles.

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Memorandum at 33–34.

The Court also found that there was no merit to other arguments advanced by the BC Trust in furtherance of its contention that it held a secured claim in the proceeds of the law firm settlements:

The BC Trust asserts that the Trustee cannot obtain summary judgment that the BC Trust's secured claim does not attach to the proceeds of the Luce Forward and Greenberg Traurig Settlements because the Complaint does not specifically allege that such proceeds are not subject to the BC Trust's claim. The BC Trust is mistaken. The Complaint alleges that the BC Trust's claim is subject to disallowance. Under Civil Rule 8, the Complaint is required to contain only "a short and plain statement of the claim showing that the pleader is entitled to relief," as well as "a demand for the relief sought" The allegation that the BC Trust's claim is subject to disallowance is sufficient to encompass the Trustee's contention that the claim cannot attach to the proceeds of the law firm settlements. The Trustee was not required to specifically allege in the Complaint that the BC Trust's claim could not attach to the law firm settlements in order to preserve this claim.

The BC Trust also argues that since the jury found that Kirkland acted in good faith, Kirkland cannot also be found to have committed a tort while at Greenberg Traurig or Luce Forward. This argument is unavailing. In determining that the proceeds of the Luce Forward and Greenberg Traurig Settlement qualify as "commercial tort claims," the Court is not finding that Kirkland, Luce Forward, Greenberg Traurig, or anyone else engaged in tortious conduct. Indeed, the Settlement Agreements expressly provide that the law firms do not admit to any wrongdoing. The only finding the Court is making is that for purposes of determining the scope of the BC Trust's secured claim, the subject matter of the settlements is a "commercial tort claim" within the meaning of the California Commercial Code.

Memorandum at 34.

As Kirkland and the BC Trust repeatedly emphasize, it is true that the Memorandum is an interlocutory order and is therefore subject to reconsideration. Indeed, Kirkland and the BC Trust devote substantial space to arguing that much of the Memorandum, if not reconsidered, will be reversed on appeal. Most of these

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arguments were previously presented to the Court and were fully considered in the Memorandum. The Court will not repeat herein all of its prior findings as to arguments advanced by Kirkland and the BC Trust. As illustrated by the limited excerpts quoted above from the Memorandum, the Court has given careful consideration to Kirkland and the BC Trust's arguments.

D. Threats By Kirkland and the BC Trust Regarding Additional Litigation Do Not Warrant Approval of the Settlement

Among the factors to be considered by the Court in determining whether to approve a settlement is "[t]he probability of success in the litigation." *A&C Properties*, 785 F.2d at 1381. Here, it appears that the Trustee's decision to enter into the Settlement has been unduly influenced by (1) Kirkland's threat to commence an action against BG and BRG to recover alleged damages to his personal and professional reputation caused by the Adversary Proceeding, including punitive damages and (2) the BC Trust and Kirkland's threat to commence a malicious prosecution against BG and BRG. Both of the threatened actions would involve the Trustee if BG and BRG filed cross-claims against the Trustee.

If Kirkland and/or the BC Trust were to prevail upon any of the threatened litigation, it is possible that damages awarded to Kirkland and/or the BC Trust would be entitled to administrative priority status. The Trustee's desire to avoid the accrual of additional administrative expenses could weigh in favor of approving the Settlement, *but only if* there were a reasonable probability that the claims to be asserted in the threatened litigation would be viable.

Here, there is only a minimal possibility that the threatened litigation would result in the accrual of additional administrative claims against the estate. Both Kirkland and the BC Trust have taken aggressive positions throughout this litigation. The threatened additional litigation is a continuation of that pattern of behavior for the purpose of obtaining the leverage necessary to induce the Trustee to enter into this one sided Settlement.

With respect to the contemplated actions against the Trustee's professionals, Kirkland and the BC Trust would first face the hurdle that professionals employed on behalf of the estate "are entitled to broad immunity from suit when acting within the scope of their authority and pursuant to court order." *Bennett v. Williams*, 892 F.2d 822, 823 (9th Cir. 1989). Under this doctrine of quasi-judicial immunity, estate professionals may only be held liable for "intentional or negligent violations of duties imposed upon [them] by law." *Id.*

If Kirkland and the BC Trust succeeded in surmounting this substantial hurdle,

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they would face equally serious difficulties with respect to the merits of their contemplated actions. With respect to the threatened malicious prosecution action, the "tort of malicious prosecution ... is disfavored because of its potential chilling effect on the willingness of people to report crime or pursue legal rights in court." *Dalany v. Am. Pac. Holding Corp.*, 42 Cal. App. 4th 822, 827, 50 Cal. Rptr. 2d 13, 15 (1996). To prevail in a malicious prosecution action, Kirkland and the BC Trust would be required to show that the Adversary Proceeding "was brought without probable cause ... and was initiated with malice." *Id.* It would be exceptionally difficult for Kirkland and the BC Trust to make either showing. The detailed recitation of the issues involved in the Adversary Proceeding set forth in the Memorandum, and the fact that Kirkland was able to obtain a judgment in his favor only after a heavily-litigated six-day jury trial, amply demonstrate that BG had probable cause to advise the Trustee to bring the action. Further, it is hard to see how Kirkland and the BC Trust could demonstrate that the action was initiated with malice, given that BG advised the Trustee to bring the action to assist the Trustee in fulfilling his statutory obligation to administer the estate, and given that the Court made findings favorable to the Trustee regarding the scope of the BC Trust's claim in the Memorandum.

Kirkland's threatened action for alleged damages to his personal and professional reputation likewise faces significant obstacles. To prevail upon his contemplated defamation action against BG, Kirkland would have to show that BG's statements were not privileged. *See Taus v. Loftus*, 40 Cal. 4th 683, 720, 151 P.3d 1185, 1209 (2007) ("The tort of defamation involves a publication that is ... unprivileged"). It is difficult to envision how Kirkland could overcome Cal. Civ. Code § 47(b), which provides that statements made "[i]n any ... judicial proceeding" are privileged.

For these reasons, the Court finds that Kirkland and the BC Trust's threats regarding additional litigation should not have been seriously considered by the Trustee in deciding to enter into the Settlement.

E. The Settlement is Not in the Best Interests of Creditors

Another factor the Court must consider in determining whether to approve a settlement is "the paramount interest of the creditors and a proper deference to their reasonable views in the premises." *A&C Properties*, 784 F.2d at 1381. In the typical Rule 9019 motion filed in a Chapter 7 case, it is the interests of unsecured creditors that is the focus of this factor. This makes sense, given that the Trustee's primary statutory obligation is to "collect and reduce to money the property of the estate," with the objective of producing a dividend that can be paid to unsecured creditors.

Where, as here, an estate is administratively insolvent, the primary focus of this

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factor should be the interests of *administrative* creditors, as opposed to the interests of *unsecured* creditors. That is because in cases of administrative insolvency, the bulk of the estate's unencumbered proceeds will be distributed to administrative creditors, and unsecured creditors will receive either a *de minimis* distribution or no distribution at all. The instant case illustrates this situation. If the Court were to approve the Settlement, priority unsecured creditors would receive a distribution of only \$25,000—an amount that pales in comparison to the \$8,861,062.81 in Estate Receipts.

A focus upon the interests of administrative creditors where the estate is administratively insolvent does not amount to a policy that places the interests of the estate's professionals ahead of those of unsecured creditors, the constituency upon whose behalf those professionals are employed. Professionals would have no incentive to work on behalf of unsecured creditors if they did not have a reasonable assurance of ultimately receiving payment. Since a distribution to unsecured creditors is made possible only through the work performed by the estate's professionals, a focus upon administrative creditors in those rare cases of administrative insolvency actually furthers the Bankruptcy Code's objective of returning money to unsecured creditors.

Here, the Settlement arbitrarily splits administrative creditors into two camps—a favored set of estate professionals who will be allowed to retain prior interim fee awards, and a disfavored set who will be subject to disgorgement. The division is arbitrary because it bears no relationship to the value that each set of professionals actually provided.

For example, the Settlement requires the Trustee to join in the filing of a Disgorgement Motion in which the Trustee will argue, among other things, that "the services provided by BG and BRG were not necessary or beneficial to the Estate," and that "the fees and costs incurred [by] BG and BRG were not reasonable." Settlement at ¶ 5.

There is no way in which the position which the Settlement requires the Trustee to now assert can be reconciled with the prior history of this case. To give just a few examples: When the case was commenced, the issues of whether an order for relief should be entered against EPD, and whether that order for relief, once entered, should be set aside, were heavily litigated. It was primarily BG who was responsible for litigating these issues on the Trustee's behalf. Had it not been for BG's efforts, the order for relief most likely would not have been entered, or would have been set aside subsequent to entry, and the estate would have been terminated shortly after it came into existence.

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The vast majority of proceeds brought into the estate are attributable to work performed by BG. It was BG who was responsible for commencing dozens of avoidance actions, the settlement of which yielded \$3,811,650.83 for the estate. Ironically, the BC Trust takes the position in the Settlement that BG's services "were not necessary or beneficial to the estate," yet the BC Trust is perfectly willing to accept payment of \$2.6 million through the Settlement, funds that would not exist absent BG's services. BG was also did most of the work that yielded a \$1.25 million settlement with Luce Forward and Greenberg Traurig and produced a \$3,615,817.85 settlement with Robert Geringer.

Despite this reality, approval of the Settlement would inevitably lead to BG being required to disgorge approximately \$4.3 million in fees previously awarded, while simultaneously allowing the Trustee's current general bankruptcy counsel to retain all fees previously awarded. This result is a textbook example of arbitrary and capricious treatment.

Given that BG and BRG are the estate's largest administrative creditors, a Settlement which provides such disparately negative treatment to them—and which does so notwithstanding the undeniable contributions they have made to the estate—cannot be said to be in the best interests of creditors.

F. The Court Declines to Determine Whether the Settlement Negatively Impacts EPD Investors

BRG argues that the Settlement should be disapproved because the requirement that the Trustee take action to vacate the jury's determination that EPD operated as a Ponzi scheme will have negative tax ramifications for EPD's investors. However, BRG has provided no evidence showing that any of EPD's investors claimed a tax theft loss in connection with the Ponzi scheme finding. BRG offers only speculation that "it is *likely* that many of the taxpayer investors that were defrauded by the EPD Ponzi scheme would have sought to take advantage of the theft loss deduction in connection with their 2019 tax returns." Doc. No. 1380 at 13. Because there is no evidence that any of EPD's investors actually did claim a theft loss deduction and would suffer negative tax ramifications from approval of the Settlement, the Court declines BRG's request to disapprove the Settlement on this ground.

G. The Court Declines to Find that the Trustee Was Not Disinterested in Seeking Approval of the Settlement

BRG asserts that the Settlement should be disapproved on the ground that in negotiating and seeking approval of the Settlement, the Trustee was not disinterested

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and acted to shield himself from potential litigation, as opposed to acting in the best interests of the estate and creditors. The Court declines to find that the Trustee has lost his disinterestedness or has acted other than in good faith with respect to the Settlement. As discussed above, the many flaws in the Settlement prevent the Court from approving it. However, this does not mean that there was anything nefarious about the Trustee's advocacy in favor of the Settlement. The Trustee is facing a difficult situation given the estate's likely administrative insolvency, and the Settlement was executed after input from an experienced mediator.

H. BG's Withdrawal as Special Litigation Counsel Does Not Support Approval of the Settlement

The Trustee contends that the Settlement must be approved because BG's withdrawal means that he will be without special litigation counsel to prosecute the equitable subordination claim against the BC Trust and to defend against litigation threatened by Kirkland and the BC Trust.

The Court does not agree with the Trustee's assertion that the estate's financial position prevents him from retaining counsel. Any counsel retained by the Trustee would be subject to the risk that there might not be funds available to pay counsel for its services. Yet firms routinely undertake litigation engagements in the bankruptcy context that are subject to such risk.

In addition, the Trustee has submitted no evidence in support of his contention that absent approval of the Settlement he will be left without counsel. The Trustee's declaration contains no discussion whatsoever regarding what attempts, if any, he made to retain substitute counsel. For example, there is no indication that the Trustee contacted any firms to discuss the possibility of representation. The Trustee's conclusory assertion that he will be left to "fend for himself" in the pending litigation lacks any evidentiary support.

Nor is there any indication that the Trustee considered other avenues to resolve the dilemma posed by the estate's alleged administrative insolvency, such as marketing the estate's interest in the litigation. *See, e.g., Duckor Spradling & Metzger v. Baum Trust (In re P.R.T.C., Inc.)*, 177 F.3d 774 (9th Cir. 1999) (authorizing a Chapter 7 Trustee to sell the estate's claims). It is conceivable that an outside law firm, potentially with the backing of investors specializing in litigation finance, would be willing to assume the risks associated with the litigation in exchange for the potential upside.

The Trustee attempts to paint a picture in which he has no option but to accept the onerous terms of the Settlement. That, however, is not the case. There are multiple

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paths forward available to the Trustee that do not require the defenestration of BG and BRG.

I. The Court Declines BG's Request to Strike the Reply filed by Kirkland and the BC Trust

The Court declines BG's request to strike the reply in support of approval of the Settlement filed by Kirkland and the BC Trust. Although the reply introduced some material arguably beyond the scope of the Motion, the Court's determination that the Settlement cannot be approved means that consideration of such material has not prejudiced BG.

J. Trial of the Equitable Subordination Claim is Set for the Week of July 26, 2021

Having determined that the Settlement cannot be approved, the Court will reset the trial of the Trustee's equitable subordination claim against the BC Trust for the week of **July 26, 2021**. A Pretrial Conference is set for **July 13, 2021 at 11:00 a.m.** A Joint Pretrial Stipulation shall be submitted via the Court's Lodged Order Upload (LOU) system no later than fourteen days prior to the Pretrial Conference. The exact date(s) of trial will be set at the Pretrial Conference. The Status Conference, set for July 15, 2021 at 10:00 a.m., is **VACATED**.

III. Conclusion

Based upon the foregoing, the Motion is **DENIED** and the Settlement is **DISAPPROVED**. The Court will prepare and enter an order consistent with this tentative ruling.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

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Unless otherwise indicated, all "Adv. Doc." citations are to Adv. No. 2:12-ap-02424-ER; all "Bankr. Doc." citations are to Bankr. Case No. 2:10-bk-62208-ER; all "District Court Doc." citations are to Case No. 2:18-cv-08317-DSF; and all "Tr." citations are to the transcript of the jury trial conducted by the District Court in Case No. 2:18-cv-08317-DSF that commenced on June 25, 2019. Page citations are to the docket pagination which appears at the top of each page, not to the document's internal pagination.

Note 2

Adjudication on the merits was delayed as a result of a motion to compel arbitration brought by John Kirkland (the "Arbitration Motion"). A more detailed procedural history of the Arbitration Motion is set forth in Adv. Doc. No. 409.

Note 3

The Trustee initially opposed the entry of final judgment, arguing that it could result in multiple piecemeal appeals. After Kirkland represented that he would not appeal provided that final judgment was entered in the form proposed, the Trustee withdrew his opposition.

Note 4

See Bankr. Doc. No. 1375 at ¶ D ("The Trustee desires to minimize the administrative expenses in the Debtors' case").

Note 5

Unless otherwise indicated, figures reflect the estate's financial position as of February 10, 2021.

Note 6

On August 11, 2020, the Court awarded RAH fees of \$290,377.00 and costs of \$2,198.13 on account of services performed between November 1, 2013 and May 31, 2020. The Court authorized the Trustee to pay RAH 33% of the allowed fees (\$95,811.21) and 100% of the allowed costs. *See* Bankr. Doc. No. 1343.

Note 7

This figure differs from the figure set forth at page 9 of the Motion because it does **not** include the allowed but unpaid fees awarded to RAH.

Party Information

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CONT... EPD Investment Co., LLC

Chapter 7

Debtor(s):

EPD Investment Co., LLC

Pro Se

Trustee(s):

Jason M Rund (TR)

Represented By
Corey R Weber
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Steven T Gubner
Ronald P Abrams
Larry W Gabriel

**United States Bankruptcy Court
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10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#4.00 Hearing re [339] Debtor's chapter 11 case status

FR. 12-15-20; 3-9-21

Docket 0

Tentative Ruling:

4/6/2021 12:03 PM

See Cal. No. 9, below, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01378 Coastal Carriers, LLC v. Bonert et al

#5.00 Status Hearing

re: Collection Actions [1] Adversary case 2:19-ap-01378. Notice of Removal of Civil Action to United States Bankruptcy Court with proof of service by Michael Bonert, Vivien Bonert. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (13 (Recovery of money/property - 548 fraudulent transfer)) (Forsley, Alan)

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20; 3-9-21

Docket 1

Tentative Ruling:

4/6/2021 12:03 PM

See Cal. No. 9, below, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By
Lawrence M Jacobson

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CONT... Michael Bonert

Chapter 11

Bonert's Jadahasa, LLC

Represented By
Lawrence M Jacobson

Beefam, LLC

Represented By
Lawrence M Jacobson

DOES 1-10

Pro Se

Bonert's MV, LLC

Represented By
Lawrence M Jacobson

Bonert's Mibon LLC

Represented By
Lawrence M Jacobson

3144 Bonert's LLC

Represented By
Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Plaintiff(s):

Coastal Carriers, LLC

Represented By
Scott E Blakeley

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01377 Packaging Corporation of America v. Bonert et al

#6.00 Status Conference re: Collection Actions re: Notice of Removal of Civil Action to United States Bankruptcy Court. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))),(13 (Recovery of money/property - 548 fraudulent transfer))

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20; 3-9-21

fr. 12-15-20

Docket 1

Tentative Ruling:

4/6/2021

See Cal. No. 9, below, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Pro Se

Bonert Management Company, Inc.

Represented By

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CONT... Michael Bonert

Chapter 11

	Lawrence M Jacobson
Bonert's Jadahasa, LLC	Represented By Lawrence M Jacobson
Bonert's MV, LLC	Represented By Lawrence M Jacobson
Bonert's Mibon LLC	Represented By Lawrence M Jacobson
Beefam, LLC	Represented By Lawrence M Jacobson
DOES 1-10	Pro Se
3144 Bonert's LLC	Represented By Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert	Represented By Alan W Forsley
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Plaintiff(s):

Packaging Corporation of America	Represented By Scott E Blakeley
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10:00 AM

2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01405 Capitol Distribution Company, LLC v. Bonert et al

#7.00 Status Hearing re: Collection Actions
RE: [1] Adversary case 2:19-ap-01405. Notice of Removal of Civil Action to United States Bankruptcy Court with proof of service by Michael Bonert, Vivien Bonert. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))),(13 (Recovery of money/property - 548 fraudulent transfer)) (Forsley, Alan) WARNING: See docket entry # [2] for corrective action; Attorney to file a conformed copy of state court complaint; Modified on 9/16/2019 (Evangelista, Maria).

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20; 3-9-21

Docket 1

Tentative Ruling:

4/6/2021 12:04 PM

See Cal. No. 9, below, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Inc., a California

Represented By

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CONT... Michael Bonert

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	Lawrence M Jacobson
Bonert Management Company, Inc.	Represented By Lawrence M Jacobson
Bonert's Jadasaha, LLC	Represented By Lawrence M Jacobson
Bonert's MV, LLC	Represented By Lawrence M Jacobson
Bonert's Mibon, LLC	Represented By Lawrence M Jacobson
3144 Bonert's LLC	Represented By Lawrence M Jacobson
DOES 1 through 10, inclusive	Pro Se
Beefam, LLC	Represented By Lawrence M Jacobson

Joint Debtor(s):

Vivien Bonert	Represented By Alan W Forsley
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Plaintiff(s):

Capitol Distribution Company, LLC	Represented By Sean Lowe Scott E Blakeley
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2:19-20836 Michael Bonert

Chapter 11

Adv#: 2:19-01406 Stratas Foods LLC v. Bonert et al

#8.00 Status Hearing re: Collection Actions
RE: [1] Adversary case 2:19-ap-01406. Notice of Removal of Civil Action to United States Bankruptcy Court with proof of service by Michael Bonert, Vivien Bonert. Nature of Suit: (01 (Determination of removed claim or cause)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))),(13 (Recovery of money/property - 548 fraudulent transfer)) (Forsley, Alan) **WARNING: See docket entry # [2] for corrective action; Attorney to file a conformed copy of state court complaint; Modified on 9/16/2019 (Evangelista, Maria).**

FR. 3-10-20; 3-11-20; 6-16-20; 9-15-20; 9-23-20

fr. 12-15-20; 3-9-21

Docket 1

Tentative Ruling:

4/6/2021

See Cal. No. 9, below, incorporated in full by reference.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Defendant(s):

Michael Bonert

Represented By
Alan W Forsley

Vivien Bonert

Represented By
Alan W Forsley

Bonert's Incorporated dba Bonert's

Represented By
Lawrence M Jacobson

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CONT... Michael Bonert

Chapter 11

Bonert Management Company, Inc. Represented By
Lawrence M Jacobson

Bonert's Jadasaha, LLC Represented By
Lawrence M Jacobson

Bonert's MV, LLC Represented By
Lawrence M Jacobson

Bonert's Mibon, LLC Represented By
Lawrence M Jacobson

Beefam, LLC Represented By
Lawrence M Jacobson

3144 Bonert's LLC Represented By
Lawrence M Jacobson

DOES 1 through 10, inclusive Pro Se

Joint Debtor(s):

Vivien Bonert Represented By
Alan W Forsley

Plaintiff(s):

Stratas Foods LLC Represented By
Sean Lowe
Scott E Blakeley

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2:19-20836 Michael Bonert and Vivien Bonert

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#9.00 Hearing re [356] Hearing on confirmation of the Plan

FR. 12-15-20; 2-17-21

Docket 0

Tentative Ruling:

4/6/2021 12:05 PM

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Debtors' Confirmation Motion is **GRANTED.**

Pleadings Filed and Reviewed:

- 1) Debtors Michael Bonert's and Vivien Bonert's Chapter 11 Plan Confirmation Brief [Doc. No. 384]
 - a) First Amended Chapter 11 Plan of Michael Bonert and Vivien Bonert [Doc. No. 360]
 - b) Notice of: (1) Confirmation Hearing on Debtors' First Amended Plan of Reorganization; (2) Deadline to Return Ballots; (3) Deadline to Object to Plan; (4) Other Deadlines; (5) Special Procedures for Appearing Telephonically; and (6) Continued Status Conference [Doc. No. 381]
 - c) Proof of Service Re (1) First Amended Chapter 11 Plan of Michael Bonert and Vivien Bonert and (2) Ballot [Doc. No. 382]
 - d) Request for Judicial Notice in Support of Debtors Michael Bonert's and Vivien Bonert's Chapter 11 Plan Confirmation Brief [Doc. No. 385]
 - e) Plan Ballot Summary [Doc. No. 386]
 - f) Notice of Non-Opposition to Debtors' Confirmation Brief in Support of Their First Amended Chapter 11 Plan [Doc. No. 387]

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CONT... Michael Bonert and Vivien Bonert

Chapter 11

I. Facts and Summary of Pleadings

Michael and Vivien Bonert seek confirmation of their *First Amended Chapter 11 Plan* [Doc. No. 360] (the "Plan"). No opposition to confirmation of the Plan is on file.

A. Background

Michael Bonert ("Michael") and Vivien Bonert ("Vivien," and together with Michael, the "Debtors") filed a voluntary Chapter 11 petition on September 12, 2019 (the "Petition Date"). Prior to the Petition Date, the Debtors operated a pie manufacturing company known as Bonert's Incorporated ("Bonerts"). In 2016, Bonerts ceased conducting business after its lender caused its assets to be sold through a federal receivership. Proceeds of the receivership sale were used to pay secured creditors, but were not sufficient to pay unsecured trade creditors, some of whom obtained unopposed judgments against Bonerts.

On August 13 and 14, 2019, Capitol Distribution Company, LLC ("Capitol"), Stratas Foods LLC ("Stratas"), Packaging Corporation of America, and Seneca Foods Corporation filed four collection actions (the "Collection Actions") against the Debtors, Bonerts, and LLCs wholly owned by the Debtors that were affiliates of Bonerts (the "Affiliates"). The Collection Actions allege, *inter alia*, that the Debtors operated the Affiliates and Bonerts as a single enterprise for the purpose of defeating the rights of creditors; that the Debtors misappropriated assets of Bonerts and the Affiliates; and that the Debtors are liable for trade debt incurred by Bonerts as its alter ego.

Debtors sought bankruptcy protection for the purpose of having all alter-ego claims arising in connection with the Debtors' operation of Bonerts and the Affiliates adjudicated before the Bankruptcy Court. Pursuant to this objective, on September 13 and 16, 2019, the Debtors removed all four of the Collection Actions to the Bankruptcy Court.

Various other creditors filed proofs of claim against the Debtor based upon the same alter-ego theory asserted in the Collection Actions. On August 14, 2020, the Court consolidated litigation of the Collection Actions with litigation of the Debtors' objections to the proofs of claim predicated upon an alter-ego theory. Creditors asserting alter-ego claims are collectively referred to as the "Bakery Creditors."

On December 23, 2019, Arvest Bank ("Arvest") filed a contingent proof of claim against the Debtors in the amount of \$2,766,038 (the "Arvest Claim"). The Arvest Claim is based upon the Debtors' personal guaranties of a secured real estate loan to Beefam, LLC ("Beefam") and Bonerts MV, LLC ("MV"), entities in which the Debtors hold an interest. The indebtedness that is the subject of the Arvest Claim

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remains current.

On December 5, 2019, KeyPoint Credit Union ("Keypoint") filed a contingent proof of claim against the Debtors in the amount of \$1,763,954.29 (the "Keypoint Claim"). The Keypoint Claim is based upon the Debtors' personal guaranties of a secured real estate loan to Beefam and MV. The indebtedness that is the subject of the Keypoint Claim remains current.

On February 18, 2021, the Court approved settlements of the Keypoint Claim (the "Keypoint Settlement") and the Arvest Claim (the "Arvest Settlement"). The Keypoint Settlement provides that Keypoint shall have an allowed general unsecured claim in the amount of \$100.00, to be paid upon the Effective Date of the Plan, with the remainder of the Keypoint Claim being disallowed. *See* Bankr. Doc. No. 376. The Arvest Settlement provides that Arvest shall have an allowed general unsecured claim in the amount of \$150.00, to be paid upon the Effective Date of the Plan, with the remainder of the Arvest Claim being disallowed. *See* Bankr. Doc. No. 377.

Also on February 18, 2021, the Court approved a settlement with the Bakery Creditors (the "Bakery Creditors' Settlement"). The material terms of that settlement are as follows:

- 1) The Bakery Creditors shall collectively have a single claim, secured by the Debtors' residence, that can be satisfied either through (a) 42 monthly installment payments totaling \$500,000 or (b) payments totaling \$400,000 within 180 days from the effective date of the Plan.
- 2) The Bakery Creditors shall collectively have a single unsecured, contingent, and non-recourse claim of \$1.5 million.
- 3) The adversary proceedings brought by the Bakery Creditors shall be dismissed.
- 4) The Bakery Creditors shall withdraw their objection to the Debtors' claim of exemption in their individual retirement account (the "IRA").

B. Summary of the Plan

The Plan's classification structure, and the treatment of each class under the Plan, is set forth in the following table:

Class	Treatment
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Administrative Claims (estimated at \$200,000 for the Debtors' general bankruptcy counsel, \$100,000 for the Debtors' accountants, and \$25,000 for the Subchapter V Trustee)	Paid in full upon Court approval of fee application.
Priority tax claims (\$113,005.60)	Paid in full upon the Effective Date.
1A (secured claim of Wells Fargo Bank in the amount of \$605,999.29)	Paid in full per terms of existing loan documents.
1B (secured claim of Lincoln Financial Group in the amount of \$447,754.73)	Paid according to existing terms, except that the post-petition interest rate shall be 3.25% instead of 8%.
1C (secured claim of Bakery Creditors)	Paid in accordance with the Court-approved Settlement Agreement.
3 (allowed general unsecured claims in the amount of \$15,453.07)	Paid in full on the Effective Date.

Only Class 1B (the secured claim of Lincoln Financial Group ("Lincoln") in the amount of \$447,754.73) is impaired. Lincoln did not return the ballot it was sent.

The Plan will be funded by cash on hand in the Debtors' DIP account and retirement and investment accounts. As of February 28, 2021, the Debtors' DIP account had an ending balance of \$300,545.19. These funds were the result of the Debtors' continued saving so that they would have sufficient cash on hand to fund the Plan. As of March 15, 2021, the Debtors had \$3,343,759 cash on hand in various retirement and investment accounts.

II. Findings of Fact and Conclusions of Law

A. The Plan is Confirmed

As set forth below, the Court finds that the Plan satisfies all applicable provisions of § 1129. Therefore, the Court will confirm the Plan.

SECTION 1129(A)(1)

Section 1129(a)(1) requires that the "plan compl[y] with the applicable provisions of this title." According to the leading treatise, the "legislative history suggests that the applicable provisions are those governing the plan's internal structure and

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drafting: 'Paragraph (1) requires that the plan comply with the applicable provisions of chapter 11, such as section 1122 and 1123, governing classification and contents of a plan.'" *Collier on Bankruptcy* ¶ 1129.01[1] (16th rev'd ed.) (citing S. Rep. No. 989, 95th Cong., 2d Sess. 126 (1978)).

1. Section 1122(a)

Section 1122(a) provides that "a plan may place a claim or an interest in a particular class only if such claim or interest is substantially similar to the other claims or interests of such class." "A claim that is substantially similar to other claims may be classified separately from those claims, even though section 1122(a) does not say so expressly." *In re Rexford Props., LLC*, 558 B.R. 352, 361 (Bankr. C.D. Cal. 2016).

The Plan's classification structure complies with § 1122(a). Claims are placed in different classes based upon differences in the legal or factual nature of those claims, and each of the claims in a particular class is substantially similar to the other claims in that class.

2. Section 1122(b)

Section 1122(b) provides that "a plan may designate a separate class of claims consisting only of every unsecured claim that is less than or reduced to an amount that the court approves as reasonable and necessary for administrative convenience."

The Plan does not contain any convenience classes. Section 1122(b) does not apply.

3. Section 1123(a)(1)

Section 1123(a)(1) requires that a plan "designate ... classes of claims, other than claims of a kind specified in section 507(a)(2) [administrative expense claims], 507(a)(3) [claims arising during the gap period in an involuntary case], or 507(a)(8) [priority tax claims], and classes of interest." There are no involuntary gap claims because this is a voluntary chapter 11 case. The Plan appropriately classifies administrative expense claims and priority tax claims. The Plan satisfies § 1123(a)(1).

4. Section 1123(a)(2)

Section 1123(a)(2) requires that the Plan "specify any class of claims or interests that is not impaired under the Plan." The Plan specifies that Classes 1A, 1C, and 3 are not impaired. The Plan satisfies § 1123(a)(2).

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5. Section 1123(a)(3)

Section 1123(a)(3) requires that the Plan "specify the treatment of any class of claims or interests that is impaired under the Plan." The Plan specifies the treatment of Class 1B, the only class that is impaired. The Plan satisfies § 1123(a)(3).

6. Section 1123(a)(4)

Section 1123(a)(4) requires that the Plan "provide the same treatment for each claim or interest of a particular class unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest." The Plan provides the same treatment to claims of the same class. The Plan satisfies § 1123(a)(4).

7. Section 1123(a)(5)

Section 1123(a)(5) requires that the Plan "provide adequate means for the plan's implementation." The Plan will be funded by cash on hand in the Debtors' DIP account and the Debtors' retirement and investment accounts. As of February 28, 2021, cash on hand in the DIP account was \$300,545.19, and cash on hand in the investment and retirement accounts was \$3,343,759. The Debtors have sufficient cash on hand in these accounts to make the payments required under the Plan. The Plan satisfies § 1123(a)(5).

8. Section 1123(a)(6)

Section 1123(a)(6) provides: "[A] plan shall provide for the inclusion in the charter of the debtor, if the debtor is a corporation ..., of a provision prohibiting the issuance of nonvoting equity securities, and providing, as to the several classes of securities possessing voting power, an appropriate distribution of such power among such classes, including, in the case of any class of equity securities having a preference over another class of equity securities with respect to dividends, adequate provisions for the election of directors representing such preferred class in the event of default in the payment of such dividends."

Because the Debtors are individuals, § 1123(a)(6) does not apply.

9. Section 1123(a)(7)

Section 1123(a)(7) requires that the Plan's provisions with respect to the selection of officers and directors be consistent with public policy and the interests of creditors and equity security holders.

Because the Debtors are individuals, § 1123(a)(7) does not apply.

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10. Section 1123(a)(8)

Section 1123(a)(8) requires that in a case in which the debtor is an individual, the Plan "provide for the payment to creditors ... of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan." The Plan meets the requirements of § 1123(a)(8) because the Debtors will pay 100% of all claims.

10. Section 1123(b)

Section 1123(b) sets forth provisions that are permitted, but not required, in a plan. The Plan contains certain of § 1123(b)'s optional provisions. The Plan is consistent with § 1123(b).

SECTION 1129(A)(2)

Section 1129(a)(2) requires that the "proponent of the plan compl[y] with the applicable provisions of this title." The Debtors have obtained approval of the employment of professional persons and have solicited votes on the Plan in accordance with procedures approved by the Court. The Debtors have satisfied the requirements of § 1129(a)(2).

SECTION 1129(A)(3)

Section 1129(a)(3) requires that the "plan has been proposed in good faith and not by any means forbidden by law." As one court has explained:

The term 'good faith' in the context of 11 U.S.C. § 1129(a)(3) is not statutorily defined but has been interpreted by case law as referring to a plan that 'achieves a result consistent with the objectives and purposes of the Code.' 'The requisite good faith determination is based on the totality of the circumstances.'

In re Melcher, 329 B.R. 865, 876 (Bankr. N.D. Cal. 2005) (internal citations omitted).

The Plan will pay creditors 100% of their claims. This result is consistent with the objectives and purposes of the Bankruptcy Code. The Plan has been proposed in good faith.

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SECTION 1129(A)(4)

Section 1129(a)(4) requires that "[a]ny payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable." The Plan provides that all professional fees are subject to review by the Court. The plan satisfies § 1129(a)(4).

SECTION 1129(A)(5)

Section 1129(a)(5) requires that the Plan disclose "the identity and affiliations of any individual proposed to serve, after confirmation of the Plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint Plan with the debtor, or a successor to the debtor under the Plan." Section 1129(a)(5)(A)(ii) requires that the appointment to or continuation in office of an director or officer be consistent with the interests of creditors, equity security holders, and public policy. Section 1129(a)(5)(B) requires the Plan proponent to disclose the identity of any insider to be employed by the reorganized debtor.

Because the Debtors are individuals, none of the requirements of § 1129(a)(5) are applicable.

SECTION 1129(A)(6)

Section 1129(a)(6), which requires that a governmental regulatory commission with jurisdiction over rates charged by a debtor approve any rate changes provided for in the plan, does not apply.

SECTION 1129(A)(7)

Section 1129(a)(7), known as the "best interests of creditors test," provides in relevant part: "With respect to each impaired class of claims or interests, each holder of a claim or interest of such class has accepted the plan; or will receive or retain under the plan on account of such claim or interest property of a value, as of the effective date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under chapter 7 of this title on such date."

Only Class 1B is impaired. Because Class 1B will be paid 100% of its claim, § 1129(a)(7) is satisfied.

SECTION 1129(A)(8)

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Section 1129(a)(8) requires each class to accept the Plan, unless the class is not impaired. Section 1129(a)(8) does not apply to a Subchapter V case, provided the Plan is fair and equitable. § 1191(b). Because the Plan provides that creditors will be paid 100% of their claims, the Court finds the Plan to be fair and equitable for purposes of § 1191(b). Therefore, the fact that the holder of the claim in the only class impaired under the Plan failed to vote does not prevent the Court from confirming the Plan.

SECTION 1129(A)(9)

Section 1129(a)(9) requires that holders of certain administrative and priority claims receive cash equal to the allowed claim amount of their claims on the effective date of the plan, unless the claimant agrees to different treatment.

Priority tax claimants will be paid on the Effective Date of the Plan. Administrative claimants will be paid on the Effective Date of the Plan, subject to Court approval. The Plan satisfies § 1129(a)(9).

SECTION 1129(A)(10)

Section 1129(a)(10) requires that "at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider." Section 1129(a)(10) does not apply in a Subchapter V case, provided the Plan is fair and equitable. § 1191(b). As set forth above, the Plan is fair and equitable because it provides that creditors will be paid 100% of their claims. Therefore, the fact that the holder of the claim in the only class impaired under the Plan failed to vote does not prevent the Court from confirming the Plan.

SECTION 1129(A)(11)

Section 1129(a)(11), known as the "feasibility requirement," requires the Court to find that "[c]onfirmation of the plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan."

The Debtors have sufficient cash on hand to make the payments contemplated by the Plan. The Plan is feasible and satisfies § 1129(a)(11).

SECTION 1129(A)(12)

Section 1129(a)(12) requires that the Debtor pay all United States Trustee fees prior to confirmation or provide for payment of those fees on the effective date.

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Because no UST fees are payable in Subchapter V cases, § 1129(a)(12) is satisfied.

SECTION 1129(A)(13)

Section 1129(a)(13), which contains requirements pertaining to the payment of retirement benefits, does not apply.

SECTION 1129(A)(14)

Section 1129(a)(14), which contains requirements pertaining to the payment of domestic support obligations, does not apply.

SECTION 1129(A)(15)

Section 1129(a)(15) does not apply in a Subchapter V case provided the Plan is fair and equitable. As discussed above, the Plan is fair and equitable because it pays creditors 100% of their claims. Therefore, § 1129(a)(15) does not apply.

SECTION 1129(A)(16)

Section 1129(a)(16) provides: "All transfers of property under the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust."

Because the Debtors are not non-profit entities, § 1129(a)(16) does not apply.

SECTION 1129(D)

Section 1129(d) provides: "Notwithstanding any other provisions of this section, on request of a party in interest that is a governmental unit, the court may not confirm a Plan if the principal purpose of the Plan is the avoidance of taxes or the avoidance of the application of section 5 of the Securities Act of 1933." No governmental unit has requested that the court not confirm the Plan on the grounds that the Plan's purpose is the avoidance of taxes. No securities are issued under the Plan. The Plan satisfies § 1129(d).

B. The Adversary Proceedings Brought by the Bakery Creditors Will be Dismissed Pursuant to the Bakery Creditors' Settlement

The Bakery Creditors' Settlement provides that upon entry of an order approving the settlement, "[e]ach of the Adversary Actions shall be dismissed with prejudice

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against all defendants." Doc. No. 349, Ex. 1, at ¶ 5. An order approving the Bakery Creditors' Settlement has been entered and is now final and non-appealable. Within seven days of this hearing, the Debtors shall submit a dismissal order in the lead adversary case (Case No. 2:19-ap-01378-ER).

III. Conclusion

Based upon the foregoing, the Plan is **CONFIRMED**. A Post-Confirmation Status Conference shall take place on **August 17, 2021 at 10:00 a.m.** Debtors shall file a Post-Confirmation Status Report no later than fourteen days prior to the hearing. Within seven days of the hearing, Debtors shall submit a proposed Confirmation Order, incorporating this tentative ruling by reference, via the Court's Lodged Order Upload (LOU) system.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:20-10264 450 S. Western, LLC, a California limited liability

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Adv#: 2:21-01030 Philmont Management, Inc. v. 450 S. Western Ave., LLC

#100.00 Hearing
RE: [12] Motion To Dismiss Philmont Management, Inc.'s Complaint To
Determine Validity, Priority, Or Extent Of Lien On Estate PropertyService

Docket 12

Tentative Ruling:

4/6/2021 12:11 PM

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**, and the Complaint is **DISMISSED WITH PREJUDICE**.

Pleadings Filed and Reviewed:

- 1) Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property [Doc. No. 1] (the "Complaint")
- 2) Notice of Motion and Motion to Dismiss Philmont Management, Inc.'s Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property [Doc. No. 12] (the "Motion")
 - a) Request for Judicial Notice in Support of Motion to Dismiss Philmont Management, Inc.'s Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property for Order to Allocate Commission Proceeds [Doc. No. 13]
 - b) Supplement to the Request for Judicial Notice in Support of Motion to Dismiss Philmont Management, Inc.'s Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property for Order to Allocate Commission Proceeds [Doc. No. 20]
- 3) Plaintiff Philmont Management, Inc.'s Opposition to Defendant's Motion to Dismiss Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property [Doc. No. 18] (the "Opposition")

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- 4) Reply to Philmont Management, Inc.'s Opposition to Motion to Dismiss Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property [Doc. No. 21] (the "Reply")

I. Facts and Summary of Pleadings

On January 10, 2020 (the "Petition Date"), 450 S. Western, LLC (the "Debtor") filed a voluntary Chapter 11 petition. As of the Petition Date, the Debtor owned and operated a three-story, 80,316 square foot shopping center—commonly known as California Marketplace—located at the intersection of South Western Avenue and 5th Street (the "Property").

On October 23, 2020, the Court entered an order authorizing the sale of the Property to Jake Sharp Capital for the purchase price of \$57.5 million. *See* Bankr. Doc. No. 241 (the "Sale Order"). The Sale Order provides that liens against the Property "attach to the proceeds of the sale in the same extent, priority, and validity as they did with respect to the Property prior to the sale of the Property." Sale Order at ¶ 7.

On February 11, 2021, Philmont Management, Inc. ("Philmont") filed a *Complaint to Determine Validity, Priority, or Extent of Lien on Estate Property* [Adv. Doc. No. 1] (the "Complaint"). The material allegations of the Complaint are as follows:

- 1) Philmont is a contractor licensed by the State of California. Prior to the Petition Date, Philmont performed certain tenant improvements at the Property. Philmont billed the Debtor \$1,835,561.32 for labor and materials.
- 2) On July 18, 2018, Philmont recorded a mechanic's lien. Over the next eighteen months, the Debtor repeatedly reassured Philmont that the amount due under its mechanic's lien would be paid. In the course of these discussions, the Debtor informed Philmont that it was in the process of completing a refinance of the Property and that Philmont's valid mechanic's lien would be paid through escrow as part of the refinancing transaction. The Debtor requested that Philmont not file a lawsuit to perfect its mechanic's lien because doing so would create a cloud on title, potentially jeopardizing the pending refinance. Instead, the Debtor and Philmont understood that Philmont would simply re-record its mechanic's lien if not paid from the escrow of the impending refinance within ninety days of the original recording. The parties further understand that the Debtor would not claim the successive liens were untimely.

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- 3) In reasonable reliance on the Debtor's representations and promises, Philmont did not commence an action to foreclose its mechanic's lien against the Property and instead re-recorded its mechanic's lien four additional times between June 2018 and December 2019. The act of multiple recordings of Philmont's mechanic's lien was consistent with the parties' understanding and, accordingly, the Debtor did not object. Rather, the Debtor continued to give assurances to Philmont that its lien would be paid from the refinance, but that the refinance process required more time.
- 4) In reasonable reliance on the Debtor's representations and promises, Philmont recorded its fifth and final mechanic's lien against the Property on December 19, 2019, for the outstanding sum then due from the Debtor of \$2,361,878.40, including statutory interest.
- 5) On April 29, 2020, Philmont filed a timely Notice of Perfection of Mechanic's Lien under 11 U.S.C. § 546(c).
- 6) On September 23, 2020, the Debtor filed a motion to approve the sale of the Property (the "Sale Motion"). In the Sale Motion, the Debtor claimed for the first time—and contrary to its prior repeated assertions and requests—that Philmont's mechanic's lien was invalid and disputed.
- 7) The sale of the Property closed on December 4, 2020. The Debtor holds sale proceeds of approximately \$11,419,486 in a segregated trust account subject to all remaining disputed secured claims, including Philmont's mechanic's lien.

Based upon the foregoing allegations, Philmont seeks a determination that it holds a valid and enforceable mechanic's lien on the proceeds of the sale of the Property (the "Sale Proceeds") in the amount of \$1,808,281.32, plus statutory interest.

Debtor moves to dismiss the Complaint, with prejudice, for failure to state a claim upon which relief can be granted. Debtor argues that dismissal with prejudice is required for two reasons:

- 1) Cal. Civ. Code § 8412(a) requires that a notice of mechanic's lien be recorded within 90 days from the date the underlying work is completed. To perfect a mechanic's lien that has been properly recorded, Cal. Civ. Code § 8460(a) requires that an action to enforce the mechanic's lien be commenced within 90 days of recordation. The only way to extend the 90-day deadline to perfect the mechanic's lien is to record a Notice of Credit. *See* Cal. Civ. Code § 8460(b). Philmont recorded five notices of mechanic's lien. The first notice was

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recorded within the 90-day window after work was completed. However, this first notice does not support a valid and perfected security interest in estate property, because no action was commenced by Philmont within 90 days of the July 18, 2019 recording date as required by § 8460(a), and no Notice of Credit was recorded to extend the 90-day deadline.

- 2) Even if the 90-day deadline to commence an enforcement action could be equitably tolled (which it cannot be), and even if the fifth mechanic's lien recorded on December 19, 2019 was timely (which it was not), Philmont still failed to properly perfect its mechanic's lien when it did not timely file the required notice of perfection under § 546 of the Bankruptcy Code.

Philmont opposes the Motion to Dismiss for the following reasons:

- 1) Philmont has alleged facts sufficient to establish that the Debtor is equitably estopped from asserting that Philmont's fifth mechanic's lien was not timely recorded. The facts alleged by Philmont show that it refrained from commencing an enforcement action, and instead re-recorded its mechanic's lien four separate times, in reasonable reliance upon the Debtor's representations that a refinance transaction was pending, that Philmont would be paid from the refinance, and that the Debtor would not later take the position that recordation of the mechanic's lien was untimely.
- 2) Philmont was not required to file a Notice of Perfection under § 546 of the Bankruptcy Code. Philmont perfected its mechanic's lien by recording the lien on December 19, 2019. Under California law, Philmont was then required to commence an action to enforce the lien within 90 days or "the claim of lien expires and is unenforceable." Cal. Civ. Code § 8460(a). The 90-day deadline specified by Cal. Civ. Code § 8460(a) was tolled by § 108(c) of the Bankruptcy Code, and Philmont was not required to file a Notice of Perfection under § 546(b) of the Bankruptcy Code because its lien was already perfected by recordation and Cal. Civ. Code § 8412(a) deals with enforcement, but not perfection, of liens. *See In re Hunters Run Ltd. P'ship*, 875 F.2d 1425, 1427 (holding that the holder of a mechanic's lien was not required to file an action to foreclose the lien, because a lien foreclosure action was "an act to ... enforce [a] lien against property of the estate" tolled by § 108(c), and finding that the notice of perfection requirement under § 546(b) of the Bankruptcy Code did not apply to the commencement of an action to enforce a mechanic's lien, again because the foreclosure action was an "enforcement action" and not

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a “perfection action”).

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The Debtor makes the following arguments in reply to Philmont’s opposition:

- 1) In support of its contention that the Debtor is equitably estopped from challenging the timeliness of the recordation of Philmont’s fifth mechanic’s lien, Philmont relies on *Hubbard v. Lee*, 102 P. 528 (Cal. Ct. App. 1909), a 110-year old decision that has not been cited in the last 25 years. Philmont’s reliance upon *Hubbard* is unavailing, because “one who acts with full knowledge of plain provisions of law and their probable effect on facts within his or her knowledge ... may claim neither ignorance of the true facts nor detrimental reliance on the conduct of the person claimed to be estopped, two of the essential elements of equitable estoppel.” *Steinhart v. County of Los Angeles*, 27 Cal. 4th 1298, 1317 (2010). Philmont cannot allege that it was ignorant of the true facts—namely, that its work had been completed and that the statute require a notice of mechanic’s lien to be recorded within 90 days. Knowing this, Philmont decided to wait a year and a half before recording the December 19, 2019 notice of mechanic’s lien.
- 2) There is no merit to Philmont’s contention that it was not required to file a notice of perfection under § 546(b) of the Bankruptcy Code to perfect its mechanic’s lien. Philmont’s reliance upon *Hunters Run* is misplaced because that case’s holding is limited to a Washington statute that differs materially from the California statute at issue here.

II. Findings and Conclusions

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’ A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citations omitted). To state a plausible claim for relief, a complaint must satisfy two working principles:

First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitations of the elements of a cause of action, supported by mere conclusory statements, do not suffice.... Second, only a complaint that states a plausible claim for relief survives a motion to dismiss. Determining whether a complaint states a

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plausible claim for relief will ... be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. But where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not "show[n]"—"that the pleader is entitled to relief."

Id. (citing Civil Rule 8(a)(2)).

Although the pleading standard Civil Rule 8 announces “does not require ‘detailed factual allegations,’ ... it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.... A pleading that offers ‘labels and conclusions’ or a ‘formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

A. The Complaint Fails to Sufficiently Allege Facts Showing that the Debtor is Estopped from Challenging the Timeliness of Philmont’s Recordation of its Mechanic’s Lien

Under California law, a contractor may not enforce a mechanic’s lien unless it is recorded within 90 days of completion of the work. The 90-day deadline can be tolled only by recordation of a notice of completion. These deadlines are specified by Cal. Civ. Code § 8412, which provides:

A direct contractor may not enforce a lien unless the contractor records a claim of lien after the contractor completes the direct contract, and before the earlier of the following times:

- (a) Ninety days after completion of the work of improvement.
- (b) Sixty days after the owner records a notice of completion or cessation.

Cal. Civ. Code § 8412.

To perfect a valid mechanic’s lien timely recorded within the deadlines specified by Cal. Civ. Code § 8412, the contractor must commence an action to foreclose the lien within 90 days of recordation:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable.

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Cal. Civ. Code § 8460(a).

The Complaint does not allege the exact date when Philmont completed the work on the Property. However, there is no dispute that the first mechanic's lien that Philmont recorded on July 18, 2018 was recorded within the 90-day deadline specified by Cal. Civ. Code § 8412. Nor is there any dispute that the fifth mechanic's lien recorded by Philmont on December 19, 2019, was not recorded within the 90-day deadline. Instead, the issue is whether the Complaint alleges facts sufficient to support a reasonable inference that the Debtor is equitably estopped from challenging the timeliness of the December 19, 2019 mechanic's lien.

"Four elements must ordinarily be proved to establish an equitable estoppel: (1) The party to be estopped must know the facts; (2) he must intend that his conduct shall be acted upon, or must so act that the party asserting the estoppel had the right to believe that it was so intended; (3) the party asserting the estoppel must be ignorant of the true state of facts; and, (4) he must rely upon the conduct to his injury." *Hopkins v. Kedzierski*, 225 Cal. App. 4th 736, 756, 170 Cal. Rptr. 3d 551, 568 (2014). "[O]ne who acts with full knowledge of plain provisions of law and their probable effect on facts within his or her knowledge, especially where represented by counsel, may claim neither ignorance of the true facts nor detrimental reliance on the conduct of the person claimed to be estopped, two of the essential elements of equitable estoppel." *Steinhart v. Cty. of Los Angeles*, 47 Cal. 4th 1298, 1317, 223 P.3d 57, 70 (2010).

Here, the Complaint's allegations demonstrate that Philmont understood the necessity both of recording its mechanic's lien within 90 days of the completion of the work and of commencing a foreclosure action within 90 days of recordation of the lien. For example, the Complaint alleges that Philmont continued to record successive mechanic's liens, in lieu of commencing an action to foreclose its lien, based on the Debtor's representations that a refinancing transaction was imminent. Complaint at ¶ 12. The Complaint additionally alleges that the "parties further understood that [the Debtor] would not claim the successive liens were untimely." Complaint at ¶ 12. These allegations show that Philmont knew that where a lien was not recorded within 90 days of completion of the work, and/or where a foreclosure action was not commenced within 90 days of the recordation of the lien, the lien at issue was at risk of being subjected to a timeliness challenge. That is, Philmont acted "with full knowledge of plain provisions of law" and the probable effect of those provisions on the validity of its lien. *Steinhart*, 47 Cal. 4th at 1317. Consequently, Philmont cannot claim "ignorance of the true facts nor detrimental reliance on the conduct of [the Debtor], two of the essential elements of equitable estoppel." *Id.*

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Philmont's reliance upon *Hubbard v. Lee*, 10 Cal. App. 477 (Cal. Ct. App. 1909) for the proposition that the Complaint sufficiently alleges facts showing that the Debtor is equitably estopped from challenging the timeliness of Philmont's mechanic's lien is unavailing. In *Hubbard*, the property owner represented to the contractor that the project was not complete and demanded that further work be done. *Id.* at 482. Because the contractor did not record his lien in reliance upon these representations, the court held that the property owner's estate was estopped from later claiming the project had been completed earlier. *Id.* at 483.

Here, by contrast, there is no dispute as to the date upon which Philmont completed the work. Philmont knew that it had completed the work and also knew that compliance with the provisions of the California Civil Code was necessary to acquire and perfect a mechanic's lien. Philmont chose not to take the actions it knew were required to maintain and perfect that lien in the hopes that it might be paid through a refinancing transaction. Philmont's gamble that a refinancing transaction would be completed failed to pay off. Having made such a gamble and deliberately refrained from taking the steps it knew were necessary to acquire and maintain its lien, Philmont cannot now invoke the doctrine of estoppel to avoid the consequences of its actions.

B. Even if Philmont Could Allege Facts Sufficient to Support a Reasonable Inference of Equitable Estoppel, Philmont's Failure to Allege that it Timely Recorded a Notice of Perfection Under § 546(b) of the Bankruptcy Code Requires Dismissal

Section 546(b) provides:

- (1) The rights and powers of a trustee under sections 544, 545, and 549 of this title are subject to any generally applicable law that—
 - (a) permits perfection of an interest in property to be effective against an entity that acquires rights in such property before the date of perfection; or
 - (b) provides for the maintenance or continuation of perfection of an interest in property to be effective against an entity that acquires rights in such property before the date on which action is taken to effect such maintenance or continuation.
- (2) If—
 - (a) a law described in paragraph (1) requires seizure of such property or commencement of an action to accomplish such perfection, or

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maintenance or continuation of perfection of an interest in property;
and

(b) such property has not been seized or such action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, giving notice within the time fixed by such law for such seizure or such commencement.

The Ninth Circuit Bankruptcy Appellate Panel has explained the operation of § 546(b) as follows:

Under California law, the filing of a foreclosure suit, an enforcement action, is required to maintain the perfection of a lien: if no suit is timely filed, the lien becomes void. Section 546(b) unambiguously mandates that, if commencement of an action is required to maintain or continue perfection, notice shall be given instead.

Village Nurseries v. David Gould (In re Baldwin Builders), 232 B.R. 406, 411 (B.A.P. 9th Cir. 1999).

There is no dispute that Philmont had not commenced an action to foreclose its mechanic's lien prior to the Petition Date. Under California law, the holder of a mechanic's lien is required to commence an action to enforce that lien within 90 days of recordation in order to perfect the lien:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable.

Cal. Civ. Code § 8460(a).

After the Debtor sought bankruptcy protection, § 546(b) required Philmont to “give notice within the time fixed by [Cal. Civ. Code § 8460(a)]” in order to perfect its mechanic's lien. That is, Philmont was required to file a notice of perfection with the Bankruptcy Court within 90 days of December 19, 2019 (the date upon which Philmont record its fifth mechanic's lien). However, Philmont did not file a notice of perfection with the Bankruptcy Court until April 29, 2020, more than one month late.

Philmont relies on *In re Hunters Run Ltd. Partnership*, 875 F.2d 1425 (9th Cir.

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1987) for the proposition that it was not required to file a notice of perfection under § 546(b) because the deadline imposed by Cal. Civ. Code § 8460(a) was tolled by § 108(c) of the Bankruptcy Code. *Hunters Run* is distinguishable because it interpreted a Washington state statute, as opposed to the California statute at issue here.

In *Hunters Run*, the court held that the deadline to commence an action to foreclose a mechanic's lien set forth in the Washington statute at issue was tolled by § 108(c). *Hunters Run*, 875 F.2d at 1429. As a result, the court held that the holder of the mechanic's lien was not required to file a notice of perfection under § 546(b) to perfect the lien. *Id.*

Unlike the Washington statute at issue in *Hunters Run*, the California statute at issue here requires the holder of the mechanic's lien to file a foreclosure action in order to perfect the lien. California courts have recognized the fact that recordation is distinct from perfection:

The recordation of a timely claim of lien transforms the claimant's inchoate personal right created by our Constitution into a tangible lien on the property. Only this lien, which was created by the statutory scheme, is automatically nullified by a failure to timely commence a foreclosure proceeding. The constitutional right to a lien remains and may be perfected so long as the claimant can comply with the conditions precedent set forth in the statutory scheme.

Coast Cent. Credit Union v. Superior Ct., 209 Cal. App. 3d 703, 711, 257 Cal. Rptr. 468 (Ct. App. 1989).

Because California law requires a foreclosure action to perfect a lien, the decision in *Hunters Run*, which construed a statute that did not contain a similar provision, is not controlling. Therefore, § 108(c) did not toll Philmont's deadline to file a foreclosure action. To perfect its lien, Philmont was required to file a notice of perfection under § 546(b) within 90 days of December 19, 2019—or by no later than March 18, 2020. The Court takes judicial notice of the fact that Philmont did not record its notice of perfection until April 29, 2020. The Complaint's failure to allege the timely recordation of a notice of perfection is fatal to Philmont's claim, and this failure cannot be cured through amendment given that the record in this case reflects that the notice of perfection was recorded more than one month late. Therefore, the dismissal of the Complaint is with prejudice. See *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) ("Although leave to amend should

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be given freely, a district court may dismiss without leave where a plaintiff's proposed amendments would fail to cure the pleading deficiencies and amendment would be futile.").

III. Conclusion

Based upon the foregoing, the Motion is **GRANTED**, and the Complaint is **DISMISSED WITH PREJUDICE**. Within seven days of the hearing, the Debtor shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz, the Judge's Law Clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian
Christopher K.S. Wong
M Douglas Flahaut
Amelia Puertas-Samara
Dylan J Yamamoto

Defendant(s):

450 S. Western Ave., LLC

Represented By

M Douglas Flahaut
Christopher K.S. Wong

Plaintiff(s):

Philmont Management, Inc.

Represented By

Jesse S Finlayson

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- #1.00** Hearing
RE: [55] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Debtors Combined Motion For Entry Of Orders: (I)(A) Establishing Bidding And Sale Procedures, (B) Establishing Procedures Relating To The Assumption And Assignment Of Executory Contracts And Unexpired Leases, (C) Scheduling Hearing To Approve The Proposed Sale, And (D) Approving Form And Manner Of Notice Relating Thereto; (II)(A) Approving The Sale Of Assets Free And Clear Of All Liens, Claims, Encumbrances, And Interests, (B) Authorizing The Assumption And Assignment Of Executory Contracts And Unexpired Leases; And (III) Granting Related Relief

Docket 55

Tentative Ruling:

4/7/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Bidding Procedures Motion is GRANTED.

Pleadings Filed and Reviewed

- 1) Debtor's Combined Motion for Entry of Orders: (I)(A) Establishing Bidding and Sale Procedures, (B) Establishing Procedures Relating to the Assumption and Assignment of Executory Contracts and Unexpired Leases, (C) Scheduling Hearing to Approve the Proposed Sale, and (D) Approving Form and Manner of Notice Relating Thereto; (II)(A) Approving the Same of Assets Free and Clear of All Liens, Claims, Encumbrances, and Interests, (B) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (III) Granting Related Relief (the "Bidding Procedures Motion") [Doc. No. 55]

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- 2) Declaration of Kevin B. Schatzle in Support of the Debtor's Bidding Procedures Motion (the "Schatzle Decl.") [Doc. No. 56]
- 3) Declaration of George Blanco in Support of Debtor's Bidding Procedure Motion [Doc. No. 57]
- 4) Order Setting Hearing on Combined Bidding Procedures and Sale Motion (the "Bidding Procedures Order") [Doc. No. 61]
- 5) Notice of Hearing on Debtor's Bidding Procedures Motion [Doc. No. 63]
- 6) Reservation of Rights of Avaya Inc. Relating to Debtor's Bidding Procedures Motion (the "Reservation of Rights") [Doc. No. 68]

I. Facts and Summary of Pleadings

A. Background and the Bidding Procedures Motion

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition. The Debtor is a cloud security service provider for managed voice, collaboration, conferencing, and contact center services primarily for U.S. public sector customers. Bidding Procedures Motion at 11. The Debtor has a special governmental authorization, known as FedRAMP, that certifies that the Debtor's services are highly secure and may be used by government agencies. *Id.* at 13. Some of the Debtor's customers include the United States Customs and Border Protection and the Defense Nuclear Facilities Safety Board. Schatzle Decl. at ¶ 23.

The Debtor states that its business operations have been severely undermined by Avaya, its largest creditor. The Debtor's relationship with Avaya began in 2017 when it executed an agreement whereby the Debtor would sell its services to Avaya, and Avaya would resell those services to its own customers (the "Master Agreement"). *Id.* at ¶¶ 59 & 61. In May of 2019, Avaya loaned the Debtor \$10,000,000 under a convertible secured note in order to create a system that would streamline the relationship between the Debtor and Avaya/Avaya's customers. *Id.* at ¶ 61. The Debtor avers that during that same time, it was seeking a sale of its assets, but the terms of the convertible note prohibited the Debtor from entering into any relationship with another company. *Id.* Around the same time period, the Debtor asserts that Avaya began to develop a competing software in an effort to drive the Debtor out of business. *Id.* at ¶ 62. The Debtor argues that Avaya unilaterally terminated the Master Agreement in May of 2020 when it ceased business relations with the Debtor. *Id.* at ¶¶ 69 & 70. When the Debtor saw an impending liquidity crisis during 2020, it unsuccessfully reached out to Avaya and others to obtain additional funding. *Id.* at ¶ 77.

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On April 1, 2021, the Debtor filed its Bidding Procedures Motion, seeking approval of the bidding procedures to sell its assets, as well as approval of the sale of its assets. As a preliminary matter, the Court made clear in its April 1, 2021 Bidding Procedures Order that it will *only* consider the bidding procedures aspect of the motion, and will not, at this time, entertain any approval of the sale of assets. *See* Doc. No. 61.

i. Bidding Procedures Pertaining to the Auction

The material terms of the bidding procedures, as they pertain to the sale of the Debtor's assets, may be summarized as follows [**Note 1**]:

- 1) To participate, each entity or person (a "Potential Bidder") must deliver an executed confidentiality agreement to the Debtor, a statement and other factual support demonstrating a bona fide interest in purchasing the Debtor's assets, and sufficient information to prove that the Potential Bidder has the financial wherewithal to consummate a sale;
- 2) All Potential Bidders will have access to an "electronic data room," created by the Debtor, in order to allow the Potential Bidders to complete their due diligence;
- 3) The deadline for Potential Bidders to submit a bid to the Debtor will be May 17, 2021 (the "Bid Deadline");
- 4) All bids received must: (a) identify the legal name of the Potential Bidder; (b) contain an asset purchase agreement consistent with the Draft Asset Purchase Agreement (the "Draft APA," discussed at greater length, below) attached to the Bidding Procedures Motion at page 51, but marked with any changes that the Potential Bidder seeks; (c) state that all necessary filings under applicable regulatory, antitrust, and other laws will be made; (d) be formal, binding, and unconditional, and irrevocable by the Potential Bidder until the earlier of June 10, 2021 and the first business day following the closing of an alternative sale transaction; (e) be in an amount of not less than \$1,000,000; (f) be accompanied by a cash deposit of at least 10% of the gross consideration payable at closing;
- 5) All Potential Bidders must accompany their bids with (a) written evidence of the ability to consummate the transaction; (b) written documentation sufficient to demonstrate the Potential Bidder's ability to provide adequate assurance of future performance, including but not limited to (i) the

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- relationship between the Potential Bidder and the proposed assignee (if different from the Potential Bidder), (ii) the proposed assignee's intended use of the leased premises if it is different from the present operation, (iii) if available, audited financial statements and annual reports of the Potential Bidder for the last two years, (iv) if available, cash flow projections for the proposed assignee, (v) a contact person for the proposed assignee whom non-Debtor parties may contact directly in connection with adequate assurance of future performance; (c) a copy of a board resolution or a similar document demonstrating the Potential Bidder's authority to make a bid; and (d) a signed statement that the bid is irrevocable until the earlier of June 10, 2021 and the first business day following the closing of an alternative transaction;
- 6) A Potential Bidder must be able to continue to perform upon the following executory contracts to which the Debtor is a party: Verizon, Presidio, Westcon/Synnex, Rose Snyder & Jacobs LLP, Futron, and Qbase/Finch Computing;
 - 7) Any Potential Bidder who meets the qualifications listed in ¶¶ 1-6 shall be a Qualified Bidder;
 - 8) Except as to the executory contracts listed above, if the winning bidder (the "Purchaser") does not wish to assume an executory contract, it shall provide such customers with transition assistance off the Debtor's system;
 - 9) The Debtor will evaluate the bids using factors such as the amount of the bid, including non-cash consideration, if there are any contingencies with respect to the sale, and the ability to obtain any and all necessary antitrust or other applicable regulatory approvals for the sale;
 - 10) If more than one bid is received by the Bid Deadline, the Debtor will conduct an auction, via Zoom, on May 18, 2021, at 1:00 p.m. PDT. Each subsequent bid must be at least \$50,000 or more than the prior bid;
 - 11) Prior to the conclusion of the auction, the Debtor will review and evaluate each bid and, in their exercise of good faith business judgment, will identify the highest or otherwise best bid;
 - 12) The bid the debtor selects (the "Successful Bid;" the "Successful Bidder") shall not constitute acceptance of that bid, and such acceptance shall only occur when a contract has been executed and the sale has been approved by this Court;
 - 13) If the Successful Bidder does not close the sale by the date agreed upon, the Debtor may, but is not required to, sell the assets to the next best

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bidder;**

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- 14) The good faith deposit shall be a credit toward the sale for the Purchaser, and all unsuccessful bidders' good faith deposits shall be returned.

Bidding Procedures Motion at 13-19.

ii. Proposed Assumption and Assignment Procedures

The material terms of the Bidding Procedures Motion, as they pertain to the assumption and assignment of executory contracts and unexpired leases, may be summarized as follows [**Note 2**]:

- 1) By no later than April 16, 2021, the Debtor will file a schedule of cure obligations (the "Cure Schedule") for its executory contracts and unexpired leases. The Cure Schedule shall list all executory contracts and unexpired leases, and the cure amount, if any, the Debtor believes is necessary to cure any monetary default;
- 2) Any objections to the assumption and assignment of any executory contract or unexpired lease must be in writing and be received by the Debtor, the Debtor's counsel, and the Court by May 7, 2021; provided, however, that the deadline for objecting to the assignment of the executory contracts and unexpired leases to the Successful Bidder on the basis of adequate assurance of future performance will be the commencement of the sale hearing;
- 3) If a non-Debtor counterparty to an executory contract or unexpired lease objects to the cure amount, the parties will attempt to resolve the issue outside of court. To the extent that the parties are unable to resolve the issue, the cure amount will be determined at a hearing in front of this Court;
- 4) If the Debtor receives no objections to the Cure Schedule, the costs set forth in the Cure Schedule shall be binding upon the non-debtor parties to the executory contracts and unexpired leases as set forth in the Cure Schedule.

Bidding Procedures Motion at 19-20.

iii. The Draft APA

The material provisions of the Draft APA, as they pertain to the Court's

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interests, can be summarized as follows [Note 3]:

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The Debtor's assets to be sold at auction include all intellectual property it owns, all inventory, all permits used by the seller that may be transferred to the buyer, all computer equipment and office equipment, and all assumed contracts including but not limited to customer contracts, vendor agreements, and all licenses that may be transferred to the Purchaser. Draft APA at Art. II § 2.1. The Debtor also notes, as discussed above, that it will assign and the Purchaser will assume all executory contracts with the following customers: Verizon, Presidio, Westcon/Synnex, Rose Syder & Jacobs LLP, Futron, and Qbase/Finch Computing. All assets are sold as is, where is.

The Debtor's warranties in the Draft APA include that it "has all requisite power and authority to execute and deliver this Agreement and the Ancillary Agreements to which it is or shall, pursuant to this Agreement, be a party, and to perform, carry out and consummate the transactions contemplated hereby and thereby" *Id.* at Art. III § 3.1. The Debtor also asserts that there will be no legal prohibition which "restrains or prohibits the consummation of the transactions contemplated hereby." *Id.* at § 6.2(d). As to the representation and warranties of the Purchaser, the Draft APA states that the "[p]urchaser has the right and authority to enter into, execute, deliver and perform this Agreement" *Id.* at Art. IV § 4.1. In addition, "[a]ll action on Purchaser's part required for the lawful execution and delivery of this Agreement and the Ancillary Agreements to which it is to be a party has been taken." *Id.*

B. Avaya's Reservation of Rights

On April 5, 2021, Avaya filed its Reservation of Rights. Avaya does not object to the Bidding Procedures Motion, but "out of an abundance of caution . . . reserves its rights as it relates to the [Bidding Procedures] Motion's request for approval of any proposed sale arising from such procedures." Reservation of Rights at 2.

II. Findings and Conclusions

Given the Debtor's substantial cash burn of approximately \$518,000 per month and the potential for national security implications should the Debtor no longer

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be able to provide services to its customers, the Court's findings regarding the Bidding Procedures are governed primarily by the need to ensure a timely sale of the assets to a qualified buyer. The Court's obligation is to approve bidding procedures that are most likely to maximize the proceeds received by the estates in connection with the auction. *See Simantob v. Claims Prosecutor, LLC (In re Lahijani)*, 325 B.R. 282, 288–89 (B.A.P. 9th Cir. 2005) ("The court's obligation in § 363(b) sales is to assure that optimal value is realized by the estate under the circumstances."). The Debtor's marketing efforts have so far included hiring an experienced restructuring professional and financial advisor, and reaching out to a set of known potential buyers that the Debtor's CEO is familiar with. *See* Bidding Procedures Motion at 14; *see also* Schatzle Decl. at ¶ 91.

While the Court will grant the Bidding Procedures Motion, it has concerns over whether the Bidding Procedures Motion accurately defines a Qualified Bidder in such a way that the eventual Purchaser will be in a position to take on the rights and obligations of the Debtor vis-à-vis the government entities with whom it does business. Specifically, it appears to the Court that FedRAMP authorization, or the ability to receive FedRAMP authorization, ought to be a necessary condition to be a Qualified Bidder since the Debtor's most valuable contracts require FedRAMP authorization. Therefore, in addition to the list of requirements for Qualified Bidders discussed in the Bidding Procedures Motion, the Court will also require that the Qualified Bidders either have or be able to acquire FedRAMP authorization.

Furthermore, the Debtor should be prepared to provide information on the following issues at the hearing on the Bidding Procedures Motion:

- 1) The universe of Qualified Bidders;
- 2) The legal authority, if any, to permit the Debtor to transfer its FedRAMP authorization;
- 3) The process, if one exists, of transferring FedRAMP authorization;
- 4) The likelihood of a Qualified Bidder receiving FedRAMP authorization if it does not already have said authorization.

The Debtor proposes, and the Court adopts, the following timeline with respect to the bidding procedures and the auction:

- 1) **Friday, April 16, 2021:** Deadline for the Debtor to serve notice of

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Thursday, April 8, 2021

Hearing Room 1568

2:00 PM

CONT...

collab9, LLC, a Delaware limited liability company

Chapter 11

proposed cure amounts, and the potential assumption and assignment of leases and contracts to, counterparties.

- 2) **Friday, May 7, 2021:** Deadline for the contract and lease counterparties to object to the assumption and assignment of their contract or lease
- 3) **Friday, May 7, 2021:** Deadline for parties to object to the sale of substantially all of the Debtor's assets
- 4) **Friday, May 14, 2021:** Deadline for replies to objections
- 5) **Monday, May 17, 2021:** Deadline for parties to submit bids to the Debtor
- 6) **Tuesday, May 18, 2021:** Auction, if necessary
- 7) **Wednesday, May 19, 2021:** Deadline for the Debtor to file a report regarding the results of the auction, if any
- 8) **Thursday, May 20, 2021:** Sale hearing
- 9) **Monday, May 31, 2021:** Sale closing

III. Conclusion

Based upon the foregoing, and except as to approval of the sale of the Debtor's assets, the Bidding Procedures Motion is **GRANTED**.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven (7) days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: This summary only contains the most significant provisions of the bidding procedures. Parties should consult the bidding procedures on pages 18-23 and 44-50 of the Bidding Procedures Motion for a complete list of (a) the requirements that Potential Bidders must satisfy to participate in the auction and (b) the rules governing the auction.

Note 2: This summary only contains the most significant provisions of the assumption

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CONT... collab9, LLC, a Delaware limited liability company Chapter 11

and assignment procedures. Parties should consult the assumption and assignment procedures on pages 24-26 of the Bidding Procedures Motion for a complete list of the assumption and assignment procedures.

Note 3: This summary only contains the most significant provisions of the Draft APA, as they pertain to the Court's interests. Parties should consult the Draft APA, attached to the Bidding Procedures Motion at page 52, for a complete breakdown of the proposed sale.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
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Monday, April 12, 2021

Hearing Room 1568

10:00 AM

2:19-24457 Anthony Joseph Kassas

Chapter 7

Adv#: 2:21-01021 Kassas v. The State Bar of California

#1.00 Hearing
RE: [9] Motion to Dismiss Adversary Proceeding Defendant The State Bar of California's Notice of Motion and Motion to Dismiss Complaint; Memorandum of Points and Authorities in Support Thereof

Docket 9

***** VACATED *** REASON: RESCHEDULED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Joseph Kassas

Represented By
M. Jonathan Hayes

Defendant(s):

The State Bar of California

Represented By
Suzanne C Grandt

Plaintiff(s):

Anthony J. Kassas

Represented By
M. Jonathan Hayes

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
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Monday, April 12, 2021

Hearing Room 1568

10:00 AM

2:18-15693 Kami Emein and Joseph Amin

Chapter 7

#2.00 HearingRE: [105] Motion for Relief from Stay Notice of Motion and Motion for Relief From Automatic Stay.

Docket 105

Tentative Ruling:

4/8/2021

Tentative Ruling:

This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2) . The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. The claims arise under nonbankruptcy law and can be most expeditiously resolved in the nonbankruptcy forum.

The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the Unites States Code. This order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order

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Monday, April 12, 2021

Hearing Room 1568

10:00 AM

CONT... Kami Emein and Joseph Amin

Chapter 7

Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Kami Emein

Represented By
Jacques Tushinsky Fox

Trustee(s):

John J Menchaca (TR)

Represented By
Uzzi O Raanan ESQ
Sonia Singh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, April 12, 2021

Hearing Room 1568

10:00 AM

2:19-21148 Efren Zavala and Maria Padilla

Chapter 7

#3.00 HearingRE: [72] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Honda Accord, VIN: 1HGC V1F1 6JA1 32794 .

Docket 72

Tentative Ruling:

4/8/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

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CONT... Efren Zavala and Maria Padilla

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Efren Zavala

Represented By
Michael O Akhidenor

Joint Debtor(s):

Maria Padilla

Represented By
Michael O Akhidenor

Trustee(s):

Wesley H Avery (TR)

Represented By
Joseph E. Caceres

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Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, April 12, 2021

Hearing Room 1568

10:00 AM

2:20-20772 FDZ Homes, Inc.

Chapter 11

#4.00 HearingRE: [64] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 647 West 92nd Street and 649 West 92nd Street, Los Angeles, CA 90044 with proof of service.

Docket 64

Tentative Ruling:

4/8/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived. The Debtor shall direct potential overbidders, if any, to contact the above-referenced number prior to the hearing.

For the reasons set forth below, the Motion is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (With Supporting Declarations) (Real Property) (the "Motion") [Doc. No 64]
- 2) Debtor's Opposition to Anchor Loan's Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (the "Opposition") [Doc. No. 66]
- 3) Evidentiary Objections to Exhibit 4 Attached to Anchor Loan's Motion for Relief from the Automatic Stay (the "Evidentiary Objections") [Doc. No. 67]
- 4) Reply to Debtor's Opposition to Motion for Relief from the Automatic Stay (the "Reply") [Doc. No. 68]

I. Facts and Summary of Pleadings

A. Background

Debtor and Debtor-in-Possession FDZ, Homes, Inc. (the "Debtor") filed a chapter 11 petition on December 7, 2020 (the "Petition Date"). The Debtor is a California corporation owned by Salvador Fernandez ("Fernandez"). The Debtor's

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CONT... FDZ Homes, Inc.

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business is to identify properties for investment, purchase those properties, make repairs, and market them for a profit. The Debtor's financial problems arose when it experienced cash flow problems and could not complete improvements on certain properties. It was therefore unable to market the properties and fell behind on mortgage payments. In the last seven months, the Debtor lost six of its properties, but, as of the Petition Date, still owned the following:

1. 647 W. 92nd St., Los Angeles, CA 90062 (the "Property")
2. 426 Clifton St., Los Angeles, CA 90031
3. 3401 Greensward Road, Los Angeles, CA 90039 (the "Greensward Property")
4. 821 E. Mel Ave., Palm Springs, CA 92262 (the "Mel Property")
5. 4311 & 4315 Portola Ave., Los Angeles, CA 90032 (the "Portola Properties")

On February 17, 2021, this Court entered an order granting the Debtor's motions to sell the Greensward Property and the Portola Properties. The Mel Property has significant equity. On December 8, 2020, a foreclosure sale was planned by Anchor Loans on the Property, which is what led the Debtor to file its bankruptcy petition.

B. Anchor Loans' Motion for Relief from the Automatic Stay

On March 19, 2021, Anchor Loans, LP ("Anchor Loans") filed its Motion. Anchor Loans avers that the fair market value of the Property, even if it is fully renovated, is \$2,960,000. This valuation is supported by Jeffrey Peldon's ("Peldon") broker's price opinion (the "BPO") (attached as Exhibit 4 to the Motion). The BPO states that Peldon is a license California real estate broker. Anchor Loans calculates that its total pre-petition claim is \$2,561,448.12 and has incurred interest and costs of \$92,181.65 post-petition; therefore, it asserts that its total claim is now \$2,653,629.68. Motion at 8. By its calculation, Anchor Loans' equity cushion is \$291,601.79, and is 9.85% of the fair market value of the Property. Anchor Loans argues that, because this is less than 10% of the fair market value of the property, its claim is not adequately protected. Furthermore, taking into account a second deed of trust, held by United Capital, in the amount of \$850,000, and a Los Angeles County tax lien in the amount of \$14,768.51, Anchor Loans argues that the Debtor's equity in the Property

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CONT... FDZ Homes, Inc.

Chapter 11

is -\$558,398.21. Therefore, Anchor Loans argues that its Motion should be granted pursuant to both 11 U.S.C. § 362(d)(1) and (d)(2). Anchor Loans also claims that the Debtor has not provided proof of insurance.

C. The Debtor's Objection to Anchor Loans' Motion

On March 29, 2021, the Debtor filed its Opposition and Evidentiary Objections. The Debtor argues that the evidence submitted in support of Anchor Loans' valuation is not competent because it was based upon a market report prepared over a year ago (dated April 7, 2020) by "someone whose qualifications are not disclosed." Opposition at 3. Furthermore, the Debtor notes that at the end of the BPO, there is a disclaimer that states: "[t]his document is not an appraisal as defined by USPAP (Uniform Standards of Professional Appraisal Practice). It is not to be construed as an appraisal and may not be used as such for any purpose." Motion at 60. The Debtor also asserts that Anchor Loans' calculation of interest using the "default rate" is "unenforceable under Cal. Civ. Code § 1671" and it intends to shortly file a pleading contesting Anchor Loans' use of such rate. The Debtor argues that the property is worth \$3,750,000 in its unrenovated state, which would mean Anchor Loans' equity cushion, even calculated using the default rate, is \$1,096,370.32, or approximately 30% of the fair market value of the property. Opposition at 3-4. Following the planned renovation, the Debtor believes the property will be worth \$4,500,000, which would increase Anchor Loans' equity cushion to \$1,846,370, or approximately 40%. The Debtor argues that the Property is necessary to its reorganization efforts because, after the planned renovations (the funds of which will come from the sales of the Greensward Property and Portola Properties), there will be approximately \$981,601.81 of equity in the property. After full renovation and sale, the Debtor argues that Anchor Loans' claim will be paid in full. *Id.* at 4.

The Debtor objects to the entire declaration of Jeffrey Peldon as well as the BPO. The Debtor believes that Peldon is offering expert testimony without laying a foundation that he has specialized knowledge or experience to provide such an opinion. The Debtor also avers that Peldon's valuation as to a post-renovation property lacks foundation as to the scope of repairs and renovations to be made, or what improvements he thinks the Property needs. Furthermore, the BPO contains a disclaimer at the end that states it should not be used as an appraisal, so the Debtor believes that Anchor Loans is using the BPO for a purpose for which it was not intended. Finally, the Debtor takes issue with the report being from April 7, 2020 because it does not provide evidence of the Property's current value. Evidentiary

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CONT... FDZ Homes, Inc.
Objections at 2-3.

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D. Anchor Loans' Reply

On March 30, 2021, Anchor Loans filed its Reply. Anchor Loans argues that the BPO is admissible evidence because Peldon has been a licensed real estate broker in California for over 14 years. Anchor Loans asserts that Peldon's valuation of a fully renovated property "assumes a completed project ready for sale." Reply at 2. Anchor Loans also argues that the BPO is not stale because it was obtained "during the pendency of Anchor's loan." Furthermore, Peldon "re-certified" the BPO when he signed the declaration on March 12, 2021. *Id.* at 2. It also believes that the Debtor's valuation is unsupported by any evidence other than Fernandez's opinion as principal of the Debtor. Finally, Anchor Loans argues that the Debtor's determination that the value of the property will be \$4,500,000 after renovation is based upon conjecture, and it should not be able to use funds from the sale of prior properties to renovate the Property. *Id.* at 3.

II. Findings of Fact and Conclusions of Law

A. The Debtor's Evidentiary Objections

As a preliminary matter, the Court notes that the Debtor's Evidentiary Objections generally go toward the weight that the Court should afford the BPO, as opposed to the admissibility of the BPO. While the Debtor argues that Peldon has not laid a proper evidentiary foundation for his expertise and the admission of his BPO, he does have a signed authenticating declaration that states that he is a licensed California real estate broker. Motion at 42. Therefore, the Court will instead read the remainder of the Evidentiary Objections as arguments toward the weight that the Court should afford the BPO.

B. Value of the Property

The movant bears the initial burden to show there is either an inadequate equity cushion or that the Debtor has no equity in the Property, which is in turn dependent upon the fair market value of the Property. *See* 11 U.S.C. § 362(g). Anchor Loans posits that, based on the Peldon's BPO, the Property has a value of \$2,960,00 in a renovated state. In contrast, the Debtor contends that the Property is worth \$3,750,000 in its unrenovated state. *See In re Enewally*, 368 F.3d 1165, 1173 (9th Cir. 2004) ("an owner's opinion of property value may be conclusive"); *Universal Pictures Co. v. Harold Lloyd Corp.*, 162 F.2d 354, 369 (9th Cir. 1947) (finding that the owner of property "may always testify to its value").

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CONT... FDZ Homes, Inc.

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Anchor Loans has failed to carry its burden of proof. First, the BPO is not an appraisal and it explicitly states that it should not be used for such purpose. "[A]n assessment of the fair market value of a real estate parcel by an appraiser carries greater weight than that of a real estate broker who does not have the same rigorous, specialized training." *In re Pichado*, 2013 WL 1352308, *4 (Bankr. D.R.I. Apr. 3, 2013). Furthermore:

As the owner of real estate, the debtor is entitled to render his opinion as to the fair market value of the property. With that one exception, only the testimony of a qualified expert, such as an experienced appraiser, would be admissible on the issue. Real estate brokers and agents without specialized training in real estate appraising are not qualified to testify as to their opinions regarding fair market value.

In re Donoway, 139 B.R. 156, 158 (Bankr. D. Md. 1992). Peldon's BPO carries little weight when Fernandez has submitted a signed declaration as to his opinion of his Property. Furthermore, the BPO explicitly states: "[t]his document is not an appraisal as defined by USPAP (Uniform Standards of Professional Appraisal Practice). It is not to be construed as an appraisal and may not be used as such for any purpose." Motion at 60. Therefore, because the Court does not have a "full appraisal" and instead simply a "drive-by Brokers Price Opinion," the BPO is thus afforded little weight. *In re Thomas*, 344 B.R. 386, 392 (Bankr. W.D. Pa. June 13, 2006).

Furthermore, the BPO is dated almost one year ago and is based upon the Property in a "renovated" state. Therefore, not only is the BPO stale, it is not an accurate valuation of the Property as is. While Anchor Loans notes that Peldon "re-certified" his BPO, the BPO reads "3/12/2021 for work of 4/7/2020" (emphasis added). Peldon re-signed the BPO, but the valuation was done almost eight months prior to the Petition Date. Because the question here is the value of the property for purposes of the Motion filed March 19, 2021 in an unrenovated state, and *not* the value of the property as of April 7, 2020, Peldon's BPO is simply not a relevant valuation. While courts are split on whether the valuation of the property should be as of the date of the petition, the date the request for relief is made, or the date that the motion is heard, it is understood that "the value of the property should be determined as of the date to which the valuation relates." *Matter of Savannah Gardens-Oaktree*, 146 B.R. 306, 308 (Bankr. S.D. Ga. June 10, 1992); *see also In re Liona Corp., N.V.*,

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CONT... FDZ Homes, Inc.

Chapter 11

68 B.R. 761, 766 (Bankr. E.D. Pa. Jan. 5, 1987) (noting courts' split over the reference date in relief from stay motions). The Court here is thus given two choices: a reference date as of the Debtor's Objection on March 29, 2021 wherein Fernandez submits a declaration as to the value of the Property, or a reference date as of April 7, 2020 when Peldon's report was conducted. Because the valuation relates to Anchor Loans' Motion, Fernandez's valuation is closest in time and most accurate. Therefore, the Court adopts Fernandez's opinion of the value of the property as \$3,750,000.

C. Determination Under 11 U.S.C. § 362(d)(1) and (d)(2)

Having determined that the value of the property is \$3,750,000, and adopting both the Debtor's and Anchor Loans' calculation of Anchor Loans' claim as \$2,653,629.68 [Note 1], Anchor Loans is protected by an equity cushion of \$1,096,370.32, or approximately 29.24%. The Ninth Circuit has established that an equity cushion of 20% constitutes adequate protection for a secured creditor. *Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1401 (9th Cir. 1984); see *Downey Sav. & Loan Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.)*, 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral). Therefore, Anchor Loans' claim is adequately protected under (d)(1) and it is not entitled to adequate protection payments. [Note 2] Finally, the Court cannot find that the Debtor has no equity in the Property under (d) (2). According to the Debtor's Reply and Anchor Loans' Motion, the liens against the Property are \$3,518,398.19, leaving the Debtor with \$231,601.81 in equity. Therefore, Anchor Loans' request for relief under (d)(2) is also denied.

III. Conclusion

Based upon the foregoing, the Motion is **DENIED** without prejudice.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven (7) days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

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CONT... FDZ Homes, Inc.

Chapter 11

appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: It appears that the Debtor has adopted Anchor Loans' calculation of its claim for sake of argument, but still contests its use of default interest. Therefore, because the claim calculation using default interest does not change the determination that Anchor Loans' claim is adequately protected, the Court will not reach the default interest issue.

Note 2: In its Objection, the Debtor also states that it has "maintained insurance" on the Property and "evidence of insurance was provided to the United States Trustee." Opposition at 2.

Party Information

Debtor(s):

FDZ Homes, Inc.

Represented By
Andrew S Bisom

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Monday, April 12, 2021

Hearing Room 1568

10:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

#5.00 HearingRE: [50] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2011 MERCEDES-B M-CLASS; VIN NO. 4JGBB5GB3BA652983 with Exhibits and Proof of Service. (Zahradka, Robert)

Docket 50

Tentative Ruling:

4/8/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

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CONT... Jonathan Andrew Arid

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day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01385 Mastan, Chapter 7 Trustee v. US Bank, N.A. et al

#1.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01385. Complaint by Peter J. Mastan, Chapter 7 Trustee against US Bank, N.A., Kenny Hwang, Hee Jung Lee. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

FR. 11-19-19; 1-14-20; 3-17-20; 5-12-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

US Bank, N.A.

Pro Se

Kenny Hwang

Pro Se

Hee Jung Lee

Pro Se

DOES 1-10 inclusive

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01386 Mastan, Chapter 7 Trustee v. Hwang et al

#2.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01386. Complaint by Peter J. Mastan, Chapter 7 Trustee against Kenny Hwang, Jason Young Cho. (Charge To Estate).
Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

fr. 11-19-19; 1-14-20; 3-17-20; FR. 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Kenny Hwang

Pro Se

Jason Young Cho

Pro Se

HSBC Bank, N.A.

Pro Se

DOES 1-10, Inclusive

Pro Se

Youngduk Duk Cho

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01386 Mastan, Chapter 7 Trustee v. Hwang et al

#3.00 Status Hearing

RE: [11] Crossclaim by HSBC Bank, N.A. against Jason Young Cho, Youngduk Duk Cho

fr: 1-14-20; 3-17-20; FR. 7-14-20; 9-15-20; 12-15-20

Docket 11

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Kenny Hwang

Pro Se

Jason Young Cho

Pro Se

HSBC Bank, N.A.

Represented By
Jennifer Witherell Crastz

DOES 1-10, Inclusive

Pro Se

Youngduk Duk Cho

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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

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10:00 AM

CONT...

Keystone Textile, Inc.

Noreen A Madoyan

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01392 Mastan v. Flintridge Preparatory School, Inc. et al

#4.00 Status Hearing

RE: [37] Amended Complaint First Amended Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)]; and (4) Preservation of Avoided Transfer [11 U.S.C. § 551] by Meghann A Triplett on behalf of Peter Mastan against Flintridge Preparatory School, Inc., Nam Soo Hwang, Young J. Hwang, Young Jae Hwang. (RE: related document(s)1 Adversary case 2:19-ap-01392. Complaint by Peter Mastan against Flintridge Preparatory School, Inc., Hee Young Hwang, Young J. Hwang, Joyce J. Hwang, Nam Soo Hwang. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) filed by Plaintiff Peter Mastan). (Triplett, Meghann)

FR. 5-12-20; 7-14-20; 9-15-20; 12-15-20

Docket 37

***** VACATED *** REASON: DISMISSED 1-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Defendant(s):

Flintridge Preparatory School, Inc.	Pro Se
Joyce J. Hwang	Represented By Christian T Kim
Nam Soo Hwang	Represented By Christian T Kim
DOES 1 through 10	Pro Se
Hee Young Hwang	Represented By Christian T Kim
Young J. Hwang	Represented By Christian T Kim
Young Jae Hwang	Represented By Christian T Kim
Hee Youn Hwang	Represented By Christian T Kim

Plaintiff(s):

Peter Mastan	Represented By Meghann A Triplett
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Trustee(s):

Peter J Mastan (TR)	Represented By Meghann A Triplett Noreen A Madoyan
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01393 Mastan, Chapter 7 Trustee v. Hwang et al

#5.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01393. Complaint by Peter J. Mastan, Chapter 7 Trustee against In Young Hwang, Twig & Twine, Inc., Danielle Steckler. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Triplett, Meghann)

FR. 11-19-19; 1-14-20; 3-17-20; 5-12-20; 7-14-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

In Young Hwang

Pro Se

Twig & Twine, Inc.

Pro Se

Danielle Steckler

Pro Se

DOES 1 through 10

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01395 Mastan, Chapter 7 Trustee v. JPMorgan Chase Bank, N.A et al

#6.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01395. Complaint by Peter J. Mastan, Chapter 7 Trustee against JPMorgan Chase Bank, N.A, Kenny Hwang, Mirea Rea Hwang, Hee Jung Lee, Does 1 - 10, inclusive. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Triplett, Meghann)

FR. 11-19-19; 1-14-20; 3-17-20; 4-21-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

JPMorgan Chase Bank, N.A

Pro Se

Kenny Hwang

Pro Se

Mirea Rea Hwang

Pro Se

Hee Jung Lee

Pro Se

Does 1 - 10, inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

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10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01399 Mastan, Chapter 7 Trustee v. Hwang

#7.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01399. Complaint by Peter J. Mastan, Chapter 7 Trustee against Hyun Hwang. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b), 548(a)(1)(A), and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Triplett, Meghann)

FR. 11-19-19; 12-4-19; 2-11-20; 4-14-20; 5-12-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-27-21**

Tentative Ruling:

2/10/2020

The Chapter 7 Trustee (the “Trustee”) commenced this fraudulent transfer action against Hyun Hwang (the “Defendant”) on September 14, 2019. On December 11, 2019, the Court denied the Defendant’s Motion to Dismiss, and ordered the Defendant to file an Answer by no later than January 21, 2020. Doc. No. 25. Defendant timely filed an Answer. The Trustee seeks leave to file a First Amended Complaint to allege an additional \$80,000 transfer from the Debtor to the Defendant.

Based upon the foregoing, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) In the event that Defendant declines to stipulate to the filing of a First Amended Complaint, the Trustee shall file a motion for leave to amend by no later than **March 10, 2020**.
- 2) A continued Status Conference is set for **April 14, 2020, at 10:00 a.m.** A Joint Status Report shall be submitted by no later than fourteen days prior to the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

The Court will prepare and enter an appropriate order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Carlos Nevarez or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Hyun Hwang

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01400 Mastan, Chapter 7 Trustee v. Hwang et al

#8.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01400. Complaint by Peter J. Mastan, Chapter 7 Trustee against Mirea Rea Hwang, Does 1 - 10, inclusive. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b), 548(a)(1)(A), and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Triplett, Meghann)

FR. 11-19-19; 11-26-19; 12-4-19; 2-11-20; 5-12-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-27-21**

Tentative Ruling:

2/10/2020

The Chapter 7 Trustee (the "Trustee") commenced this fraudulent transfer action against Mirea Rea Hwang (the "Defendant") on September 14, 2019. On December 4, 2019, the Court conducted a hearing on the Defendant's Motion to Dismiss. The Court found that adjudication of the Complaint would violate the automatic stay arising in the bankruptcy petition filed by Defendant's spouse, Kenny Hwang ("K. Hwang"). The Court ordered that the action would be stayed, unless and until the Trustee obtained relief from the automatic stay in K. Hwang's bankruptcy case.

The Trustee has not moved for stay relief in K. Hwang's bankruptcy case. A continued meeting of creditors in K. Hwang's bankruptcy case is set for February 12, 2020.

Based upon the foregoing, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) A continued Status Conference is set for **May 12, 2020, at 10:00 a.m.**
- 2) A Joint Status Report shall be filed by no later than fourteen days prior to

**United States Bankruptcy Court
Central District of California
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... **Keystone Textile, Inc.**
the hearing.

Chapter 7

The Court will prepare and enter an order setting the continued Status Conference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Carlos Nevarez or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Mirea Rea Hwang

Pro Se

Does 1 - 10, inclusive

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01402 Mastan, Chapter 7 Trustee v. Hwang et al

#9.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01402. Complaint by Peter J. Mastan, Chapter 7 Trustee against Kenny Hwang, Trigen Int'l, Inc., Beyond Textile, Inc., Does 1 - 10, inclusive. (Charge To Estate). COMPLAINT FOR: (1) AVOIDANCE OF ACTUAL FRAUDULENT TRANSFERS [11 U.S.C. 544(b), 548(a)(1)(A), And 550(a), And Cal. Civ. Code §§ 3439.04(a) And 3439.07]; (2) AVOIDANCE OF CONSTRUCTIVE FRAUDULENT TRANSFERS [11 U.S.C. §§ 544(b), 548(a)(1) (B), And 550(a), And Cal. Civ. Code §§ 3439.04(b) Or 3439.05 And Cal. Civ. Code § 3439.07] (3) CONSPIRACY TO DEFRAUD [11 U.S.C. § 105(a)] (4) FOR RECOVERY OF ILLEGAL DIVIDENDS [Cal. Corp. Code §§ 500, 501 And 506] (5) FOR BREACH OF FIDUCIARY DUTY; AND (6) RECOVERY OF AVOIDED TRANSFER [11 U.S.C. § 550(a)] Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)) (Triplett, Meghann)

fr. 11-19-19; 2-11-20; 4-14-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

4/13/2020:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Prosecution of this avoidance action against Defendant Kenny Hwang was stayed by Hwang's filing of a Chapter 7 voluntary petition on September 19, 2019 (Case No. 2:19-bk-21045-BR). The Trustee voluntarily dismissed Defendants Trigen Int'l, Inc. and Beyond Textile, Inc. on March 11, 2020. Doc. Nos. 33-34. The Trustee has not moved for stay relief in Hwang's bankruptcy case.

Based upon the foregoing, the Court **HEREBY ORDERS AS FOLLOWS:**

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT...

Keystone Textile, Inc.

Chapter 7

- 1) A continued Status Conference is set for **July 14, 2020, at 10:00 a.m.**
- 2) A Joint Status Report shall be filed by no later than fourteen days prior to the hearing.

The Court will prepare and enter an order setting the continued Status Conference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Carlos Nevarez or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Kenny Hwang

Pro Se

Trigen Int'l, Inc.

Pro Se

Beyond Textile, Inc.

Pro Se

Does 1 - 10, inclusive

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

Adv#: 2:19-01372 Mastan, Chapter 7 Trustee v. Romex Textiles, Inc.

#10.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01372. Complaint by Peter J. Mastan, Chapter 7 Trustee against Romex Textiles, Inc.. (Charge To Estate). Trustee's Complaint to Avoid and Recover Preferential Transfers (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Triplett, Meghann)

FR. 11-19-19; 1-14-20; 3-17-20; 5-19-20; 7-14-20; 10-13-20; 1-12-21

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tbetty, Inc.

Represented By
Christian T Kim

Defendant(s):

Romex Textiles, Inc.

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

Adv#: 2:19-01391 Mastan v. JPMorgan Chase Bank, N.A. et al

#11.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01391. Complaint by Peter Mastan against JPMorgan Chase Bank, N.A., Kenny Hwang. (Charge To Estate). Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1)(B), and 550(a), and Cal. Civ. code §§3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; (3) Avoidance of Preferential Transfers [11 U.S.C. § 547]; and (4) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

fr. 11-19-19; 1-14-20; 3-17-20; 4-21-20; 7-14-20; 9-15-20; 12-15-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tbetty, Inc.

Represented By
Christian T Kim

Defendant(s):

JPMorgan Chase Bank, N.A.

Pro Se

Kenny Hwang

Pro Se

DOES 1-10 inclusive

Pro Se

Plaintiff(s):

Peter Mastan

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

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10:00 AM

CONT... Tbetty, Inc.

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:18-20111 Jeremy Wyatt LeClair

Chapter 7

Adv#: 2:18-01276 LeClair v. United States Of America (Treasury Department, Int

#12.00 Status Hearing

RE: [1] Adversary case 2:18-ap-01276. Complaint by Jeremy Wyatt LeClair against United States Of America (Treasury Department, Internal Revenue Service Division) . (Charge To Estate). Nature of Suit: (66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)). Adversary transferred-in from Western District of North Carolina (Charlotte) and Adversary Proceeding #: 18-03043 to Central District of California (Los Angeles). (Ly, Lynn) Additional attachment(s) added on 8/30/2018 (Ly, Lynn). Additional attachment(s) added on 8/30/2018 (Ly, Lynn).

fr: 12-11-18; 5-14-19; 9-10-19; 3-10-20; 7-14-20; 10-13-20

Docket 1

***** VACATED *** REASON: CONTINUED 11-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Wyatt LeClair

Represented By
Michael K Elliot

Defendant(s):

United States Of America (Treasury

Pro Se

Plaintiff(s):

Jeremy Wyatt LeClair

Represented By
Michael K Elliot

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:18-22393 Sharon R Williams

Chapter 7

Adv#: 2:19-01050 Miller v. Hancox

#13.00 Status Conference

RE: [1] Adversary case 2:19-ap-01050. Complaint by Elissa D. Miller against Donnell Hancox. (Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Simons, Larry)

fr. 6-11-19; 12-19-19; 1-14-20; 3-10-20

Docket 1

***** VACATED *** REASON: CONTINUED 9-21-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon R Williams	Pro Se
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Defendant(s):

Donnell Hancox	Pro Se
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Plaintiff(s):

Elissa D. Miller	Represented By Larry D Simons
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Trustee(s):

Elissa Miller (TR)	Represented By Larry D Simons
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01453 Mastan (TR) v. Zendedel

#14.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01453. Complaint by Peter J. Mastan (TR) against Nazila Zendedel. (Charge To Estate). Complaint for: (1) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.07]; (2) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.05, 3439.07]; (3) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (4) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (5) Turnover of Property [11 U.S.C. § 362] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(11 (Recovery of money/property - 542 turnover of property)),(91 (Declaratory judgment)) (Mang, Tinho)

fr. 1-14-20; 4-14-20; 6-16-20; 6-17-20; 10-13-20; 2-9-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Nazila Zendedel

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Bahram Zendedel

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:21-01008 Mastan (TR) v. Zendedel aka Sean Shahinnourolah Zendedel

#15.00 Status Hearing
RE: [1] Adversary case 2:21-ap-01008. Complaint by Peter J. Mastan (TR) against Sean Zendedel aka Sean Shahinnourolah Zendedel. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Haes, Chad)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 4-12-21**

Tentative Ruling:

4/12/2021

Order entered. Status conference **VACATED**.

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Sean Zendedel aka Sean

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Tinho Mang
Chad V Haes

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-17841 Soul Hollywood, LLC

Chapter 7

Adv#: 2:20-01269 Ehrenberg, Trustee v. Carmi et al

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01269. Complaint by Howard M Ehrenberg, Trustee against Eliot Carmi, Carmi Flavor & Fragrance, Inc., a California corporation. (\$350.00 Fee Charge To Estate). Complaint For: (1) Declaratory Relief; (2) Avoidance Of Preferential Transfers; (3) Avoidance Of Fraudulent Transfers; (4) Avoidance Of Unauthorized Post-Petition Transfers; (5) Recovery Of Avoided Transfers; (6) Turnover Of Property; (7) Contempt For Violation Of Automatic Stay; (8) Disallowance Of Claim; And (9) Subordination Of Claim Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(81 (Subordination of claim or interest)),(91 (Declaratory judgment))(Wu, Claire)

fr. 11-17-20; 2-9-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED to July 13, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Soul Hollywood, LLC

Represented By
David S Hagen

Defendant(s):

Eliot Carmi

Pro Se

Carmi Flavor & Fragrance, Inc., a

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Soul Hollywood, LLC

Chapter 7

Plaintiff(s):

Howard M Ehrenberg, Trustee

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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01627 Menchaca, Chapter 7 Trustee v. Sida

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01627. Complaint by John J Menchaca, Chapter 7 Trustee against Alon Sida. (\$350.00 Fee Charge To Estate). Complaint for Avoidance and Recovery of Fraudulent Transfers and Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547(b), 548, 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

FR. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED to August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

Alon Sida

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Shoezoo.com, LLC

Jeffrey L Sumpter

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01628 Menchaca, Chapter 7 Trustee v. Sida

#18.00 Status conference

RE: [1] Adversary case 2:20-ap-01628. Complaint by John J Menchaca, Chapter 7 Trustee against Talya Adika Sida. (\$350.00 Fee Charge To Estate). Complaint for Avoidance and Recovery of Fraudulent Transfers and Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547(b), 548, 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

FR. 12-15-20

Docket 1

***** VACATED *** REASON: CONTNUED 8-17-21 A 10:00 A.M.**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED to August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

Talya Adika Sida

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Shozoo.com, LLC

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01629 Menchaca, Chapter 7 Trustee v. LaParl

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01629. Complaint by John J Menchaca, Chapter 7 Trustee against Richard Frank LaParl. (\$350.00 Fee Charge To Estate). Complaint for Avoidance and Recovery of Fraudulent Transfers and Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547(b), 548, 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

fr. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 AM..**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED to July 13, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

Richard Frank LaParl

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Shozoo.com, LLC

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01630 Menchaca, Chapter 7 Trustee v. North American Auto Leasing, a California

#20.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01630. Complaint by John J Menchaca, Chapter 7 Trustee against North American Auto Leasing, a California limited liability company. (\$350.00 Fee Charge To Estate). Complaint for Avoidance and Recovery of Fraudulent Transfers and Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547(b), 548, 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

fr. 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED to July 13, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

North American Auto Leasing, a

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Shoezoo.com, LLC

Jeffrey L Sumpter

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-24457 Anthony Joseph Kassas

Chapter 7

Adv#: 2:21-01021 Kassas v. The State Bar of California

#21.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01021. Complaint by Anthony J. Kassas against The State Bar of California. (\$350.00 Fee Charge To Estate). , with Proof of Service (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Blank Summons and Notice of Status Conference in Adversary Proceeding [LBR 7004-1]) Nature of Suit: (65 (Dischargeability - other)),(91 (Declaratory judgment)) (Hayes, M.)

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED** to **April 20, 2021 at 10:00 a.m.**, to take place concurrently with the hearing on the Motion to Dismiss filed by the State Bar of California.

Party Information

Debtor(s):

Anthony Joseph Kassas

Represented By
M. Jonathan Hayes

Defendant(s):

The State Bar of California

Pro Se

Plaintiff(s):

Anthony J. Kassas

Represented By
M. Jonathan Hayes

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01197 SV Ventures, LLC v. Mohammed et al

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01197. Complaint by SV Ventures, LLC against Khurram Mohammed. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Slates, Ronald)

fr: 11-17-20

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-1-21**

Tentative Ruling:

11/16/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The Clerk of the Court entered Defendant's default on October 15, 2020. Doc. No. 10. Plaintiff requests 120–180 days to submit a Motion for Default Judgment.

Based upon the foregoing, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) Plaintiff shall submit a Motion for Default Judgment (the "Motion") no later than **March 12, 2021**. The Motion shall be filed on a negative-notice basis, pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).
- 2) All litigation dates and deadlines previously ordered by the Court are **VACATED**.
- 3) A continued Status Conference shall be held on **April 13, 2021 at 10:00 a.m.** Plaintiff shall file a Unilateral Status Report by no later than fourteen days prior to the hearing. In the event default judgment has been entered, the continued Status Conference will go off calendar.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT... Khurram Mohammed

Chapter 7

The Court will prepare and enter an order setting the continued Status Conference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Khurram Mohammed	Pro Se
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Defendant(s):

Khurram Mohammed	Pro Se
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DOES 1 through 10, inclusive	Pro Se
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Plaintiff(s):

SV Ventures, LLC	Represented By Ronald P Slates
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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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:20-20682 Marcio Luis Lopes

Chapter 7

Adv#: 2:21-01020 A-L Financial Corporation v. Lopes

#23.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01020. Complaint by A-L Financial Corporation against Marcio Luis Lopes. false pretenses, false representation, actual fraud)) (Gardner, Lincoln)

Docket 1

***** VACATED *** REASON: DISMISSED 3-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcio Luis Lopes

Represented By
Daniel King

Defendant(s):

Marcio Luis Lopes

Pro Se

Plaintiff(s):

A-L Financial Corporation

Represented By
Lincoln D Gardner

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:14-22981 Roland R. Kosser

Chapter 11

#24.00 Show Cause Hearing
RE: [151] Notice to creditors (BNC-PDF) re 151 Order To Show Cause Re Contempt Against Joseph De Carlo And Nancy Kanter For Violation Of Debtor's Confirmed Chapter 11 Plan Of Reorganization. April 13, 2021 at 10:00 a.m., (Lomeli, Lydia R.)

Docket 151

Tentative Ruling:

4/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the OSC is **DISCHARGED** for insufficient cause shown. The parties shall comply with the dates set forth below.

Pleadings Filed and Reviewed:

- 1) Motion to Reopen Chapter 11 Case for the Limited Purpose of Filing Motions for Order to Show Cause Re Contempt Against Joseph De Carlo and Nancy Kanter, Gail Duchetta, Duchetta & Co., Inc. and Wescom Credit Union for Violation of Debtor's Confirmed Chapter 11 Plan of Reorganization; Declaration of Roland R. Kosser in Support Thereof (the "Motion to Reopen") [Doc. No. 144]
- 2) Order Granting Motion to Reopen [Doc. No. 145]
- 3) Notice of Motion and Motion for Order to Show Cause Re Contempt Against Joseph De Carlo and Nancy Kanter for Violation of Debtor's Confirmed Chapter 11 Plan of Reorganization; Declarations of Roland R. Kosser and Roksana D. Moradi-Brovia in Support Thereof (the "Motion for OSC") [Doc. No 147]
- 4) Order to Show Cause Re Contempt Against Joseph De Carlo and Nancy Kanter for Violation of Debtor's Confirmed Chapter 11 Plan of

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT...

Roland R. Kosser

Chapter 11

Reorganization (the "OSC") [Doc. No. 151]

- 5) Declaration in Opposition to Order to Show Cause Re Contempt Against Joseph De Carlo and Nancy Kanter (the "Opposition") [Doc. No. 165]
- 6) Reply to Joseph De Carlo and Nancy Kanter's Opposition to Order to Show Cause re Contempt for Violation of Debtor's Confirmed Chapter 11 Plan of Reorganization; Declarations of Roksana D. Moradi and W. Sloan Youkstetter in Support Therefor (the "Reply") [Doc. No. 166]

I. Facts and Summary of Pleadings

On November 24, 2015, this Court entered an order confirming debtor Roland Kosser (the "Debtor")'s chapter 11 plan of reorganization (the "Plan"). Doc. No. 119. The Plan provided that the Debtor would make monthly payments to creditors Joseph De Carlo and Nancy Kanter ("De Carlo and Kanter") who hold a judgment lien against the Debtor's property (the "Property"). The Plan provided that at the conclusion of the five-year period, the lien would be removed from the property. The Court entered a final decree and closed the Debtor's case on April 20, 2016.

On February 25, 2021, the Debtor filed his Motion to Reopen his case for the purpose of filing various OSCs against creditors who had not reconveyed liens following the consummation of the Plan. The Court granted the Motion to Reopen on February 26, 2021, and on March 2, 2021, the Debtor filed his Motion for OSC.

The Debtor alleges that he complied with the terms of the Plan and made all required payments to De Carlo and Kanter pursuant to the Plan, but now De Carlo and Kanter have not reconveyed the lien on the Property. Motion for OSC at 8-10. The Debtor argues that he properly mailed all payments to De Carlo and Kanter, even after the checks stopped being cashed. *Id.* at 9. Furthermore, the Debtor states that De Carlo and Kanter have received "virtually every pleading filed in this case" and he has mailed every pleading to De Carlo and Kanter's counsel. *Id.* The Debtor avers that De Carlo and Kanter willfully violated the terms of the Plan by not reconveying the lien. The Debtor claims that De Carlo and Kanter "refuse to be bound by the terms of the Plan" and their failure to reconvey the lien amounts to "excessive harassment." Motion for OSC at 12. The Debtor claims that De Carlo and Kanter "willfully and knowingly violated the confirmed plan and should be required to pay damages as a result of this egregious behavior." Furthermore, the Debtor states that by not reconveying the lien to the property in question, De Carlo and Kanter have caused him

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT...

Roland R. Kosser

Chapter 11

"fear, anxiety and emotional distress." *Id.* at 14. The Debtor's counsel avers that she is entitled to \$3,500 in fees in connection with the preparation and prosecution of the Motion for OSC. She also argues that De Carlo and Kanter should be "sanctioned and required to pay punitive damages." *Id.* On March 15, 2021, the Court issued the OSC against De Carlo and Kanter.

On March 29, 2021, De Carlo and Kanter filed their Opposition. They do not object to the reconveyance of the lien. They also do not argue that they are entitled to any amount of money, or that they have not received payment under the Plan. In fact, De Carlo and Kanter never cashed any of the Debtor's checks because they were sympathetic to his bankruptcy situation. Opposition at 3-4. De Carlo and Kanter nevertheless aver that they did not receive the Plan, had no knowledge of the terms of the Plan, and are therefore not bound by it. *Id.* at 2. Furthermore, De Carlo and Kanter note that they have never during the pendency of the Debtor's bankruptcy proceeding been represented by counsel, so they dispute the Debtor's allegation that they received all pleadings in the case. *Id.* De Carlo and Kanter also state that the Debtor's counsel offered to draw up the paperwork for them to reconvey the lien but, as of the date of De Carlo and Kanter's Opposition, had not done so.

On April 6, 2021, the Debtor filed his Reply. The Debtor reiterated most of his arguments from his Motion for OSC. The Debtor notes that in a phone call with De Carlo and Kanter, they said that they would release the judgment lien but did not know how to do so. Reply at 4. The Debtor's counsel then offered to draw up the papers for De Carlo and Kanter for the "nominal" sum of \$500. De Carlo and Kanter declined to pay such a sum and agreed that they were "content to sign what Kosser needs" but would not pay the Debtor's counsel \$500. In an email dated March 26, 2021, De Carlo stated that he and his wife would be happy to sign the lien reconveyance and return it to the Debtor, but again would not pay the Debtor's counsel \$500. Reply at 34. The Debtor argues that De Carlo and Kanter are bound by the terms of the Plan because he avers that they received proper service. The Debtor's counsel requests that De Carlo and Kanter be held in contempt, \$7,860 in compensatory damages, and punitive damages for De Carlo and Kanter's "willful" violations of the Plan.

II. Findings of Fact and Conclusions of Law

The Bankruptcy Court has civil contempt authority under 11 U.S.C. § 105.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

CONT...

Roland R. Kosser

Chapter 11

Barrientos v. Wells Fargo Bank, N.A., 633 F.3d 1186, 1188 (9th Cir. 2011). Criminal contempt sanctions are not available under § 105. *Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1193 (9th Cir. 2003). A sanction is civil if it is “either compensatory or designed to coerce compliance.” *Id.* at 1192. A sanction is criminal if the sanction is punitive—that is, “‘if the contemnor has no subsequent opportunity to reduce or avoid the fine through compliance,’ and the fine is not compensatory.” *Id.* (internal citations omitted). Attorneys’ fees may be awarded as compensatory damages under the Court’s civil contempt authority. *Dyer*, 322 F.3d at 1195. In addition to its civil contempt authority under § 105, a bankruptcy court “has inherent authority ‘to sanction a party who willfully disobeys court orders or acts in bad faith, such as willful improper conduct.’ Where a court imposes a sanction under its inherent power, it must make a finding of bad faith.” *In re Count Liberty, LLC*, 370 B.R. 259, 271-72 (Bankr. C.D. Cal. 2007). Inherent authority sanctions may be imposed “when a party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons, delaying or disrupting litigation, or has taken actions in the litigation for an improper purpose.” *Fink v. Gomez*, 239 F.3d 989, 992 (9th Cir. 2001).

The issue presented to the Court is whether De Carlo and Kanter “willfully” violated the terms of the Plan. De Carlo and Kanter acknowledged that they would reconvey the lien on the Property to the Debtor, but were unsure of how to do so. Acknowledging that one will reconvey a lien, but expressing a lack of knowledge about how to do so, cannot amount to a finding of “willfulness.” In *In re Turner*, 221 B.R. 920, 922-923 (Bankr. M.D. Fla. June 8, 1998) a court found “willful” violation of the terms of a confirmed chapter 11 plan where a bank accepted payments from the debtor under the terms of the plan but, instead of applying those payments to the debtor’s mortgage, placed the payments in a separate account in order to create the appearance that a post-confirmation deficiency had been created. There, the bank purposefully placed the debtor’s payments in separate account in order to force the debtor to pay more than she was obligated to. *Id.* De Carlo and Kanter’s conduct falls far short of a “willful” violation. Unlike in *Turner* where the bank was willfully placing plan payments into an improper account, there is no indication that De Carlo and Kanter are willfully failing to comply with the terms of the Plan - quite to the contrary. They have agreed to reconvey the lien, but have refused to pay the Debtor’s counsel a fee of \$500 to do so. The beneficiary of the reconveyance is Kosser. Further, Kosser will directly benefit from a form of reconveyance prepared by his counsel rather than one prepared by De Carlo and Kanter who might submit a

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CONT... Roland R. Kosser

Chapter 11

deficient reconveyance. In an effort to conclude this matter the Court will order the following:

1. Kosser's counsel shall prepare and mail the reconveyance to De Carlo and Kanter by no later than April 30, 2021.
2. DeCarlo and Kanter shall return the fully executed reconveyance to Kosser's attorneys by no later than June 1, 2021.
3. Kosser's counsel may seek fees in connection with the preparation of the reconveyance from the estate.

Debtor's counsel's request for \$7,680 in compensatory damages as well as punitive damages is denied. The Court having found no willful violation of the terms of the Plan, denies the request for damages.

III. Conclusion

Based upon the foregoing, the OSC is **DISCHARGED** for insufficient cause shown. The Court orders the dates as set forth above.

The Kosser's counsel will prepare the order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Roland R. Kosser

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:14-22981 Roland R. Kosser

Chapter 11

#25.00 Show Cause Hearing
RE: [154] Notice to creditors (BNC-PDF) re 154 Order To Show Cause Re Contempt Against Gail Duchetta And Duchetta & Co., Inc. For Violation Of Debtor's Confirmed Chapter 11 Plan Of Reorganization. April 13, 2021 at 10:00 a.m., (Lomeli, Lydia R.)

Docket 154

***** VACATED *** REASON: MOTION DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roland R. Kosser

Represented By
M. Jonathan Hayes
Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:16-13575 Liberty Asset Management Corporation

Chapter 11

Adv#: 2:16-01374 Official Unsecured Creditors Committee for Liberty v. Ho et al

#26.00 Status conference re Status Conference to monitor the status of the criminal action against Kirk and Gao

fr. 7-9-19; 10-15-19; 12-10-19; 2-11-20; 3-11-20; 9-8-20; 12-15-20

Docket 129

***** VACATED *** REASON: CONTINUED 9-21-21 AT 10:00 A.M.**

Tentative Ruling:

4/12/2021

Order entered. Status conference **CONTINUED to September 21, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Liberty Asset Management

Represented By
David B Golubchik
Jeffrey S Kwong
John-Patrick M Fritz
Eve H Karasik
Sandford L. Frey
Raphael Cung

Defendant(s):

Tsai Luan Ho

Represented By
James Andrew Hinds Jr
Paul R Shankman
Rachel M Sposato

Benjamin Kirk

Pro Se

Plaintiff(s):

Official Unsecured Creditors

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 13, 2021

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10:00 AM

CONT... Liberty Asset Management Corporation

Chapter 11

Jeremy V Richards
Gail S Greenwood

Bradley D. Sharp

Represented By
Gail S Greenwood

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-13797 Liboria Zavalza

Chapter 11

#27.00 Post-Confirmation Status Hearing re Confirmation of Chapter 11 Plan of Reorganizational

fr. 1-8-20; 4-8-20; 4-15-20; 7-15-20; **10-21-20; 2-24-21**

Docket 79

Tentative Ruling:

4/12/2021

See calendar no. 28, incorporated by reference in full.

Party Information

Debtor(s):

Liboria Zavalza

Represented By
Lionel E Giron
Crystle Jane Lindsey
Joanne P Sanchez

**United States Bankruptcy Court
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Los Angeles
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Tuesday, April 13, 2021

Hearing Room 1568

10:00 AM

2:19-13797 Liboria Zavalza

Chapter 11

#28.00 Hearing re [157] Motion For Order Closing Case on Interim Basis.

Docket 0

Tentative Ruling:

4/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is DENIED without prejudice.

Pleadings Filed and Reviewed

- 1) Notice of Motion and Motion in Chapter 11 Case for the Entry of an Order Closing Case on Interim Basis (the "Motion") [Doc. No. 157]
- 2) Notice of Opposition and Request for a Hearing (the "Opposition") [Doc. No. 160]
- 3) Order Setting Hearing on Debtor's Motion to Close Case on an Interim Basis (the "Order Setting Hearing") [Doc. No. 163]

I. Facts and Summary of Pleadings

On July 17, 2020, the Court entered an order confirming the Debtor's Amended Chapter 11 Plan of Reorganization [Doc. No. 119] (the "Plan"). *See* Doc. No. 129 (the "Confirmation Order"). The Plan provides that the Debtor "will pay professional fees in full in cash on the later of (i) the Effective Date or (ii) upon court order, except to the extent that a holder of such claim agrees to other terms." Plan at § I.A.

On October 15, 2020, the Court entered an order awarding the Law Offices of Lionel E. Giron ("Giron"), the Debtor's general bankruptcy counsel, fees in the amount of \$26,052.50 and expenses in the amount of \$793.20. *See* Doc. No. 148 (the

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CONT... Liboria Zavalza

Chapter 11

"Fee Order"). On October 5, 2020, the Debtor filed a Substitution of Attorney [Doc. No. 142] (the "Substitution") which stated that Thomas B. Ure "is substituted as attorney of record in place of" Giron. Substitution at ¶ 4.

On February 2, 2021, Debtor filed a declaration which stated: "I project that I will be able to and will continue to comply with the terms of the Plan." Doc. No. 156 at ¶ 6. On February 11, 2021, Debtor filed a negative-notice motion to close the case on an interim basis [Doc. No. 157] (the "Motion"). On February 18, 2021, Giron filed an opposition to the Motion [Doc. No. 160] (the "Opposition"). The Opposition states that Debtor has failed to pay Giron's professional fees in accordance with the Plan. The Opposition does not specify the amount of professional fees that remain outstanding.

On March 12, 2021, the Court issued its Order Setting Hearing wherein it required Giron to file a declaration setting forth the amount of professional fees that remain outstanding by no later than March 19, 2021. The Court did not receive any additional pleadings from Giron, therefore the amount at issue are fees of \$26,052.50 and expenses of \$793.20. The Court is unaware of any agreement concerning payment of such fees and expenses and it has not received a response to Giron's opposition from the Debtor.

II. Findings and Conclusions

Local Bankruptcy Rule ("LBR") 3022-1 states: "[i]f a chapter 11 estate is substantially consummated, but not fully administered, the reorganized debtor, chapter 11 trustee, or subchapter V trustee in possession, may file a motion for an order closing case on an interim basis using the procedure of LBR 9013-1(d) or (o)." "Substantial consummation," as defined in 11 U.S.C. § 1101(2) means:

- (A) transfer of all or substantially all of the property proposed by the plan to be transferred;
- (B) assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (C) commencement of distribution under the plan.

The Debtor's Plan explicitly states that she will "pay professional fees in full in cash

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CONT... Liboria Zavalza

Chapter 11

on the later of (i) the Effective Date or (ii) upon court order, except to the extent that a holder of such claim agrees to other terms." Plan at § I.A. Therefore, upon the entry of the Court's October 15, 2020 Fee Order, the Debtor agreed to pay Giron's fees. *See* 11 U.S.C. § 1129(a)(9)(A) (with respect to administrative claims, the holder of such claim will receive payment "on the effective date of the plan," except "to the extent that the holder of a particular claim has agreed to a different treatment of such claim . . ."); *See also In re Draiman*, 450 B.R. 777, 811 (N.D. Ill. Apr. 19, 2011) ("all administrative claims must be paid in full under a Chapter 11 plan of reorganization . . .").

The Debtor has not made payment to Giron nor is there any agreement to pay him over time or at a reduced amount. Therefore, the instant motion is denied.

III. Conclusion

Based upon the foregoing, the Motion is **DENIED** without prejudice.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Liboria Zavalza

Represented By
Thomas B Ure

**United States Bankruptcy Court
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Tuesday, April 13, 2021

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10:00 AM

2:19-21593 C & F Sturm, LLC

Chapter 11

#29.00 Hearing
RE:[72] status hearing regarding the sale of the Property

fr. 7-15-20; 10-21-20; 1-13-21

Docket 49

Tentative Ruling:

4/12/2021

See calendar no. 29.10, incorporated by reference in full.

Party Information

Debtor(s):

C & F Sturm, LLC

Represented By
Stella A Havkin

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Tuesday, April 13, 2021

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10:00 AM

2:19-21593 C & F Sturm, LLC

Chapter 11

#29.10 Hearing
RE: [81] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Declarations of Christina De Musee and Glenda K. Shaw.

Docket 81

Tentative Ruling:

4/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived. The Debtor shall direct potential overbidders, if any, to contact the above-referenced number prior to the hearing.

For the reasons set forth below, the Sale Motion is GRANTED. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchaser: Firebrand Cohen, LLC
- 2) Property for sale: 511 and 515 S. Las Vegas Blvd., Las Vegas, NV 89101
- 3) Purchase price: \$900,000
- 4) Overbids: the minimum overbid amount shall be \$910,000. Subsequent overbids shall be in increments of \$10,000.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Sale of Real Properties Located at 511 and 515 S. Las Vegas Boulevard, Las Vegas, Nevada 89101 Pursuant to 11 U.S.C. § 363(b)(, (f), and (h); Declarations of Christina de Musee, and Glenda Shaw (the "Sale Motion") [Doc. No. 81]
- 2) Notice of Motion for: Motion for Sale of Commercial Property Located at 511 and 515 S. Las Vegas Boulevard, Las Vegas, Nevada 89101 [Doc. No. 83]

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- 3) Notice of Sale of Estate Property [Doc. No. 82]
- 4) Errata to Motion for Sale of Real Properties Located at 511 and 515 S. Las Vegas Boulevard, Las Vegas, Nevada 89101 Pursuant to 11 U.S.C. § 363(b)(f), and (h); Declarations of Christina de Musee, and Glenda Shaw [Doc. No. 85]
- 5) George Omar Koury's Limited Opposition to Motion for Sale of Real Properties (the "Limited Objection") [Doc. No. 87]
- 6) Declaration of George Omar Koury in Support of George Omar Koury's Limited Opposition to Motion for Sale of Real Properties (the "Koury Decl.") [Doc. No. 86]
- 7) Reply in Support of Motion for Sale of Real Property Located at 511 and 515 S. Las Vegas Boulevard, Las Vegas Nevada 89101 Pursuant to 11 U.S.C. § 363(b), (f) and (h); Declarations of Glenda Shaw and Stella Havkin (the "Reply") [Doc. No. 90]

I. Facts and Summary of Pleadings

A. Background and the Sale Motion

Debtor-in-possession, C & F Sturm, LLC (the "Debtor"), filed this voluntary chapter 11 case on October 1, 2019 (the "Petition Date"). The Debtor is managed and fully owned by Christina De Musee ("Musee"). The Debtor's only asset consists of real property located at 511 and 515 Las Vegas Boulevard South, Las Vegas, Nevada 89101 (the "Property"). The Debtor's bankruptcy filing was precipitated by the ongoing expenses sustained by Musee, arising in connection with the Property. The Property has been the subject of an ongoing dispute between the Debtor and Palco Promotions, Inc. ("Palco"), one of its unsecured creditors. According to the Debtor, for 12 years Palco has had the opportunity to hire a real estate broker to sell the Property, but failed to successfully do so. Thereafter, the Debtor began the process of selling the property for the price that Palco wanted (at one point \$2,100,000). Since filing for bankruptcy protection, the Debtor has tried to sell the Property for a large sum, but no sales have resulted. Therefore, the Debtor avers that the proposed sale price in this Sale Motion of \$900,000 is the best it can receive. Sale Motion at 6. The Debtor incurs expenses every month the property does not sell, and it argues that it simply cannot afford to continue incurring expenses when the prospects of a seven-figure sale are highly unlikely. *Id.* The Debtor's broker engaged in an extensive

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marketing campaign to advertise the Property, bought two large banner signs to place on buildings, and spoke with numerous potential buyers. *Id.* at 7. At a sale price of \$900,000, the net proceeds will be approximately \$696,755.34, which will still allow the Debtor to pay all of its undisputed creditors.

On March 22, 2021, the Debtor filed its Sale Motion. The Debtor seeks authorization to sell the Property pursuant to § 363(b), (f), and (h) for \$900,000, consisting of \$190,000 in cash and \$710,000 to be paid within 12 months to Firebrand Cohen, LLC ("Firebrand Cohen"); authorization to pay all costs of sale, including but not limited to the brokers' commissions; and the authorization to execute any documents and take all actions necessary or appropriate to effectuate a sale. The sale is to be "as is" without any representations or warranties. The Debtor seeks to sell the Property to Firebrand Cohen, LLC. If overbidders appear at the auction, the Debtor proposes the following overbid procedures:

- 1) On or before five days prior to the hearing on the Sale Motion (the "Sale Hearing"), all potential overbidders must demonstrate to the Debtor that they are financially qualified to purchase the Property;
- 2) All potential overbidders shall be required to provide the Debtor's broker with a deposit of not less than \$10,000 in certified funds by no later than 4:00 p.m. PDT on or before five days before the Sale Hearing;
- 3) On or before two days prior to the Sale Hearing, all potential overbidders must execute a purchase and sale agreement on exactly the same terms as the purchase agreement attached to the Sale Motion as Ex. 1, except that the purchase price shall be according to the requirements of these overbid procedures;
- 4) The minimum initial overbid is \$910,000 and each subsequent overbids shall be in increments of \$10,000;
- 5) In the event that overbidders emerge, the Court will conduct the auction at the Sale Hearing;
- 6) The successful overbidder must pay the balance of the purchase price with cash or certified funds made payable to the Debtor.

Sale Motion at 28-29.

B. The Limited Objection

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George Omar Koury ("Koury") filed his Limited Objection on March 30, 2021. Koury does not object to the sale *per se*, but believes the overbid procedures to be unfairly discriminatory toward overbidders. Koury intends to submit an overbid and he has already engaged in significant due diligence including obtaining a title report, conducting property inspections, and hiring legal counsel to draft a purchase agreement. However, negotiations between the Debtor and Koury ultimately did not lead to a sale. Limited Objection at 1. Koury notes that the current sale agreement between the Debtor and Firebrand Cohen, whereby Firebrand Cohen pays \$190,000 in cash and \$710,000 is due within one year, is inconsistent with the overbid procedures that require the successful overbidder to pay the balance of the purchase price with cash or certified funds payable to the Debtor. *Id.* at 3-4. Koury requests that all parties bid on the Property with like sale terms. *Id.* at 4.

C. The Debtor's Reply

On April 6, 2021, the Debtor filed its Reply. The Debtor argues that the reason for the inconsistent sale terms between Firebrand Cohen and potential overbidders is because the Debtor has tried for almost eight months, unsuccessfully, to reach a deal with Koury for the sale of the Property. The Debtor states that Koury entered into a contract for the Property in August of 2020 for \$1,471,000. Reply at 2. The Debtor and Koury then negotiated and the Debtor agreed to accept \$1,421,000, and the contract was extended for closing to December of 2020. In December of 2020, Koury canceled the contract. In March of 2021, Koury made another offer on the Property at a reduced price and requested the Debtor pay Koury's wife a real estate commission. The Debtor emailed a counteroffer, but Koury did not accept. The Debtor has now accepted Firebrand Cohen's offer for sale of the Property and does not wish to give Koury the same sale terms because the Debtor does not have faith that Koury will actually close the sale. Reply at 3.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Debtor to sell estate property out of the ordinary course of business, subject to court approval. The Debtor must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

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The Debtor has demonstrated sufficient business justification for the sale. The sale is consistent with the Debtor's obligation to liquidate certain of the estate's assets in order to effect a successful reorganization. While the Debtor originally sought a significantly higher price for the property, it is evident that such a price was unobtainable, and the Court is satisfied with the work that the Debtor and the broker have done to obtain the highest sale price possible. Furthermore, because partition of the property is impracticable, the Court finds that the elements of § 363(h) are met. Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Debtor needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). The Court approves the Debtor's proposed treatment of the liens and encumbrances and finds that Property may be sold free and clear of such liens and encumbrances as requested by the Debtor. Pursuant to § 363(f) (3), the sale is free and clear of the liens and encumbrances because the Property's sale will generate proceeds exceeding the value of the liens and encumbrances. Furthermore, the Debtor is authorized to pay ordinary costs, such as prorated taxes, title fees, escrow fees, and broker commissions. Finally, the auction procedures, outlined above in § I. A., are approved

B. Koury's Limited Objection is Overruled

"[T]he statutes governing the sale of assets of bankruptcy estates are intended to protect the creditors of such estates and not prospective purchasers." *In re HST Gathering Co.*, 125 B.R. 466, 468 (W.D. Tex. 1991). A disappointed prospective purchaser, such as Koury, "is not within the 'zone of interests intended to be

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protected' under the bankruptcy statutes and regulations." *Id.* Applying this principle, the *HST Gathering* court upheld the bankruptcy court's refusal to accept a bid tendered in connection with an auction. The court held that the disappointed bidder lacked standing to appeal because he was "not a person whose interest was intended to be protected by the bankruptcy statutes or regulations." *Id.*; see also *Kabro Assocs. v. Colony Hill Assocs. (In re Colony Hill Assocs.)*, 111 F.3d 269, 273 (2d Cir. 1997) ("[A]n unsuccessful bidder—whose only pecuniary loss is the speculative profit it might have made had it succeeded in purchasing property at an auction—usually lacks standing to challenge a bankruptcy court's approval of a sale transaction."); *Stark v. Moran (In re Moran)*, 566 F.3d 676, 682 (6th Cir. 2009) ("A frustrated bidder lacks bankruptcy appellate standing when he merely alleges that he would have profited from his desired purchase, and does not allege, for instance, that fraud or impropriety prevented the estate from accepting his higher bid such that creditors would not receive as great a recovery as they would have had the estate accepted the higher bid.").

Here, Koury has not even yet formally submitted a bid to the Debtor for the auction of this Property, he is merely a prospective bidder. Thus, the holdings of *HST Gathering*, *Colony Hill Assocs.*, and *Moran*, apply with even greater force. Simply put, Koury has no standing to object to this sale because he is not within the "'zone of interests intended to be protected' under the bankruptcy statutes and regulations." See *In re HST Gathering*, 125 B.R. at 468. Therefore, his Limited Objection is overruled.

[Note 1]

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety. Since the 363(f)(3) aspect of the Motion has not been controverted, the Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at

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213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: Even if Koury did have standing, the Court would still overrule his Limited Objection. The Court's obligation is to approve bidding procedures that are most likely to maximize proceeds received by the estate in connection with the auction. *See Simantob v. Claims Prosecutor, LLC (In re Lahijani)*, 325 B.R. 282, 288–89 (B.A.P. 9th Cir. 2005) ("The court's obligation in § 363(b) sales is to assure that optimal value is realized by the estate under the circumstances.").

Party Information

Debtor(s):

C & F Sturm, LLC

Represented By
Stella A Havkin

**United States Bankruptcy Court
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Tuesday, April 13, 2021

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10:00 AM

2:20-14808 SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

#30.00 FINAL Hearing re [17] Motion For Authorization To Use Cash Collateral.

fr. 6-1-20; 7-15-20; 9-1-20; 12-16-20

Docket 0

Tentative Ruling:

4/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Debtor's Motion is GRANTED on a final basis.

Pleadings Filed and Reviewed:

- 1) Supplemental Declaration of Walter Thomas Schreiner in Support of Motion For Authorization to Use Cash Collateral And Provide Adequate Protection [Doc. No. 112] (the "Supplemental Schreiner Decl.")
- 2) Notice of Continued Hearing on Motion For Authorization to Use Cash Collateral And Provide Adequate Protection [Doc. No. 111] (the "Motion")
- 3) Declaration of Robert. B. Rosenstein in Support of Motion For Authorization to Use Cash Collateral And Provide Adequate Protection [Doc. No. 50] (the "Rosenstein Declaration")
- 4) Order Granting Emergency Motion for Authorization to Use Cash Collateral [Doc. No. 29]
- 5) Court's Findings and Conclusions re Authorization to Use Cash Collateral [Doc. No. 27]
- 6) Emergency Motion for Authorization to Use Cash Collateral [Doc. No. 20]
 - a) Declaration of Walter Thomas Schreiner (the "Schreiner Decl.")

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CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

7) As of the preparation of this tentative ruling, no objection is on file

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession, Schreiner's Fine Sausages, Inc. (the "Debtor") filed a voluntary chapter 11 petition on May 26, 2020 (the "Petition Date"). The Court previously entered three orders authorizing Debtor to use cash collateral, on an interim basis, through and including April 30, 2021. *See* Doc. Nos. 29, 51, 78 & 93. The present hearing was set to determine whether the Debtor is entitled to use cash collateral on a final basis, on the terms and conditions previously approved by this Court.

The Debtor operates a family-owned wholesale and retail meat market and restaurant, conducting business as "Schreiner's Fine Sausages," and located at 3417 Ocean View Blvd., Glendale, California 91208 (the "Business"). The Business has been managed by the Schreiner family for three generations: Marcia Schreiner holds an 85% ownership stake in the Debtor, and her son, Walter Thomas Schreiner ("W.T. Schreiner"), holds the remaining 15% interest.

The Debtor's bankruptcy filing was precipitated by certain high-interest pre-petition business loans, which the Debtor was unable repay in light of the COVID-19 pandemic. The Debtor has continued business operations and is working toward a reorganization. As of the Petition Date, the Debtor had secured debts in the estimated amount of \$315,822.32, as follows:

- FC Marketplace, LLC, dba Funding Circle ("Funding Circle")—\$248,000
- Celtic Bank Corporation ("Celtic Bank")—\$56,000 [Note 1]
- Bank of America—\$11,822.32

The following claims may be subject to a perfected security interest, but the Debtor believes these debts are unsecured:

- QuarterSpot, Inc. ("QuarterSpot")—\$102,613.32 (based on proof of claim)
- BizFund, LLC ("BizFund")—\$55,000

Cash collateral will be used to fund the Debtor's ongoing operating expenses,

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CONT... SCHREINER'S FINE SAUSAGES, INC.

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while the Debtor continues to pursue its reorganization. *See* Doc. No. 20. In support of the continued use of cash collateral, the Debtor submitted an updated budget (the "Budget"), setting forth expected Business revenues and expenses through the month of August 2021. *See* Doc. No. 112. The Budget anticipates that the Business will generate estimated monthly sales ranging from \$122,000 to \$148,000 through the end of the August 2021, which will leave Debtor with monthly net income averaging approximately \$12,786. The Budget projects that business revenue, the costs of goods, and business expenses will remain relatively stable through August 2021. The Debtor has been making adequate protection payments to Funding Circle in the amount of \$2,229.93 each month. The Debtor has filed its Disclosure Statement, which is set for hearing in front of this Court on April 20, 2021. The Debtor has also filed its proposed Chapter 11 Plan of Reorganization. *See* Doc. Nos. 100 & 101.

As of the preparation of this tentative ruling, no objection is on file.

II. Findings and Conclusions

Section 363(c)(2) requires court authorization for the use of cash collateral unless "each entity that has an interest in such cash collateral consents." In the Ninth Circuit, satisfaction of §363(c)(2)(A) requires the "affirmative express consent" of the secured creditor; "implied consent," resulting from the failure of the secured creditor to object to use of cash collateral, does not satisfy the requirements of the statute. *Freightliner Market Development Corp. v. Silver Wheel Freightlines, Inc.*, 823 F.2d 362, 368–69 (9th Cir. 1987). Absent affirmative express consent, the Debtors "may not use" cash collateral absent the Court's determination that the use is "in accordance with the provisions" of Section 363—that is, that the secured creditor's interest in the cash collateral is adequately protected. § 363(c)(2)(B) and (e).

A secured creditor's interest is adequately protected if the value of its collateral is not declining; the secured creditor is not entitled to payment to compensate for its inability to foreclose upon the collateral during bankruptcy proceedings. *United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365 (1988).

Based on the updated Budget figures, the Court reiterates most of the factual and legal conclusions rendered in previous ruling authorizing the use of cash collateral.

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CONT... SCHREINER'S FINE SAUSAGES, INC.

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The Secured Creditors' Interests are Adequately Protected

The Court finds that the secured interest of Funding Circle in the Debtor's cash collateral is adequately protected. Funding Circle remains adequately protected through monthly adequate protection payments of \$2,229.93, and by the fact that the Debtor's financial projections indicate that the cash collateral is not declining in value, and business revenue will remain relatively constant. To the extent that other secured creditors claim an interest in the cash collateral, adequate protection will be provided to them by a replacement lien in post-petition property. Moreover, the Budget projects that the Debtor's business operations will continue to generate a steady stream of replacement income. *Cf. In re Megan-Racine Associates, Inc.*, 202 B.R. 660, 663 (Bankr. S.D.N.Y. 1996) (concluding that "[a]s long as there was a continuous income stream being generated by the Debtor, the fact that the Debtor consumed a portion of those monies to operate and maintain the facility each month did not diminish the value of the [secured creditor's] interest in the [cash collateral]"). In connection with previous cash collateral hearings, the Court concluded that secured creditors' liens were not falling in value. The Court finds it appropriate to maintain that finding until presented with concrete evidence to the contrary.

The Debtor Will Suffer Irreparable Harm Absent Use of Cash Collateral

The Court finds that the Debtor will suffer irreparable harm absent the continued use of cash collateral. Use of cash collateral is necessary for the Debtor to pay employees, who are instrumental in maintaining Debtor's revenue stream. If Debtor is unable to reliably make payroll, it is likely that employees will leave, and the Debtor will be unable to operate the Business. If the Debtor is forced into a liquidation proceeding, both secured and unsecured creditors may find it difficult to recover as much as they would if the Debtor is preserved as a going concern. *See Schreiner Decl.*, ¶ 10 (opining that Debtor's equipment—one of the Debtor's most valuable assets—is likely to fall in value upon liquidation). Without the ability to use cash collateral to sustain operations, the Debtor would be irreparably harmed. As it did before, the Court determines that the expenditures stated on the updated Budget are necessary to the Debtor's continued reorganization efforts.

III. Conclusion

For the reasons set forth above, the Motion is GRANTED on a final basis.

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CONT... SCHREINER'S FINE SAUSAGES, INC.

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The Debtor shall submit an order incorporating this tentative ruling by reference within seven days of the hearing

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

12/15/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Debtor is authorized to use cash collateral in accordance with the Budget through and including April 30, 2021. A hearing on the use of cash collateral subsequent to April 30, 2021 shall take place on **April 13, 2021, at 10:00 a.m.** The deadline for the Debtor to file a disclosure statement and plan of reorganization remains **February 28, 2021.**

The Debtor shall submit further evidence in support of the continued use of cash collateral, including an updated Budget, by no later than **March 23, 2021.** By that same date, the Debtor shall provide notice of the continued hearing and shall file a proof of service so indicating. Opposition to the continued use of cash collateral is due by **March 30, 2021;** the Debtors' reply to any opposition is due by **April 6, 2021.**

Pleadings Filed and Reviewed:

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CONT... SCHREINER'S FINE SAUSAGES, INC. Chapter 11

- 8) Declaration of Robert. B. Rosenstein in Support of Motion For Authorization to Use Cash Collateral And Provide Adequate Protection [Doc. No. 50] (the "Rosenstein Declaration")
- 9) Supplemental Declaration of Walter Thomas Schreiner in Support of Motion For Authorization to Use Cash Collateral And Provide Adequate Protection [Doc. No. 90] (the "Supplemental Schreiner Decl.")
- 10) Notice of Continued Hearing on Motion For Authorization to Use Cash Collateral And Provide Adequate Protection [Doc. No. 81] (the "Motion")
- 11) Order Granting Emergency Motion for Authorization to Use Cash Collateral [Doc. No. 29]
- 12) Court's Findings and Conclusions re Authorization to Use Cash Collateral [Doc. No. 27]
- 13) Emergency Motion for Authorization to Use Cash Collateral [Doc. No. 20]
 - a) Declaration of Walter Thomas Schreiner (the "Schreiner Decl.")
- 1) As of the preparation of this tentative ruling, no objection is on file

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession, Schreiner's Fine Sausages, Inc. (the "Debtor") filed a voluntary chapter 11 petition on May 26, 2020 (the "Petition Date"). The Court previously entered an order authorizing Debtor to use cash collateral, on an interim basis, through and including July 15, 2020. *See* Doc. No. 29. On July 22, 2020, the Court authorized the extended use of cash collateral through and including August 31, 2020, and then again on September 2, 2020, through and including December 31, 2020, based on updated financial budgets submitted by the Debtor. *See* Doc. Nos. 51 & 77. The present hearing was set to determine whether the Debtor is entitled to use cash collateral subsequent to December 31, 2020. The Debtor seeks authorization to use cash collateral through and including April 31, 2021, on the terms and conditions previously approved by this Court. No opposition is on file.

The Debtor operates a family-owned wholesale and retail meat market and restaurant, conducting business as "Schreiner's Fine Sausages," and located at 3417 Ocean View Blvd., Glendale, California 91208 (the "Business"). The Business has been managed by the Schreiner family for three generations: Marcia Schreiner holds an 85% ownership stake in the Debtor, and her son, Walter Thomas Schreiner ("W.T. Schreiner"), holds the remaining 15% interest.

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CONT... SCHREINER'S FINE SAUSAGES, INC.

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The Debtor's bankruptcy filing was precipitated by certain high-interest pre-petition business loans, which the Debtor was unable repay in light of the COVID-19 pandemic. The Debtor wishes to reorganize its debts and continue business operations. As of the Petition Date, the Debtor has secured debts in the estimated amount of \$315,822.32, as follows:

- FC Marketplace, LLC, dba Funding Circle ("Funding Circle")—\$248,000
- Celtic Bank Corporation ("Celtic Bank")—\$56,000
- Bank of America—\$11,822.32

The following claims may be subject to a perfected security interest, but the Debtor believes these debts are unsecured:

- QuarterSpot, Inc. ("QuarterSpot")—\$102,613.32 (based on proof of claim)
- BizFund, LLC ("BizFund")—\$55,000

Cash collateral will be used to fund the Debtor's ongoing operating expenses, while the Debtor continues to pursue its reorganization. *See* Doc. No. 20. In support of the continued use of cash collateral, the Debtor submitted an updated budget (the "Budget"), setting forth expected Business revenues and expenses through the month of April 2021. *See* Doc. No. 90. The Budget anticipates that the Business will generate estimated monthly sales ranging from \$137,000 to \$142,000 through the end of the April 2021, which will leave Debtor with monthly net income averaging approximately \$9,800. The Budget projects that business revenue, the costs of goods, and business expenses will remain relatively stable through April 2021. Consistent with the Debtor's original Motion and this Court's prior orders, the Debtor proposes to make adequate protection payments to Funding Circle in the amount of \$2,229.93 each month. The Debtor proposes to provide all other secured creditors with a replacement lien to the extent that the proposed cash collateral use dilutes the value of said creditors' liens.

As of the preparation of this tentative ruling, no objection is on file.

II. Findings and Conclusions

Section 363(c)(2) requires court authorization for the use of cash collateral

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unless "each entity that has an interest in such cash collateral consents." In the Ninth Circuit, satisfaction of §363(c)(2)(A) requires the "affirmative express consent" of the secured creditor; "implied consent," resulting from the failure of the secured creditor to object to use of cash collateral, does not satisfy the requirements of the statute. *Freightliner Market Development Corp. v. Silver Wheel Freightlines, Inc.*, 823 F.2d 362, 368–69 (9th Cir. 1987). Absent affirmative express consent, the Debtors "may not use" cash collateral absent the Court's determination that the use is "in accordance with the provisions" of Section 363—that is, that the secured creditor's interest in the cash collateral is adequately protected. § 363(c)(2)(B) and (e).

A secured creditor's interest is adequately protected if the value of its collateral is not declining; the secured creditor is not entitled to payment to compensate for its inability to foreclose upon the collateral during bankruptcy proceedings. *United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365 (1988).

Based on the updated Budget figures, the Court reiterates most of the factual and legal conclusions rendered in previous ruling authorizing the use of cash collateral.

The Secured Creditors' Interests are Adequately Protected

The Court finds that the secured interest of Funding Circle in the Debtor's cash collateral is adequately protected. Funding Circle remains adequately protected through monthly adequate protection payments of \$2,229.93, and by the fact that the Debtor's financial projections indicate that the cash collateral is not declining in value, and business revenue will remain relatively constant. To the extent that other secured creditors claim an interest in the cash collateral, adequate protection will be provided to them by a replacement lien in post-petition property. Moreover, the Budget projects that the Debtor's business operations will continue to generate a steady stream of replacement income. *Cf. In re Megan-Racine Associates, Inc.*, 202 B.R. 660, 663 (Bankr. S.D.N.Y. 1996) (concluding that "[a]s long as there was a continuous income stream being generated by the Debtor, the fact that the Debtor consumed a portion of those monies to operate and maintain the facility each month did not diminish the value of the [secured creditor's] interest in the [cash collateral]"). In connection with previous cash collateral hearings, the Court concluded that secured creditors' liens were not falling in value. The Court finds it appropriate to maintain

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CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

that finding until presented with concrete evidence to the contrary.

The Debtor Will Suffer Irreparable Harm Absent Use of Cash Collateral

The Court finds that the Debtor will suffer irreparable harm absent the continued use of cash collateral. Use of cash collateral is necessary for the Debtor to pay employees, who are instrumental in maintaining Debtor's revenue stream. If Debtor is unable to reliably make payroll, it is likely that employees will leave, and the Debtor will be unable to operate the Business. If the Debtor is forced into a liquidation proceeding, both secured and unsecured creditors may find it difficult to recover as much as they would if the Debtor is preserved as a going concern. *See* Schreiner Decl., ¶ 10 (opining that Debtor's equipment—one of the Debtor's most valuable assets—is likely to fall in value upon liquidation). Without the ability to use cash collateral to sustain operations, the Debtor would be irreparably harmed. As it did before, the Court determines that the expenditures stated on the updated Budget are necessary to the Debtor's continued reorganization efforts.

III. Conclusion

For the reasons set forth below, the Debtor is authorized to use cash collateral in accordance with the Budget through and including April 30, 2021. A hearing on the use of cash collateral subsequent to April 30, 2021 shall take place on **April 13, 2021, at 10:00 a.m.** The deadline for the Debtor to file a disclosure statement and plan of reorganization remains **February 28, 2021.**

The Debtor shall submit further evidence in support of the continued use of cash collateral, including an updated Budget, by no later than **March 23, 2021.** By that same date, the Debtor shall provide notice of the continued hearing and shall file a proof of service so indicating. Opposition to the continued use of cash collateral is due by **March 30, 2021;** the Debtors' reply to any opposition is due by **April 6, 2021.**

The Debtor shall submit an order incorporating this tentative ruling by reference within seven days of the hearing

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please**

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CONT... SCHREINER'S FINE SAUSAGES, INC.

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first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

SCHREINER'S FINE SAUSAGES,

Represented By
Robert B Rosenstein

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10:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01022 Iovita v. Monge et al

#31.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01022. Complaint by Titus Emil Iovita against Siboney Monge, Malibu Reconveyance, LLC. (\$350.00 Fee Charge To Estate). (1) Objecting to Claim of Siboney Monge; (2) Quiet Title in Property of the Estate; (3) Declaratory Relief (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) (Khojayan, Vahe)

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Siboney Monge

Pro Se

Malibu Reconveyance, LLC

Pro Se

Plaintiff(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01024 Monge v. Iovita

#32.00 Status Hearing

RE: [1] Complaint by Siboney Monge against Titus Emil Iovita. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brent, Paul). Warning: See docket entry no 2 for corrective actions. When the complaint was filed, it was not linked to the main bankruptcy case. The complaint is now linked to the main bankruptcy case. Modified on 2/2/2021 (Ly, Lynn).

Docket 1

***** VACATED *** REASON: CONTINUED 6-15-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Titus Emil Iovita

Pro Se

Plaintiff(s):

Siboney Monge

Represented By
Paul M Brent

**United States Bankruptcy Court
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Tuesday, April 13, 2021

Hearing Room 1568

11:00 AM

2:17-24457 8590 Sunset A-FS, LLC dba Cafe Primo

Chapter 7

Adv#: 2:19-01495 Gonzalez v. Lui et al

#100.00 Pre-Trial Conference
RE: [20] Amended Complaint First Amended Complaint (1) To Avoid and Recover Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(A); (2) To Avoid and Recover Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.04(A)(1); (4) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.04(a)(2)(A); (5) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.04(a)(2)(B); (6) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.05; (7) To Avoid and Recover Preferential Transfer Pursuant to 11 U.S.C. § 547(b); (8) To Recover Fraudulent and Preferential Transfers Pursuant to 11 U.S.C. § 550(a); and (9) To Preserve Transfers Pursuant to 11 U.S.C. § 551 by Diane C Weil on behalf of Rosendo Gonzalez against CP WW Ventures Inc, CTC Investment Holdings LLC, Catalyst Trust, Charlton Lui, Primo Hospitality Group, Inc., Hovahannes Tshavrushyan. (RE: related document(s)1 Adversary case 2:19-ap-01495. Complaint by Rosendo Gonzalez against Charlton Lui, Catalyst Trust, CP WW Ventures Inc, CTC Investment Holdings LLC, Primo Hospitality Group, Inc., Hovahannes Tshavrushyan. (Charge To Estate). Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) filed by Plaintiff Rosendo Gonzalez). (Weil, Diane)

Docket 20

***** VACATED *** REASON: DISMISSED 7-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

8590 Sunset A-FS, LLC dba Cafe

Represented By
Michael Jay Berger

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CONT... 8590 Sunset A-FS, LLC dba Cafe Primo

Chapter 7

Defendant(s):

Charlton Lui

Represented By
Sanaz S Bereliani

Catalyst Trust

Pro Se

CP WW Ventures Inc

Pro Se

CTC Investment Holdings LLC

Pro Se

Primo Hospitality Group, Inc.

Pro Se

Hovahannes Tshavrushyan

Represented By
Roland H Kedikian

Plaintiff(s):

Rosendo Gonzalez

Represented By
Diane C Weil

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Sonia Singh
Diane C Weil

**United States Bankruptcy Court
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Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:19-01453 Mastan (TR) v. Zendedel

#101.00 Pre-Trial Conference

RE: [1] Adversary case 2:19-ap-01453. Complaint by Peter J. Mastan (TR) against Nazila Zendedel. (Charge To Estate). Complaint for: (1) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.07]; (2) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 544, 550 & 551; Cal. Civ. Code §§ 3439.04, 3439.05, 3439.07]; (3) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (4) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; (5) Turnover of Property [11 U.S.C. § 362] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(11 (Recovery of money/property - 542 turnover of property)),(91 (Declaratory judgment)) (Mang, Tinho)

fr. 6-17-20

Docket 1

***** VACATED *** REASON: DISMISSED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Nazila Zendedel

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

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CONT... Bahram Zendedel

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

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Tuesday, April 13, 2021

Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

Adv#: 2:20-01062 Mastan (TR) v. Shamekh

#102.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01062. Complaint by Peter J. Mastan (TR) against Pedram Shamekh. (Charge To Estate). Complaint for: (1) Avoidance, Recovery, and Preservation of Preferential Transfers [11 U.S.C. §§ 547, 550, and 551]; (2) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551]; and (3) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. §§ 548, 550 & 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Mang, Tinho)

fr. 6-17-20

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Defendant(s):

Pedram Shamekh

Pro Se

Plaintiff(s):

Peter J. Mastan (TR)

Represented By
Chad V Haes
Tinho Mang

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
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CONT... Bahram Zendedel

Chapter 7

**United States Bankruptcy Court
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Tuesday, April 13, 2021

Hearing Room 1568

11:00 AM

2:19-17051 Marlon Camar Salamat

Chapter 7

Adv#: 2:19-01411 Fernando v. Salamat et al

#103.00 Pretrial

RE: [1] Adversary case 2:19-ap-01411. Complaint by Angela Sandra Legaspi Fernando against Marlon Camar Salamat, Daisy Anne Boiser Salamat. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(91 (Declaratory judgment)) (Smyth, Stephen)

FR. 5-12-20; 8-11-20; 10-13-20

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 11-30-20**

Tentative Ruling:

10/9/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

On February 7, 2020, the Court stayed this action pending resolution of the underlying state court action through which Plaintiff seeks to establish the indebtedness alleged to be non-dischargeable (the "State Court Action"). *See* Doc. No. 18. Judgment in the State Court Action was entered on July 29, 2020.

Having reviewed the Joint Status Report submitted by the parties, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) In view of the entry of judgment in the State Court Action, the previously-ordered stay of this action is lifted.
- 2) The following litigation deadlines shall apply:
 - a) The last day to amend pleadings and/or join other parties is **11/15/2020**.
 - b) The last day to disclose expert witnesses and expert witness reports is **1/26/2021**.
 - c) The last day to disclose rebuttal expert witnesses and rebuttal expert

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Marlon Camar Salamat

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witness reports is **2/25/2021**.

- d) The last date to complete discovery relating to expert witnesses (e.g., depositions of expert witnesses), including hearings on motions related to expert discovery, is **3/16/2021**. (For contemplated hearings on motions related to expert discovery, it is counsel's responsibility to check the Judge's self-calendaring dates, posted on the Court's website. If the expert discovery cutoff date falls on a date when the court is closed or that is not available for self-calendaring, the deadline for hearings on expert discovery motions is the next closest date which is available for self-calendaring.)
- e) The last day for dispositive motions to be heard is **3/23/2021**. (If the motion cutoff date is not available for self-calendaring, the deadline for dispositive motions to be heard is the next closest date which is available for self-calendaring.)
- f) The last day to complete discovery (except as to experts), including hearings on discovery motions, is **3/23/2021**. (If the non-expert discovery cutoff date is not available for self-calendaring, the deadline for non-expert discovery motions to be heard is the next closest date which is available for self-calendaring.)
- g) A Pretrial Conference is set for **4/13/2021 at 11:00 a.m.** By no later than fourteen days prior to the Pretrial Conference, the parties must submit a Joint Pretrial Stipulation via the Court's Lodged Order Upload (LOU) system. Submission via LOU allows the Court to edit the Joint Pretrial Stipulation, if necessary. Parties should consult the Court Manual, section 4, for information about LOU.
- h) In addition to the procedures set forth in Local Bankruptcy Rule 7016-1(b), the following procedures govern the conduct of the Pretrial Conference and the preparation of the Pretrial Stipulation:
 - i) By no later than thirty days prior to the Pretrial Conference, the parties must exchange copies of all exhibits which each party intends to introduce into evidence (other than exhibits to be used solely for impeachment or rebuttal).
 - ii) When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a Motion in Limine which clearly identifies each exhibit alleged to be

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inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1. The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.

- iii) The failure of a party to file a Motion in Limine complying with the requirements of ¶(1)(h)(ii) shall be deemed a waiver of any objections to the admissibility of an exhibit.
 - iv) Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶(1)(h)(ii), and shall be filed by the deadline specified in ¶(1)(h)(ii). The failure of a party to file a Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.
 - i) Trial is set for the week of **4/26/2021**. The trial day commences at 9:00 a.m. The exact date of the trial will be set at the Pretrial Conference. Consult the Court's website for the Judge's requirements regarding exhibit binders and trial briefs.
- 3) This matter was formally mediated on June 29, 2020. The Court will not order further formal mediation at this time.

The Court will prepare and enter a Scheduling Order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

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CONT... Marlon Camar Salamat

Chapter 7

Debtor(s):

Marlon Camar Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Defendant(s):

Marlon Camar Salamat

Represented By
David Brian Lally

Daisy Anne Boiser Salamat

Represented By
David Brian Lally

Joint Debtor(s):

Daisy Anne Boiser Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Plaintiff(s):

Angela Sandra Legaspi Fernando

Represented By
Stephen S Smyth

Trustee(s):

Timothy Yoo (TR)

Pro Se

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11:00 AM

2:19-17062 Shamim Ahemmed

Chapter 7

Adv#: 2:19-01423 Cruz v. Ahemmed

#104.00 Pre-Trial Conference

RE: [29] **Second Amended** Complaint Objecting to Discharge Pursuant to 11 USC 523 (a)2(A) and (6) by Michael N Berke on behalf of Miguel Hernandez Cruz against Shamim Ahemmed. (Berke, Michael)

FR. 11-17-20

Docket 29

***** VACATED *** REASON: CONTINUED 5-11-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shamim Ahemmed

Represented By
Julie J Villalobos

Defendant(s):

Shamim Ahemmed

Represented By
Lawrence R Fieselman
Julie J Villalobos

Plaintiff(s):

Miguel Hernandez Cruz

Represented By
Michael N Berke

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

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11:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01505 Strategic Funding Source, Inc. v. Tardaguila

#105.00 Pre-Trial Conference
RE: [1] Adversary case 2:19-ap-01505. Complaint by Strategic Funding Source, Inc. against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Harvey, Brian)

fr. 10-13-20; 1-12-21

Docket 1

***** VACATED *** REASON: CONTINUED 7-13-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.

Represented By
Brian T Harvey

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

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11:00 AM

2:20-12237 Christopher Paul Rabalais

Chapter 7

Adv#: 2:20-01138 Leon v. Rabalais

#106.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01138. Complaint by Seth Leon against Christopher Paul Rabalais. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (Chang, Cheryl)

Docket 1

***** VACATED *** REASON: DISMISSED 7-10-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Paul Rabalais	Pro Se
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Defendant(s):

Christopher Paul Rabalais	Pro Se
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Plaintiff(s):

Seth Leon	Represented By Cheryl S Chang
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Trustee(s):

John P Pringle (TR)	Pro Se
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11:00 AM

2:20-12958 Dikran Stepan Tcheubjian

Chapter 7

Adv#: 2:20-01139 Krasnoff v. Sepilian et al

#107.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01139. Complaint by Brad D. Krasnoff against Micheline Sepilian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

Docket 1

***** VACATED *** REASON: DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Micheline Sepilian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Plaintiff(s):

Brad D. Krasnoff

Represented By
Sonia Singh

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CONT... Dikran Stepan Tcheubjian

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

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11:00 AM

2:20-12958 Dikran Stepan Tcheubjian

Chapter 7

Adv#: 2:20-01140 Krasnoff v. Zeitounian et al

#108.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01140. Complaint by Brad D. Krasnoff against Christine Molino Zeitounian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

Docket 1

***** VACATED *** REASON: DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Christine Molino Zeitounian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Plaintiff(s):

Brad D. Krasnoff

Represented By
Sonia Singh

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CONT... Dikran Stepan Tcheubjian

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

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11:00 AM

2:20-13016 Charlene Eleazar Lobarbio

Chapter 7

Adv#: 2:20-01143 Sanchez et al v. Lobarbio

#109.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01143. Complaint by Carmela Sanchez, Herminia V. Figueroa against Charlene Eleazar Lobarbio. willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (65 (Dischargeability - other)) (Nazarian, Morris)

Docket 1

***** VACATED *** REASON: PRETRIAL 6-15-2021 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlene Eleazar Lobarbio

Represented By
Giovanni Orantes

Defendant(s):

Charlene Eleazar Lobarbio

Pro Se

Plaintiff(s):

Carmela Sanchez

Represented By
Morris Nazarian

Herminia V. Figueroa

Represented By
Morris Nazarian

Trustee(s):

Heide Kurtz (TR)

Pro Se

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11:00 AM

2:21-11639 GIA REDEVELOPMENT, LLC

Chapter 11

#110.00 HearingRE: [9] U.S. Trustee Motion to dismiss or convert or appoint a Chapter 11 Trustee . (Attachments: # 1 COS # 2 BNC)(united states trustee (hy))

Docket 9

Tentative Ruling:

4/12/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is GRANTED, and this case is CONVERTED to one under chapter 7 of the United States Bankruptcy Code.

Pleadings Filed and Reviewed

- 1) United States Trustee's Notice of Motion and Motion under 11 U.S.C. § 1112(b)(1) to Convert, Dismiss or Appoint a Chapter 11 Trustee; Declaration of Paralegal Specialist (the "Motion") [Doc. No. 9]
- 2) Debtor's Opposition to Motion Under 11 U.S.C. § 1112(b)(1) to Convert, Dismiss or Appoint a Chapter 11 Trustee (the "Opposition") [Doc. No. 23]
- 3) United States Trustee's Reply to Debtor's Opposition to Motion Under 11 U.S.C. § 1112(b)(1) to Convert, Dismiss or Appoint a Chapter 11 Trustee; Declaration of Jason Russel in Support Thereof (the "Reply") [Doc. No. 24]
- 4) Supplemental Declaration of Jeffrey Thompson in Opposition to Office of the United States Trustee's Motion to Dismiss/Convert (the "Supplemental Declaration") [Doc. No. 27]

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession GIA Redevelopment, LLC filed this voluntary chapter 11 petition on March 1, 2021. On November 30, 2020, an involuntary chapter 7 petition was filed against the Debtor. That case was dismissed on January 14, 2021 for failure to file a proof of service on the Debtor. *See* 2:20-

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CONT... GIA REDEVELOPMENT, LLC

Chapter 11

bk-20569-ER, Doc. No. 8. On February 2, 2021, the Debtor filed a voluntary chapter 11 petition. That case was dismissed on February 18, 2021 for failure of the Debtor to file case commencement documents. *See* 2:21-bk-11639-ER, Doc. No. 13.

In the instant proceeding, the United States Trustee (the "US Trustee") filed his Motion to dismiss or convert the case for failure of the Debtor to file with the US Trustee a litany of documents to show compliance with the US Trustee's reporting requirements. The Debtor's deficiencies include, *inter alia*: notice of setting/increasing insider compensation, application to employ attorney, evidence of closing all pre-petition bank accounts, evidence of opening and maintenance of debtor-in-possession accounts, projected cash flow statement for the first 90 days of operation under chapter 11, copies of the preceding two years of state and federal income tax returns, and sufficient evidence of insurance. *See* Motion at 2-3. The US Trustee requests that this case be converted to one under chapter 7 of the United States Bankruptcy Code. *Id.* at 5.

On March 30, 2021, the Debtor filed its Opposition. The Debtor argues that a "substantial portion" of the deficiencies discussed in the US Trustee's Motion have been remedied. Opposition at 1. The Debtor avers that it has since filed an application to employ counsel and it filed its 7-day package with the Office of the United States Trustee on March 30, 2021. The Debtor states that "the only outstanding deficiencies pertained to opening of a Debtor In Possession Bank Account, recording of Debtor's chapter 11 petition, Debtor's tax returns [and] proof of insurance of one of the properties located at 1241 Le Gray Ave, Los Angeles." *Id.* at 2. The Debtor states that it is in "substantial compliance" with the US Trustee's requirements. *Id.*

On April 5, 2021, the US Trustee filed his Reply. The US Trustee reiterates that this case should be converted to chapter 7 because "cause" exists. The Debtor failed to timely provide the US Trustee with the requisite documents despite this being the Debtor's third bankruptcy filing. As of the filing of the Reply, the following documents are still outstanding: proof of insurance for 1241 Le Gray Ave., Los Angeles, CA; proper proof of insurance for 5055 Mount Helena Ave., Los Angeles, CA; voided debtor-in-possession checks; proof of recording of the petition in the applicable county; projected cash flow for the first 90 days; Statement of Major Issues and Timetable Report; and tax returns for the preceding two years. Reply at 2. Because of the Debtor's continued failure to comply with US Trustee reporting

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CONT... GIA REDEVELOPMENT, LLC

Chapter 11

requirements, the US Trustee asserts that cause exists for conversion of the case to chapter 7.

On April 9, 2021, the Debtor filed an untimely Supplemental Declaration. The Debtor argues that since the filing of his Opposition on March 30, 2021, he has provided further documents to the US Trustee. The Debtor also states that the case was not filed in bad faith because there is a bona fide dispute over the calculation of one of the liens on the property. The Debtor's counsel also submitted a declaration discussing why he was unable to file the case commencement documents in one of the prior bankruptcy proceedings, but does not discuss the failure to do so in the instant case. While the Court has reviewed the Supplemental Declaration despite it being filed late, it does not change the Court's conclusions.

II. Findings of Fact and Conclusions of Law

Under § 1112(b), the Court shall dismiss or convert a case to one under chapter 7 upon a showing of "cause." 11 U.S.C. § 1112(b). Section 1112(b)(4) provides a nonexclusive list of factors that includes: "(F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter." 11 U.S.C. § 1112(b)(4)(F). "The enumerated causes are not exhaustive, and 'the court will be able to consider other factors as they arise, and to use its equitable powers to reach an appropriate result in individual cases.'" *In re Consol. Pioneer Mortg. Entities*, 248 B.R. 368, 375 (B.A.P. 9th Cir. 2000) (quoting H.R. No. 95-595, 95th Cong., 1st Sess. 405-06 (1977)), *aff'd*, 264 F.3d 803 (9th Cir. 2001). Furthermore, Local Bankruptcy Rule ("LBR") 2015-2 states:

The debtor, the debtor in possession, chapter 11 trustee, or subchapter V trustee in possession, must timely provide the United States trustee with financial, management and operational reports, and such other information requested by the United States trustee pursuant to the Guidelines and Requirements for Chapter 11 Debtors in Possession as necessary to properly supervise the administration of a chapter 11 case.

LBR 2015-2(a)(1).

Debtors are under a continuing obligation to comply with all requirements imposed by the US Trustee. Failure to timely comply is grounds for dismissal. If

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Chapter 11

Debtors do not timely submit the required information, the US Trustee cannot effectively carry out its oversight responsibilities under 28 U.S.C. § 586. There is nothing in the statute that says that Debtors may ignore their compliance obligations until receiving a warning from the US Trustee. The US Trustee's office does not have the resources to babysit every single Chapter 11 Debtor with respect to its reporting and compliance obligations. By commencing a Chapter 11 petition, the Debtor voluntarily accepted the responsibility of complying with all applicable laws and regulations, including reporting obligations imposed by the US Trustee's office.

The Debtor has been involved in the bankruptcy process for over four months and yet it still refuses to comply with the local rules. The Debtor only filed certain documents well after the US Trustee filed its Motion, and, over a month after the commencement of the case, the Debtor *still* has not complied with the US Trustee reporting requirements. The rules state that the Debtor must comply, not "substantially" comply. Therefore, cause exists to dismiss or convert this case under 11 U.S.C. § 1112(b).

Having determined that cause exists, the only issue remaining for the Court is to determine whether conversion, dismissal, or appointment of a chapter 11 trustee serves the best interests of creditors or the estate. *See In re Products Int'l Co.*, 395 B.R. 101, 107 (Bankr. D. Ariz. 2008) (citing *In re Nelson*, 343 B.R. 671 (9th Cir. 2006)). "[W]hen deciding between dismissal and conversion under 11 U.S.C. § 1112(b), the court must consider the interests of *all* of the creditors." *Shulkin Hutton, Inc. v. Treiger (In re Owens)*, 552 F.3d 958, 961 (9th Cir. 2009) (emphasis in original) (quoting *Rollex Corp. v. Associated Materials, Inc. (In re Superior Siding & Window, Inc.)*, 14 F.3d 240, 243 (4th Cir. 1994)).

It is unclear exactly what the value of the liens against the Property are and how much equity the Debtor has in the Property. However, in its Motion, the US Trustee requests conversion of this case to chapter 7 as opposed to dismissal. As this is the Debtor's third bankruptcy case and there appears to be an asset that a case trustee may be able to administer for the benefit of creditors, the Court agreed with the US Trustee and determines that conversion to chapter 7 is in the best interest of creditors.

Because the Court is converting this case to chapter 7, the Debtor's *Motion to Sell Property of the Estate*, currently set to be heard in front of this Court on April 20,

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Chapter 11

2021 at 11:00 a.m. as calendar number 102 is taken **OFF CALENDAR**. Furthermore, creditor 1 Sharpe Opportunity Intermediate Trust's *Motion for Relief from the Automatic Stay*, currently set to be heard in front of this Court on April 19, 2021 at 10:00 a.m. as calendar number 2 is **CONTINUED** to May 17, 2021 at 10:00 a.m. to allow the case trustee to review the motion and, if he or she wishes, to file an objection.

III. Conclusion

For the reasons set forth above, the Motion is **GRANTED**. This case is hereby **CONVERTED** to one under chapter 7 of the United States Bankruptcy Code, and a case trustee will be appointed.

The US Trustee is directed to lodge a conforming proposed order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

GIA REDEVELOPMENT, LLC

Represented By
Robert S Altagen

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10:00 AM

2:20-18265 Martina Martinez

Chapter 7

#1.00 Reaffirmation agreement with Santander
Consumer USA Inc
12-15

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martina Martinez

Represented By
Raymond Perez

Trustee(s):

Heide Kurtz (TR)

Pro Se

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Hearing Room 1568

10:00 AM

2:20-18683 Alexander Sierra Salazar and Sandra Carolina Cordero

Chapter 7

#2.00 Reaffirmation Hearing Date Set
RE: [25] Pro se Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander Sierra Salazar

Represented By
Joe R Correa

Joint Debtor(s):

Sandra Carolina Cordero

Represented By
Joe R Correa

Trustee(s):

Wesley H Avery (TR)

Pro Se

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Hearing Room 1568

10:00 AM

2:20-20092 Young Ig Kim

Chapter 7

#3.00 Reaffirmation Hearing Date Set RE: [18] Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Rafferty, John)

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Young Ig Kim

Represented By
Hector Vega

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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10:00 AM

2:20-20465 Michael Fredrick Easter

Chapter 7

#4.00 Reaffirmation Hearing Date Set RE: [10] Pro se Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Fredrick Easter

Represented By
Elena Steers

Trustee(s):

Jason M Rund (TR)

Pro Se

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10:00 AM

2:20-20544 Ismael Venegas

Chapter 7

#5.00 Reaffirmation Hearing Date SetRE: [9] Pro se Reaffirmation Agreement Between Debtor and USC CREDIT UNION

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ismael Venegas

Represented By
David H Chung

Trustee(s):

John J Menchaca (TR)

Pro Se

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10:00 AM

2:20-20587 Yesenia Noemi Lopez

Chapter 7

#6.00 Reaffirmation Hearing Date SetRE: [10] Pro se Reaffirmation Agreement Between Debtor and American Honda Finance Corporation

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yesenia Noemi Lopez	Pro Se
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Trustee(s):

Wesley H Avery (TR)	Pro Se
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Hearing Room 1568

10:00 AM

2:20-20670 Roberto C Urias

Chapter 7

#7.00 Reaffirmation Hearing Date Set RE: [12] Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Rafferty, John)

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto C Urias

Represented By
Michael H Colmenares

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:20-20866 Alice Elizabeth Choto Rodriguez

Chapter 7

#8.00 Reaffirmation Hearing Date Set RE: [12] Pro se Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice Elizabeth Choto Rodriguez

Represented By
Peter M Lively

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:20-20976 Claudia Hortensia Reyes

Chapter 7

#9.00 Reaffirmation Hearing Date Set RE: [9] Reaffirmation Agreement Between Debtor and American Honda Finance Corporation

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia Hortensia Reyes

Represented By
Marc Weinberg

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:20-21107 Deborah Lynn Kollin and Dani-El Kollin

Chapter 7

#10.00 Reaffirmation Hearing Date Set RE: [11] Reaffirmation Agreement Between Debtor and Fifth Third Bank, N.A. (Rafferty, John)

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Lynn Kollin

Represented By
Elena Steers

Joint Debtor(s):

Dani-El Kollin

Represented By
Elena Steers

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:20-21113 Gerald Jon Medrano and Nancy Sue Medrano

Chapter 7

#11.00 Reaffirmation Hearing Date SetRE: [11] Pro se Reaffirmation Agreement Between Debtor and WELLS FARGO AUTO

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Jon Medrano

Represented By
Daniel King

Joint Debtor(s):

Nancy Sue Medrano

Represented By
Daniel King

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10069 Anita Loya and Phillip Loya

Chapter 7

#12.00 Reaffirmation Hearing Date Set RE: [17] Reaffirmation Agreement Between Debtor and Credit Union of Southern California NOTE: Presumption of abuse, a hearing is required; Modified on 2/12/2021 (Garcia, Elaine L.).

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anita Loya

Represented By
Bryan L Ngo

Joint Debtor(s):

Phillip Loya

Represented By
Bryan L Ngo

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10098 Javier J Camacho and Maria Isabel Hernandez

Chapter 7

#13.00 Reaffirmation Hearing Date Set RE: [19] Reaffirmation Agreement Between Debtor and

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier J Camacho

Represented By
Keith A Higginbotham

Joint Debtor(s):

Maria Isabel Hernandez

Represented By
Keith A Higginbotham

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10107 Olivia Joy Hedeman

Chapter 7

#14.00 Reaffirmation Hearing Date Set RE: [19] Pro se Reaffirmation Agreement Between Debtor and WELLS FARGO AUTO

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Olivia Joy Hedeman

Pro Se

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10258 Brenda Grate

Chapter 7

#15.00 Reaffirmation Hearing Date SetRE: [11] Pro se Reaffirmation Agreement Between Debtor and Ally Financial

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenda Grate

Pro Se

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10274 Wesley Chung

Chapter 7

#16.00 Reaffirmation Hearing Date Set RE: [18] Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Rafferty, John)

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wesley Chung

Represented By
Blake J Lindemann

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10493 Paula Gonzalez De Zamora

Chapter 7

#17.00 Reaffirmation Hearing Date Set RE: [12] Pro se Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Dba GM Financial (Nunez, Lorenzo)

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paula Gonzalez De Zamora

Represented By
Oscar R Swinton

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10499 Ernesto Zamora

Chapter 7

#18.00 Reaffirmation Hearing Date Set RE: [9] Reaffirmation Agreement Between Debtor and Logix Federal Credit Union (Espinoza, Cesar)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernesto Zamora

Represented By
Oscar R Swinton

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10501 Dana Raynon Williams

Chapter 7

#19.00 Reaffirmation Hearing Date Set RE: [17] Pro se Reaffirmation Agreement Between Debtor and NAVY FEDERAL CREDIT UNION

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Raynon Williams Pro Se

Trustee(s):

Wesley H Avery (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10613 Peter David Hinojos

Chapter 7

#20.00 Reaffirmation Hearing Date Set RE: [10] Reaffirmation Agreement Between Debtor and Regional Acceptance Corporation

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter David Hinojos

Represented By
Daniel King

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10786 Delgadina Ruiz

Chapter 7

#21.00 Reaffirmation Hearing Date Set RE: [20] Pro se Reaffirmation Agreement Between Debtor and FINANCIAL PARTNERS CREDIT UNION

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Delgadina Ruiz

Represented By
Christopher J Lauria

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10789 Michelle Cathleen Liger

Chapter 7

#22.00 Reaffirmation Hearing Date SetRE: [12] Reaffirmation Agreement Between Debtor and Altura Credit Union

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Cathleen Liger

Represented By
Jacqueline D Serrao

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10814 Brandi J Bohannon

Chapter 7

#23.00 Reaffirmation Hearing Date Set RE: [10] Pro se Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Dba GM Financial (Nunez, Lorenzo)

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandi J Bohannon

Represented By
Kenumi T Maatafale

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10859 Sandy T Bonilla

Chapter 7

#24.00 Reaffirmation Hearing Date Set RE: [10] Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Rafferty, John)

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandy T Bonilla

Represented By
Michael H Colmenares

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10859 Sandy T Bonilla

Chapter 7

#25.00 Reaffirmation Hearing Date Set RE: [9] Pro se Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Db a GM Financial (Nunez, Lorenzo)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandy T Bonilla

Represented By
Michael H Colmenares

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10908 Seung Ha Hwang

Chapter 7

#26.00 Reaffirmation Hearing Date Set RE: [11] Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Forrest, Ryan)

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Seung Ha Hwang

Pro Se

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10990 Rupert Mayorga De Haro

Chapter 7

#27.00 Reaffirmation Hearing Date SetRE: [16] Reaffirmation Agreement Between Debtor and
SCE Federal Credit Union

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruperto Mayorga De Haro

Represented By
Christopher J Lauria

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-10996 Manuel Rodriguez and Sonia De Los Angeles Rodriguez

Chapter 7

#28.00 Reaffirmation Hearing Date Set

RE: [16] Pro se Reaffirmation Agreement Between Debtor and Mechanics Bank

Docket 16

***** VACATED *** REASON: RESCHEDULED 5-17-21 AT 10:00 AM
BEFORE JUDGE BASON**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Rodriguez

Represented By
R Grace Rodriguez

Joint Debtor(s):

Sonia De Los Angeles Rodriguez

Represented By
R Grace Rodriguez

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, April 14, 2021

Hearing Room 1568

10:00 AM

2:21-11159 Marco Ugarte and Emma Caballero

Chapter 7

#29.00 Reaffirmation Hearing Date Set RE: [21] Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Forrest, Ryan)

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Ugarte

Represented By
Christopher J Lauria

Joint Debtor(s):

Emma Caballero

Represented By
Christopher J Lauria

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 19, 2021

Hearing Room 1568

10:00 AM

2:21-11494 Olga Mansuryan

Chapter 7

#1.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Mercedes-Benz C300W, VIN: 55SWF4JB9JU275612 . (Ith, Sheryl)

Docket 10

Tentative Ruling:

4/16/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 19, 2021

Hearing Room 1568

10:00 AM

CONT... Olga Mansuryan

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Olga Mansuryan

Represented By
Henrik Mosesi

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 19, 2021

Hearing Room 1568

10:00 AM

2:21-11639 GIA REDEVELOPMENT, LLC

Chapter 11

#2.00 Hearing
RE: [19] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 5055 Mount Helena Avenue, Los Angeles, CA 90041-2328 . (Wilkinson, Reilly)

Docket 19

***** VACATED *** REASON: CONTINUED 5-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

GIA REDEVELOPMENT, LLC

Represented By
Robert S Altagen

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 19, 2021

Hearing Room 1568

10:00 AM

2:21-11234 Urban Commons Gramercy, LLC

Chapter 11

#3.00 Hearing
RE: [13] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3377 W. OLYMPIC BOULEVARD, LOS ANGELES, CA 90019 .

Docket 13

***** VACATED *** REASON: WITHDRAWN 4/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urban Commons Gramercy, LLC

Represented By
Yi S Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#1.00 Hearing re [6348] Further Post-confirmation Status Conference

FR. 3-9-21

Docket 0

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01267 St. Vincent Medical Center v. Dynamics Orthotics & Prosthetics, Inc.

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01267. Complaint by St. Vincent Medical Center against Dynamics Orthotics & Prosthetics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 1-5-21

Docket 1

***** VACATED *** REASON: CONTINUED 6-8-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Dynamics Orthotics & Prosthetics,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01268 Verity Health System of California, Inc. et al v. DYSEC 360, Corp. et al

#3.00 Status Hearing

RE: [7] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against Global 360 Protective Services. (RE: related document(s)1 Adversary case 2:20-ap-01268. Complaint by Verity Health System of California, Inc. against DYSEC 360, Corp.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Underdahl, Gary)

fr: 11-10-20; 2-2-21

Docket 7

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

DYSEC 360, Corp. Pro Se

Global 360 Protective Services Pro Se

Plaintiff(s):

Verity Health System of California, Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Howard Grobstein Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01271 Verity Health System of California, Inc. v. ECRI Institute

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01271. Complaint by Verity Health System of California, Inc. against ECRI Institute. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-10-20; 1-5-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ECRI Institute

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01284 St. Francis Medical Center v. Fresenius Medical Care Holdings, Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01284. Complaint by St. Francis Medical Center against Fresenius Medical Care Holdings, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 1--19-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Fresenius Medical Care Holdings,

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01296 St. Francis Medical Center v. Harry H. Joh Construction Inc.

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01296. Complaint by St. Francis Medical Center against Harry H. Joh Construction Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 1-5-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Harry H. Joh Construction Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01438 Verity Medical Foundation et al v. TCPrince, LLC

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01438. Complaint by Verity Medical Foundation, Verity Health System of California, Inc., Saint Louise Regional Hospital against TCPrince, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

TCPrince, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01450 St. Vincent Medical Center v. St. Vincent IPA Medical Corporation

#8.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against St. Vincent IPA Medical Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01450. Complaint by St. Vincent Medical Center against St. Vincent IPA Medical Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 4-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

St. Vincent IPA Medical Corporation

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01452 O'Connor Hospital v. Stryker Corporation

#9.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Stryker Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01452. Complaint by O'Connor Hospital against Stryker Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stryker Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, April 20, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01453 O'Connor Hospital v. Summers and Sons Electric, Incorporated

#10.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Summers and Sons Electric, Incorporated. (RE: related document(s)1 Adversary case 2:20-ap-01453. Complaint by O'Connor Hospital against Summers and Sons Electric, Incorporated. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Summers and Sons Electric,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, April 20, 2021

Hearing Room 1575

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01454 Verity Health System of California, Inc. v. Sunquest Information Systems,

#11.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Sunquest Information Systems, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01454. Complaint by Verity Health System of California, Inc. against Sunquest Information Systems, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sunquest Information Systems, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01462 St. Francis Medical Center v. The Institute of Trauma and Acute Care, Inc.

#12.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against The Institute of Trauma and Acute Care, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01462. Complaint by St. Francis Medical Center against The Institute of Trauma and Acute Care, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 3-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Institute of Trauma and Acute

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01463 Verity Medical Foundation v. TheraCom, L.L.C.

#13.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against TheraCom, L.L.C.. (RE: related document(s)1 Adversary case 2:20-ap-01463. Complaint by Verity Medical Foundation against TheraCom, L.L.C.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

fr. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TheraCom, L.L.C.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01465 St. Francis Medical Center v. TouchPoint Support Services, LLC

#14.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against TouchPoint Support Services, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01465. Complaint by St. Francis Medical Center against TouchPoint Support Services, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TouchPoint Support Services, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01467 St. Vincent Medical Center v. Trane U.S. Inc.

#15.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Trane U.S. Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01467. Complaint by St. Vincent Medical Center against Trane U.S. Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Trane U.S. Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01468 St. Vincent Medical Center v. Transplant Connect, Inc.

#16.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Transplant Connect, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01468. Complaint by St. Vincent Medical Center against Transplant Connect, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUEDE 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Transplant Connect, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01479 St. Francis Medical Center v. Vascular & Thoracic Associates of Los Angeles

#17.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Vascular & Thoracic Associates of Los Angeles. (RE: related document(s)1 Adversary case 2:20-ap-01479. Complaint by St. Francis Medical Center against Vascular & Thoracic Associates of Los Angeles. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Vascular & Thoracic Associates of

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01480 Verity Health System of California, Inc. v. Vision Service Plan

#18.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Vision Service Plan. (RE: related document(s)1 Adversary case 2:20-ap-01480. Complaint by Verity Health System of California, Inc. against Vision Service Plan. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Vision Service Plan

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01483 Verity Health System of California, Inc. v. Voicebrook, Inc.

#19.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Voicebrook, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01483. Complaint by Verity Health System of California, Inc. against Voicebrook, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Voicebrook, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01485 O'Connor Hospital v. Wave Form Systems, Incorporated

#20.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Wave Form Systems, Incorporated. (RE: related document(s)1 Adversary case 2:20-ap-01485. Complaint by O'Connor Hospital against Wave Form Systems, Incorporated. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 2-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wave Form Systems, Incorporated

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01486 Seton Medical Center v. Wells Fargo Vendor Financial Services, LLC

#21.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Seton Medical Center against Wells Fargo Vendor Financial Services, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01486. Complaint by Seton Medical Center against Wells Fargo Vendor Financial Services, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff Seton Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: DISMISSED 4-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wells Fargo Vendor Financial

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01487 Verity Health System of California, Inc. v. Wellsy Corporation

#22.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Wellsy Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01487. Complaint by Verity Health System of California, Inc. against Wellsy Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wellsy Corporation

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01488 St. Vincent Medical Center v. West Medical Inc.

#23.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against West Medical Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01488. Complaint by St. Vincent Medical Center against West Medical Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

West Medical Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01491 St. Francis Medical Center v. Zoubero, Inc.

#24.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Zoubero, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01491. Complaint by St. Francis Medical Center against Zoubero, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21

Docket 2

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Zoubero, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01492 St. Francis Medical Center et al v. Abbott Rapid Diagnostics Informatics,

#25.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01492. Complaint by St. Francis Medical Center, O'Connor Hospital against Abbott Rapid Diagnostics Informatics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Abbott Rapid Diagnostics

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01493 St. Francis Medical Center et al v. Acumed, LLC

#26.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01493. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Acumed, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Acumed, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01494 St. Francis Medical Center et al v. Agiliti Health, Inc.

#27.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01494. Complaint by St. Francis Medical Center, Seton Medical Center against Agiliti Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Agiliti Health, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01497 Verity Medical Foundation et al v. American Express Company

#28.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01497. Complaint by Verity Medical Foundation, Verity Health System of California, Inc. against American Express Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21

Docket 1

*** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

American Express Company

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01499 O'Connor Hospital et al v. Argon Medical Devices, Inc.

#29.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01499. Complaint by O'Connor Hospital, St. Francis Medical Center against Argon Medical Devices, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Argon Medical Devices, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01522 Verity Health System of California, Inc. et al v. Experian Health, Inc.

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01522. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Experian Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Experian Health, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01526 St. Vincent Medical Center et al v. Fresenius USA, Inc.

#31.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01526. Complaint by St. Vincent Medical Center, Seton Medical Center against Fresenius USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-20-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Fresenius USA, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01528 St. Vincent Medical Center et al v. Given Design Group, Inc.

#32.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01528. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Given Design Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Given Design Group, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01546 O'Connor Hospital et al v. NuVasive, Inc.

#33.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01546. Complaint by O'Connor Hospital, Seton Medical Center against NuVasive, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

NuVasive, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01549 St. Vincent Medical Center et al v. Otis Elevator Company

#34.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01549. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Otis Elevator Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr: 1-19-21; 2-2-21

Docket 1

***** VACATED *** REASON: CONTINUED 4-20-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Otis Elevator Company

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01571 Grobstein v. Applied Medical Distribution Corporation

#35.00 Status Hearing

RE: [7] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against Applied Medical Distribution Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01571. Complaint by St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital against Applied Medical Resources Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center, Plaintiff St. Vincent Medical Center, Plaintiff Seton Medical Center, Plaintiff Saint Louise Regional Hospital). (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D) (Underdahl, Gary)

FR. 1-5-21

Docket 7

***** VACATED *** REASON: DISMISSED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Anna Kordas

Defendant(s):

Applied Medical Distribution

Pro Se

Plaintiff(s):

Howard Grobstein

Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01605 O'Connor Hospital et al v. Pacific Gas and Electric Company

#36.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01605. Complaint by O'Connor Hospital, Seton Medical Center, Verity Holdings, LLC, Verity Medical Foundation, Saint Louise Regional Hospital against Pacific Gas and Electric Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-20-21**

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Defendant Pacific Gas & Electric Company ("PG&E") has not responded to the Complaint. However, it is unclear whether the Liquidating Trustee's claim against PG&E was discharged in PG&E's bankruptcy. The Liquidating Trustee shall appear to address this issue. If the claim was discharged, the Court sees no purpose in entering a default judgment that will prove uncollectible.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Pacific Gas and Electric Company Pro Se

Plaintiff(s):

O'Connor Hospital Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Holdings, LLC Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:20-14808 SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

#37.00 HearingRE: [99] Motion for approval of chapter 11 disclosure statement RE: Notice of Motion and Motion to Approve Disclosure Statement; Memorandum of Points and Authorities (Rosenstein, Robert)

Docket 99

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Disclosure Statement is **APPROVED** as amended.

Pleadings Filed and Reviewed

1. Notice of Motion and Motion to Approve Disclosure Statement; Memorandum of Points and Authorities (the "Motion") [Doc. No. 99]
2. Proposed Disclosure Statement in Support of the Debtor's Chapter 11 Plan of Reorganization (the "Disclosure Statement") [Doc. No. 100]
3. Chapter 11 Plan of Reorganization (the "Plan") [Doc. No. 101]
4. Proof of Service of: Notice of Motion and Motion to Approve Disclosure Statement; Memorandum of Points and Authorities [Doc. No. 102]
5. As of the date of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession, Schreiner's Fine Sausages, Inc. (the "Debtor") filed a voluntary chapter 11 petition on May 26, 2020 (the "Petition Date"). The Debtor operates a family-owned wholesale and retail meat market and restaurant, conducting business as "Schreiner's Fine Sausages," and located at 3417 Ocean View Blvd., Glendale, California 91208 (the "Business"). The Business has been managed by the Schreiner family for three generations: Marcia Schreiner holds an 85%

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CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

ownership stake in the Debtor, and her son, Walter Thomas Schreiner (“W.T. Schreiner”), holds the remaining 15% interest. The Debtor’s bankruptcy filing was precipitated by certain high-interest pre-petition business loans, which the Debtor was unable repay in light of the COVID-19 pandemic. Since filing for bankruptcy, the Debtor has continued business operations, worked with creditors, improved its financial structure, and is current on its post-petition obligations. Disclosure Statement at 5.

On March 2, 2021, the Debtor filed its Motion, Disclosure Statement, and Plan. The Plan proposes the following classification scheme and treatments:

Administrative Claims

The Debtor anticipates that fees for Debtor’s counsel’s pre-confirmation services to be approximately \$65,000, less an already received retainer of \$5,783 and an interim fee payment of \$42,373.70 that this Court approved on March 11, 2021. *See* Doc. No. 108. The Debtor anticipates the total accountant fees to be approximately \$5,000. Fees to the US Trustee will be paid on the Effective Date.

Priority Tax Claims

The Los Angeles County Tax Collector holds a priority tax claim against the Debtor in the amount of \$1,132.28. On March 11, 2021, the Los Angeles County Tax Collector filed a Withdrawal of Claim. *See* Doc. No. 107.

Class 1- Priority Non-Tax Claims

The Debtor is not aware of any priority non-tax claims.

Class 2 – FC Marketplace, LLC dba Funding Circle

Class 2 consists of a secured claim of FC Marketplace, LLC, dba Funding Circle (“Funding Circle”) secured by a UCC financing statement filed on February 28, 2019. The original principal amount is \$389,481.60 secured against substantially all of the Debtor’s assets. The amount of the claim is approximately \$245,888.72. The Debtor has been paying Funding Circle monthly interest payments since the commencement of the case in the amount of \$2,229.93 as adequate protection payments. This claim is allowed and paid 100% within 60 months following the Effective Date, through monthly payments in the amount of \$4,612.11. Interest shall accrue on the claim at a rate of 4.75% per annum. This class is impaired and entitled

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Los Angeles
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CONT... SCHREINER'S FINE SAUSAGES, INC.

Chapter 11

to vote.

Class 3 – Celtic Bank Corporation

Class 3 consists of the claim of Celtic Bank Corporation (“Celtic Bank”), serviced by BlueVine Capital, on account of a March 2019 financing agreement with Celtic Bank for a revolving line of credit, secured by substantially all of the Debtor’s assets on account of a UCC financing statement filed on March 27, 2019. Celtic Bank’s claim was scheduled in the amount of \$56,000 and was disputed, contingent, and unliquidated. Celtic Bank failed to file a proof of claim before the October 2, 2020 deadline; therefore, the claim will not be allowed.

Class 4 – BizFund, LLC

Class 4 consists of the claim of BizFund, LLC (“BizFund”) on account of a February 2020 financing agreement characterized as a purchase of \$101,500 of the Debtor’s receipts for the purchase price of \$70,000 payable through 15% of the Debtor’s receipts, secured against the Debtor’s receipts. The Debtor is not aware that any UCC financing statement was filed. The Debtor disputes any claim from BizFund that it purchased an interest in the Debtor’s post-petition receivables. The Debtor scheduled BizFund’s claim at \$55,049.19 and as contingent and unliquidated. However, BizFund failed to file a proof of claim before the October 2, 2020 deadline; therefore, the claim will not be allowed.

Class 5 – Bank of America, N.A.

Class 5 consists of a secured claim of Bank of America on account of an auto retail installment contract secured for the Debtor’s 2015 purchase of a 2015 GMC Denali truck. The financed amount was \$64,294.10 at an interest rate of 3.95% with monthly payments in the amount of \$1,004.42. Bank of America filed a proof of claim in the amount of \$10,874.80 and claimed pre-petition arrears of \$1,004.42. This claim is allowed and paid 100% through monthly payments in the amount of \$1,004.42 until the claim is paid in full. Interest shall accrue on the claim at a rate of 3.95% per annum. This class is impaired and entitled to vote.

Class 6 – Non-Priority Unsecured Claims

Class 6 consists of all allowed claims against the Debtor of non-priority unsecured creditors, any allowed secured claim that as a result of a valuation of the secured claimant’s collateral the claim is unsecured in whole or in part pursuant to the

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Los Angeles
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CONT... SCHREINER'S FINE SAUSAGES, INC.

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terms of the Plan, and allowed claims that result from a rejection of a lease or executory contact. All allowed Class 6 claims will be paid 100%, pro rata, in the amount of \$5,190.56, within 66 months with interest accruing at 0.16%. The known claims in this class total approximately \$310,000, including approximately \$108,900 received by the Debtor through the United States Small Business Paycheck Protection Program, which is expected to be forgiven. If that amount is forgiven as expected, the total amount of claims will be approximately \$201,100. This class is impaired and entitled to vote. Class 6 claims, as listed as Exhibit 5 to the Disclosure Statement, are as follows:

- 1) ACAR Leasing LTD d/b/a GM Financial Leasing – \$9,233.43 – Proof of Claim No. 14
- 2) American Express – \$35,614.94 – Proof of Claim No. 5
- 3) American Express – \$22,013.12 – Proof of Claim No. 7
- 4) American Express National Bank, AENB – \$6,248.82 – Proof of Claim No. 8
- 5) American Express National Bank, AENB – \$3,903.25 – Proof of Claim No. 9
- 6) American Express National Bank, AENB – \$3,907.95 – Proof of Claim No. 10
- 7) American Express National Bank, AENB – \$1,212.48 – Proof of Claim No. 11
- 8) American Express National Bank, AENB – \$8,282.10 – Proof of Claim No. 12
- 9) American Express National Bank, AENB – \$5,000.78 – Proof of Claim No. 13
- 10) Berolina Bakery and Pastry Shops, Inc. – \$3,060.40 – Proof of Claim No. 4
- 11) QuarterSpot, Inc. – \$102,613.32 – Proof of Claim No. 2
- 12) U.S. Small Business Administration CARES Loan - \$108, 900 – Scheduled; Forgivable (“SBA Loan”)

Class 7 – Insider Claims

The Debtor is not aware of any insider claims.

Class 8 – Equity Interest of the Debtor

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Equity interests of the Debtor are unaffected by this Plan.

Disputed Claims

Other than the Celtic Bank claim (which the Debtor scheduled as contested but is now disallowed for failure to file a proof of claim), the Debtor does not list any disputed claims.

Means of Implementation

The Debtor Plan will be funded by approximately \$200,000 in cash on hand at the Effective Date, and income generated from the Debtor's business. The Debtor shall pay a minimum of \$10,000 per month toward payment of claims under the Plan. W.T. Schreiner will receive his normal compensation for non-bankruptcy duties in the amount of \$7,068.72 per month.

Executory Contracts and Unexpired Leases

The Debtor will assume two leases: a vehicle lease between the Debtor and Chase Land Rover Financial Group for a 2019 Range Rover, and a commercial lease agreement entered into between the Debtor and Marcia L. Schreiner as Trustee of the Walter D. and Marcia L. Schreiner Trust dated September 4, 2008, beginning April 1, 2020 with respect to the premises located at 3417 Ocean View Blvd., Glendale, CA 91208. All other leases or executory contracts will be rejected on the Confirmation Date. Notably, the Debtor has expressly rejected a lease for a 2020 Cadillac Escalade entered into between the Debtor and Acar Leasing Ltd., dba GM Financial Leasing. Relief from stay was granted to Acar Leasing by this Court on November 10, 2020.

Risk Factors

The Debtor's main risk factor is a downturn in its business, which it avers is unlikely based on historical models. In addition, if the Debtor were not able to service the Funding Circle claim, or if any disputed claims are allowed a secured claim, such secured creditor may have the right and ability to foreclose on all of the Debtor's assets under non-bankruptcy law. However, the Debtor notes that these risks always exist and the enactment of the Plan will not in and of itself increase risk to creditors.

II. Findings of Fact and Conclusions of Law

Section 1125 requires a disclosure statement to contain "information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature

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and history of the debtor and the condition of the debtor's books and records . . . that would enable. . . a hypothetical investor of the relevant class to make an informed judgment about the plan." In determining whether a disclosure statement provides adequate information, "the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information." 11 U.S.C. § 1125(a). Courts interpreting § 1125(a) have explained that the "primary purpose of a disclosure statement is to give the creditors the information they need to decide whether to accept the plan." *In re Monnier Bros.*, 755 F.2d 1336, 1342 (8th Cir. 1985). "According to the legislative history, the parameters of what constitutes adequate information are intended to be flexible." *In re Diversified Investors Fund XVII*, 91 B.R. 559, 560 (Bankr. C.D. Cal. 1988). "Adequate information will be determined by the facts and circumstances of each case." *Oneida Motor Freight, Inc. v. United Jersey Bank*, 848 F.2d 414, 417 (3d Cir. 1988), *accord. In re Ariz. Fast Foods, Inc.*, 299 B.R. 589 (Bankr. D. Ariz. 2003).

Relevant factors for evaluating the adequacy of a disclosure statement may include: (1) the events which led to the filing of a bankruptcy petition; (2) a description of the available assets and their value; (3) the anticipated future of the company; (4) the source of information stated in the disclosure statement; (5) a disclaimer; (6) the present condition of the debtor while in Chapter 11; (7) the scheduled claims; (8) the estimated return to creditors under a Chapter 7 liquidation; (9) the accounting method utilized to produce financial information and the name of the accountants responsible for such information; (10) the future management of the debtor; (11) the Chapter 11 plan or a summary thereof; (12) the estimated administrative expenses, including attorneys' and accountants' fees; (13) the collectability of accounts receivable; (14) financial information, data, valuations or projections relevant to the creditors' decision to accept or reject the Chapter 11 plan; (15) information relevant to the risks posed to creditors under the plan; (16) the actual or projected realizable value from recovery of preferential or otherwise voidable transfers; (17) litigation likely to arise in a nonbankruptcy context; (18) tax attributes of the debtor; and (19) the relationship of the debtor with affiliates.

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In re Metrocraft Pub. Services, Inc., 39 B.R. 567, 568 (Bankr. Ga. 1984).
However, "[d]isclosure of all factors is not necessary in every case." *Id.*

The Court finds that the Disclosure Statement contains mostly adequate information. It describes 1) significant events that occurred during the Chapter 11 case, (2) the classification structure of the Plan, (3) a liquidation analysis, (4) the anticipated future of the company; (5) risk factors, (6) a 5-year budget projection, (7) a record of the Debtor's historical income and expenses for the past 6 months, and (8) the means for execution of the Plan. The Debtor's income projections are consistent with its historical analyses, and the 66-month timeline proposed to pay all claims in full appears feasible. *See* Disclosure Statement at 38-46. Furthermore, as the Los Angeles County Tax Collector has withdrawn its claim, that will afford the Debtor slightly more capital when it begins payments.

The only addition that the Court requires is more information on the forgivability of the SBA Loan. While the Debtor is confident that the SBA Loan will be forgiven, the Court will require the Debtor to amend its Disclosure Statement to provide more information about the terms of the loan and the mechanics for how it will be forgiven. With that amendment, the Court is prepared to approve the Disclosure Statement.

III. Conclusion

For the reasons set forth above, and subject to the above amendment, the Disclosure Statement is **APPROVED**. The following dates and deadlines will apply to solicitation and confirmation of the Debtor's Plan:

- 1) A hearing will be held on the confirmation of the Debtor's Plan on **June 16, 2021, at 10:00 a.m.**
- 2) In accordance with FRBP 3017(a), the Amended Disclosure Statement, the Plan, a notice of hearing on confirmation of the Plan and, if applicable, a ballot conforming to Official Form No. 14, shall be mailed to all creditors, equity security holders and to the Office of the United States Trustee, pursuant to Federal Rule of Bankruptcy Procedure 3017(d), on or before **April 27, 2021**.
- 3) **May 12, 2021** is fixed as the last day for creditors and equity security

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holders to return to Debtor's counsel ballots containing written acceptances or rejections of the Plan, which ballots must be actually received by Debtor's counsel by 5:00 p.m. on such date.

- 4) **May 26, 2021** is fixed as the last day on which the Debtor must file and serve a motion for an order confirming the Plan (the "Confirmation Motion") including declarations setting forth a tally of the ballots cast with respect to the Plan ("Ballots"), and attaching thereto the original Ballots, and setting forth evidence that the Debtor has complied with all the requirements for the confirmation of the Plan as set forth in Section 1129 of the Bankruptcy Code.
- 5) **June 2, 2021** (the "Objection Date"), is fixed as the last day for filing and serving written objections to confirmation of the Amended Plan, as provided in Rule 3020(b)(1) of the Federal Rules of Bankruptcy Procedure.
- 6) **June 9, 2021** is fixed as the last day on which the Debtor may file and serve a reply to any opposition to the Confirmation Motion ("Reply").

The Debtor is directed to lodge a conforming proposed order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the Court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

SCHREINER'S FINE SAUSAGES,

Represented By
Robert B Rosenstein

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2:20-17389 Andres Cazares, Sr. and Bernarda Cazares

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#38.00 APPLICANT: Trustee - Heidi Kurtz

Hearing re [23] and [24] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$1,380.07 [*see* Doc. No. 23]

Total Trustee's Expenses: \$21.86 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

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Debtor(s):

Andres Cazares Sr.

Represented By
Paul C Nguyen

Joint Debtor(s):

Bernarda Cazares

Represented By
Paul C Nguyen

Trustee(s):

Heide Kurtz (TR)

Pro Se

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#39.00 APPLICANT: Bond Payments - International Sureties

Hearing re [23] and [24] Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

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See calendar no. 38, incorporated by reference in full.

Party Information

Debtor(s):

Andres Cazares Sr.

Represented By
Paul C Nguyen

Joint Debtor(s):

Bernarda Cazares

Represented By
Paul C Nguyen

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:19-24457 Anthony Joseph Kassas

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Adv#: 2:21-01021 Kassas v. The State Bar of California

#40.00 Hearing
RE: [9] The State Bar of California's Motion to Dismiss Complaint

Docket 9

Tentative Ruling:

4/19/2021

No appearances required. The Court will treat the instant Motion to Dismiss as a Motion for Summary Judgment, and will conduct a hearing on the Motion for Summary Judgment (the "MSJ") on **May 19, 2021 at 10:00 a.m.** No later than **May 5, 2021**, the State Bar shall submit a supplemental brief in support of the MSJ, accompanied by evidence as appropriate, and Kassas shall submit a supplemental brief in opposition to the MSJ, also accompanied by evidence as appropriate. The State Bar is not required to submit the Statement of Uncontroverted Facts and Conclusions of Law contemplated by Local Bankruptcy Rule 7056-1(b), and Kassas is not required to submit the Statement of Genuine issues contemplated by Local Bankruptcy Rule 7056-1(c).

At issue is whether debt in excess of \$2 million owed by a disbarred attorney to the Client Security Fund of the State Bar of California is dischargeable in bankruptcy. Subject to consideration of the supplemental briefing, the Court's tentative ruling set forth below is to find that the \$2 million in Client Security Fund debt is non-dischargeable under § 523(a)(7) of the Bankruptcy Code.

Pleadings Filed and Reviewed:

- 1) Complaint for Declaratory Relief [Doc. No. 1] (the "Complaint")
- 2) Defendant the State Bar of California's Notice of Motion and Motion to Dismiss Complaint [Doc. No. 9]
 - a) Declaration of Suzanne C. Grandt in Support of Defendant the State Bar of California's Motion to Dismiss Complaint [Doc. No. 10]
 - b) Request for Judicial Notice in Support of Defendant the State Bar of California's Motion to Dismiss Complaint [Doc. No. 11]
- 3) Plaintiff's Opposition to Motion to Dismiss [Doc. No. 18]

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- 4) Defendant the State Bar of California's Reply to Opposition to Motion to Dismiss Complaint [Doc. No. 21]

I. Facts

Anthony Kassas ("Kassas") was disbarred from the practice of law on January 15, 2014. Among other misconduct, Kassas solicited financially distressed homeowners by sending mailers falsely stating that Kassas had commenced litigation against various banks. After the homeowners advanced fees to Kassas of between \$1,500 to \$4,500 based upon promises that Kassas could assist them in obtaining loan modifications, Kassas failed to competently perform the promised legal services.

As part of his discipline, the California Supreme Court ordered Kassas to make restitution to 56 former clients, in the total amount of \$201,706. Kassas was also ordered to pay the State Bar \$61,112.27 as reimbursement for the costs of his disciplinary proceeding.

Kassas failed to make restitution to any of his former clients. Of the 56 clients Kassas had been ordered to reimburse, 51 were subsequently reimbursed from the State Bar's Client Security Fund. The Client Security Fund also reimbursed an additional 305 applicants who were also victims of Kassas's misconduct as an attorney. Aggregate payments made by the Client Security Fund to Kassas's victims amount to \$1,367,978.12. The State Bar contends that when interests and processing costs are added, Kassas owes the Client Security Fund \$2,045,121.70 as of December 31, 2020.

Kassas filed a voluntary Chapter 7 petition on December 11, 2019. He received a discharge on March 16, 2020. On October 6, 2020, the State Bar caused the California Franchise Tax Board to send Kassas a demand for payment in the amount of \$295,280.42. In an e-mail dated December 15, 2020, the State Bar informed Kassas that the \$295,280.42 payment demand only reflected a portion of the debt Kassas owed.

Kassas subsequently filed this action, which seeks a determination that the \$2,045,121.70 in Client Security Fund debt and the \$61,112.27 in disciplinary costs were discharged in his bankruptcy. The State Bar moves to dismiss the action for failure to state a claim upon which relief can be granted. Kassas opposes the State Bar's Motion to Dismiss.

II. Discussion

A. The Court Will Treat the Motion to Dismiss as a Motion for Summary

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Judgment and Will Provide the Parties the Opportunity to Submit Supplemental Briefing Accompanied by Appropriate Evidence

The factual recitation set forth above incorporates material outside the four corners of the Complaint. As a result, Civil Rule 12(d) requires the Court to treat the Motion to Dismiss “as one for summary judgment under Rule 56,” and to give the parties “a reasonable opportunity to present all the material that is pertinent to the motion.”

It does not appear to the Court that the facts are in dispute or that a lengthy period for discovery is necessary. In his Opposition to the Motion to Dismiss, Kassas states that he “accepts that there are likely no facts in dispute and that this matter should be decided by summary judgment.” Opposition at 6.

The Court will treat the Motion to Dismiss as a Motion for Summary Judgment. As set forth above, the hearing on the MSJ shall take place on **May 19, 2021 at 10:00 a.m.**, and both parties shall submit supplemental briefing accompanied by appropriate evidence by no later than **May 5, 2021**.

B. The Client Security Fund Debt Was Not Discharged

The Client Security Fund was established “to relieve or mitigate pecuniary losses caused by the dishonest conduct of licensees of the State Bar . . .” Cal. Bus. & Prof. Code § 6140.5(a). Any attorney “whose actions have caused the payment of funds to an applicant from the Client Security Fund shall owe those funds to the State Bar and reimburse the Client Security Fund for all moneys paid out as a result of the [attorney’s] conduct with interest, in addition to the payment of the assessment for the procedural costs of processing the claim.” *Id.* at § 6140.5(c). The State Bar is permitted to “collect any money paid out by the Client Security Fund . . . through any means provided by law.” *Id.*

Funds are distributed from the Client Security Fund pursuant to rules promulgated by a Client Security Fund Commission (the “Commission”) created by the Board of Trustees of the State Bar (such rules, the “CSF Rules”). “To qualify for reimbursement, an applicant must establish a loss of money or property that was received by an active attorney who was acting as an attorney or in a fiduciary capacity customary to the practice of law . . .” CSF Rule 3.430(A). The loss must have been caused by “dishonest conduct,” defined as (1) the “theft or embezzlement of money,” (2) the “[f]ailure to refund unearned fees received in advance for services when the attorney performed an insignificant portion of the services or none at all,” (3) the borrowing of money “from a client without the intention or reasonable ability . . . of

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repaying it,” (5) the obtaining of money or property “from a client for an investment that was not in fact made,” or (6) “[a]n act of intentional dishonesty or deceit that proximately leads to the loss of money or property.” CSF Rules 3.430–3.431.

The Commission has discretion “to deny or limit reimbursement” to applicants, and “[n]o person or entity has a right to reimbursement” from the Client Security Fund. CSF Rule 3.430(D); *see also People v. Hume*, 196 Cal. App. 4th 990, 999, 126 Cal. Rptr. 3d 824, 830 (2011) (“By statute and rule, all [Client Security Fund] payments made by the State Bar are entirely discretionary.”). For example, reimbursement may be limited where an “applicant failed to act reasonably to protect against the loss, considering the circumstances of the transaction, the past dealings with the attorney, and differences in their education and business sophistication.” CSF Rule 3.435.

Once an application for reimbursement is received, counsel for the Client Security Fund conducts an investigation and submits a Tentative Decision to the Commission. The Tentative Decision is served on the attorney and the applicant, each of whom have thirty days to file objections thereto. CSF Rule 3.443(B). Any objections are considered by the Commission, which has the ability to conduct hearings and receive evidence. CSF Rule 3.441(C). After considering objections, the Commission issues a Final Decision. Either the applicant or the attorney may seek review of the Commission’s Final Decision in the California Superior Court, pursuant to Cal. Civ. Proc. Code § 1094.5 CSF Rule 3.450. The maximum allowable payment per applicant is \$100,000. CSF Rule 3.434(A).

“A Chapter 7 bankruptcy discharge releases the debtor from personal liability for her pre-bankruptcy debts.” *Boeing North America v. Ybarra (In re Ybarra)*, 424 F.3d 1018, 1022 (9th Cir. 2005). Section 523 of the Bankruptcy Code enumerates nineteen categories of debts that are not covered by the discharge. One of the exceptions provides that debt is non-dischargeable “to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss.” § 523(a)(7).

The Ninth Circuit has not determined whether debt owed to the Client Security Fund is non-dischargeable under § 523(a)(7). *See Albert-Sheridan v. State Bar of California (In re Albert-Sheridan)*, 960 F.3d 1188, 1194 n. 5 (9th Cir. 2020) (stating that the issue of the dischargeability of reimbursements to the Client Security Fund was not before the court). In *Kelly v. Robinson*, the Supreme Court held that restitution imposed in connection with a criminal conviction is non-dischargeable under § 523(a)(7). 479 U.S. 36 (1986). In reaching this conclusion, the court

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emphasized that the overriding purpose of criminal restitution is to benefit society by rehabilitating offenders:

The criminal justice system is not operated primarily for the benefit of victims, but for the benefit of society as a whole. Thus, it is concerned not only with punishing the offender, but also with rehabilitating him. Although restitution does resemble a judgment "for the benefit of" the victim, the context in which it is imposed undermines that conclusion. The victim has no control over the amount of restitution awarded or over the decision to award restitution. Moreover, the decision to impose restitution generally does not turn on the victim's injury, but on the penal goals of the State and the situation of the defendant. . . .

Because criminal proceedings focus on the State's interests in rehabilitation and punishment, rather than the victim's desire for compensation, we conclude that restitution orders imposed in such proceedings operate "for the benefit of" the State. Similarly, they are not assessed "for ... compensation" of the victim. The sentence following a criminal conviction necessarily considers the penal and rehabilitative interests of the State. Those interests are sufficient to place restitution orders within the meaning of § 523(a)(7).

Kelly v. Robinson, 479 U.S. 36, 52–53, 107 S. Ct. 353, 362–63, 93 L. Ed. 2d 216 (1986).

In *Brookman v. State Bar*, the California Supreme Court held that like criminal restitution, the primary purpose of restitution payable to the Client Security Fund is rehabilitative, not compensatory:

Although *Robinson* involved discharge of a restitution order arising in a criminal case, and the present matter involves restitution ordered *after* discharge in a bar disciplinary case, we believe *Robinson's* reasoning applies here. Restitution imposed as a condition of probation serves the state interest of rehabilitating culpable attorneys (and protecting the public) by forcing the attorney to "confront, in concrete terms, the harm his actions have caused." Such restitution—especially when, as here, it is made payable to the State Bar Client Security Fund—is clearly for the benefit of the public at large, not the underlying victim in this case (whom, we note, has already been compensated by the State Bar Client Security Fund).

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Because such restitution fundamentally serves the goal of rehabilitation, it is not merely compensation to the government for "actual pecuniary loss."

Brookman v. State Bar, 46 Cal. 3d 1004, 1009, 760 P.2d 1023, 1026 (1988) (internal citation omitted).

Adopting the premise that the primary purpose of requiring attorneys to reimburse their State Bar's Client Security Fund is rehabilitative and not compensatory, bankruptcy courts have determined that Client Security Fund debt is non-dischargeable. In *Virginia v. Young (In re Young)*, the court's determination of non-dischargeability turned on a finding that the purpose of requiring an attorney to reimburse the Client Security Fund was to punish the attorney and to protect the public. 577 B.R. 227, 231 (Bankr. W.D. Va. 2017). The *Young* court emphasized that "[i]n order to determine whether the debt is compensation for actual pecuniary loss, courts have looked to the primary purpose of the debt." *Id.*; see also *Disciplinary Board of the Supreme Court of Pennsylvania v. Feingold (In re Feingold)*, 730 F.3d 1268, 1275 (11th Cir. 2013) ("As to the 'not compensation for actual pecuniary loss' element, we 'look to the context in which the penalty [was] imposed to determine whether its purpose is truly compensatory.'"). The District Court for the Central District of California relied upon this reasoning to likewise conclude that Client Security Fund debt was excepted from discharge:

[T]he State Bar's requirement that an attorney with ethical violations reimburse his former clients for their losses [by making payments to the Client Security Fund] is grounded in the state's interest in rehabilitation, punishment, and deterrence.... [The attorney's] debt to the State Bar's [Client Security Fund] is a penalty that serves the state's interest in the rehabilitation and punishment of attorneys who have committed ethical violations.

In re Phillips, No. CV 09-2138 AHM, 2010 WL 4916633, at *4 (C.D. Cal. Dec. 1, 2010).

The Court finds the reasoning of these cases to be persuasive. The debt owed by Kassas to the Client Security Fund is a penalty imposed in furtherance of the State's interest in punishing and rehabilitating errant attorneys, rather than compensation for actual pecuniary loss.

Kassas contends that his Client Security Fund debt is dischargeable under the reasoning of *Scheer v. State Bar of California (In re Scheer)*, 819 F.3d 1206 (9th Cir.

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2016). Kassas overlooks several key distinctions between *Scheer* and the instant case. In *Scheer*, the disciplined attorney was ordered to pay \$5,500 *directly* to a former client. Here, by contrast, Kassas's debt is payable to the Client Security Fund, not to his former clients. Any payments made by Kassas to the Client Security Fund will go not to his former clients—who have already been reimbursed—but to other victims of dishonest attorneys. This reality highlights a second key distinction between *Scheer* and the instant case—the fact that the victim in *Scheer* had not been compensated for the damages caused by the attorney's misconduct. That fact made it possible for the *Scheer* court to categorize the payment in question as "compensation for actual pecuniary loss" falling with the § 523(a)(7) discharge exception. Unlike the situation in *Scheer*, payments made by Kassas to the Client Security Fund will be directed not to Kassas' clients but rather will enable the Fund to reimburse other victims of attorney misconduct. Therefore, the payments serve the State's interest in punishing and rehabilitating Kassas.

C. The Disciplinary Costs Were Not Discharged

The parties also dispute whether \$61,112.27 in disciplinary costs were discharged. There can be no question that under binding Ninth Circuit precedent, debt for the costs of State Bar disciplinary proceedings is non-dischargeable pursuant to § 523(a)(7). *See State Bar of California v. Findley (In re Findley)*, 593 F.3d 1048 (9th Cir. 2010).

D. Restitution Obligations Payable Directly to Kassas' Former Clients Were Discharged

When Kassas was disbarred, he was ordered to make restitution payments *directly* to 56 former clients. Though it does not appear that the State Bar has attempted or intends to attempt to compel Kassas to make these direct restitution payments, the action seeks a declaration that the direct restitution payments were discharged. "Section 523(a)(7) expressly requires three elements for a debt to be non-dischargeable. The debt must (1) be a fine, penalty, or forfeiture; (2) be payable to and for the benefit of a governmental unit; and (3) not constitute compensation for actual pecuniary costs." *In re Albert-Sheridan*, 960 F.3d 1188, 1193 (9th Cir. 2020), *cert. denied sub nom. Albert-Sheridan v. State Bar of California*, 141 S. Ct. 1090, 208 L. Ed. 2d 542 (2021), and *cert. denied sub nom. State Bar of California v. Albert-Sheridan*, 141 S. Ct. 1124, 208 L. Ed. 2d 563 (2021). Direct restitution payments do not satisfy the second element and therefore were discharged.

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III. Conclusion

As set forth in Section II.A., above, the Court will treat the Motion to Dismiss as a Motion for Summary Judgment (the "MSJ"), and will conduct a hearing on the MSJ on **May 19, 2021 at 10:00 a.m.** No later than **May 5, 2021**, the State Bar shall submit a supplemental brief in support of the MSJ, accompanied by evidence as appropriate, and Kassas shall submit a supplemental brief in opposition to the MSJ, also accompanied by evidence as appropriate. The State Bar is not required to submit the Statement of Uncontroverted Facts and Conclusions of Law contemplated by Local Bankruptcy Rule 7056-1(b), and Kassas is not required to submit the Statement of Genuine issues contemplated by Local Bankruptcy Rule 7056-1(c).

The Court will prepare and enter an order setting the hearing on the MSJ.

Party Information

Debtor(s):

Anthony Joseph Kassas

Represented By
M. Jonathan Hayes

Defendant(s):

The State Bar of California

Represented By
Suzanne C Grandt

Plaintiff(s):

Anthony J. Kassas

Represented By
M. Jonathan Hayes

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

10:00 AM

2:19-24457 Anthony Joseph Kassas

Chapter 7

Adv#: 2:21-01021 Kassas v. The State Bar of California

#41.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01021. Complaint by Anthony J. Kassas against The State Bar of California. (\$350.00 Fee Charge To Estate). , with Proof of Service (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Blank Summons and Notice of Status Conference in Adversary Proceeding [LBR 7004-1]) Nature of Suit: (65 (Dischargeability - other)),(91 (Declaratory judgment)) (Hayes, M.)

fr. 4-13-21

Docket 1

Tentative Ruling:

4/19/2021

See Cal. No. 40, above, incorporated in full by reference.

Party Information

Debtor(s):

Anthony Joseph Kassas

Represented By
M. Jonathan Hayes

Defendant(s):

The State Bar of California

Pro Se

Plaintiff(s):

Anthony J. Kassas

Represented By
M. Jonathan Hayes

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, April 20, 2021

Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

#100.00 Confirmation Hearing
RE: [316] Amended Disclosure Statement Describing Debtor's First Amended
Chapter 11 Plan of Liquidation, Dated February 26, 2021

Docket 316

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Debtor's Confirmation Motion is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Brief in Support of Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 352] (the "Confirmation Motion")
 - a) Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 315]
 - b) Amended Disclosure Statement Describing Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 316]
 - i) Exhibit 1 to Amended Disclosure Statement Describing Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 330]
 - c) Order: (1) Approving the Adequacy of the Amended Disclosure Statement Describing Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021; (2) Establishing Solicitation and Confirmation Procedures; (3) Scheduling Plan Confirmation Hearing; and (4) Setting Plan Related Dates and Deadlines [Doc. No. 332]
 - d) Notice of Hearing on and Deadlines Related to Confirmation of the Debtor's Plan [Doc. No. 338]
 - e) Declaration of Christopher K.S. Wong Re: Service of Plan Materials [Doc.

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**CONT... 450 S. Western, LLC, a California limited liability
No. 340]**

Chapter 11

- f) Plan Ballot Summary [Doc. No. 351]
- 2) The Committee of Unsecured Creditors' Notice of Non-Opposition to Confirmation of Debtor's First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021 [Doc. No. 349]
- 3) No opposition to the Confirmation Motion is on file

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession 450 S. Western, LLC (the "Debtor") seeks confirmation of its *First Amended Chapter 11 Plan of Liquidation, Dated February 26, 2021* [Doc. No. 315] (the "Plan"). The Official Committee of Unsecured Creditors (the "Committee") filed a notice stating that it does not oppose confirmation of the Plan. No other interested parties oppose confirmation. Each of the four classes that are impaired under the Plan have voted to accept the Plan.

A. Background

Debtor filed a voluntary Chapter 11 petition on January 10, 2020 (the "Petition Date"). As of the Petition Date, the Debtor owned and operated a three-story, 80,316 square foot shopping center—commonly known as California Marketplace—located at the intersection of South Western Avenue and 5th Street (the "Property").

On October 23, 2020, the Court entered an order authorizing the sale of the Property to Jake Sharp Capital for the purchase price of \$57.5 million. *See* Bankr. Doc. No. 241 (the "Sale Order"). The sale closed on December 8, 2020, and a portion of the sale proceeds (the "Sale Proceeds") were distributed to creditors, as discussed below.

B. Summary of the Plan

The Plan provides for the creation of a Liquidating Trust to wind up the Debtor's affairs, liquidate remaining assets, and pay creditors. The following table sets forth the Plan's classification structure and the treatment of each class:

Class	Description of Class	Impaired?	Treatment
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CONT... 450 S. Western, LLC, a California limited liability

Chapter 11

Class 1	Priority Non-Tax Claims	No	To the extent any such claims exist, the holders of such claims shall receive cash equal to the allowed amount of each claim on the Effective Date.
Class 2(A)	Secured Claim of G 450 LLC ("G450")	Yes	G450 was paid \$28,785,842 from the Sale Proceeds in partial satisfaction of its claim. G450 continues to assert a secured claim of at least \$2 million. All rights of the Debtor to dispute, object to, and litigate the unpaid portion of the claim shall be transferred to the Liquidating Trust. Upon entry of a final non-appealable order fixing the amount of the claim, the Liquidating Trustee will pay the allowed amount of the claim in two quarterly installments.
Class 2(B)	Secured Claim of Pontis Capital, LLC ("Pontis")	Yes	Pontis was paid \$5,102,515 from the Sale Proceeds in partial satisfaction of its claim. Pontis continues to reserve the right to seek attorneys' fees. All rights of the Debtor to dispute, object to, and litigate the unpaid portion of the claim shall be transferred to the Liquidating Trust. Upon entry of a final non-appealable order fixing the amount of the claim, the Liquidating Trustee will pay the allowed amount of the claim in two quarterly installments.

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CONT... 450 S. Western, LLC, a California limited liability

Chapter 11

Class 2(C)	Secured Claim of Five West Capital, LP ("Five West")	Yes	<p>Five West was paid \$6,382,944 from the Sale Proceeds in partial satisfaction of its claim. Five West continues to reserve the right to seek attorneys' fees.</p> <p>All rights of the Debtor to dispute, object to, and litigate the unpaid portion of the claim shall be transferred to the Liquidating Trust. Upon entry of a final non-appealable order fixing the amount of the claim, the Liquidating Trustee will pay the allowed amount of the claim in two quarterly installments.</p>
Class 2(D)	Secured Claim of New Creation Engineering & Builders, Inc. ("New Creation")	No	<p>On January 22, 2021, the Court approved a stipulation fixing the amount of New Creation's claim at \$551,311 and authorizing the payment of the claim in full. Therefore, New Creation's claim has been satisfied.</p>
Class 2(E)	Secured Claim of Evergreen Capital Assets, LP ("Evergreen")	No	<p>Evergreen was paid \$1,384,967 from the Sale Proceeds in partial satisfaction of its claim. Evergreen continues to reserve the right to seek attorneys' fees.</p> <p>All rights of the Debtor to dispute, object to, and litigate the unpaid portion of the claim shall be transferred to the Liquidating Trust. Upon entry of a final non-appealable order fixing the amount of the claim, the Liquidating Trustee will immediately pay the allowed amount of the claim in full.</p>

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CONT... 450 S. Western, LLC, a California limited liability

Chapter 11

Class 2(F)	Secured Claim of Philmont Management, Inc. ("Philmont")	No	All rights of the Debtor to dispute, object to, and litigate Philmont's claim shall be transferred to the Liquidating Trust. Upon entry of a final non-appealable order fixing the amount of the claim, the Liquidating Trustee will immediately pay the allowed amount of the claim in full.
Class 2(G)	Secured Claim of Los Angeles County Treasurer and Tax Collector ("LACTTC")	No	LACTTC was paid \$2,437,177.20 from the Sales Proceeds. LACTTC's claim has been satisfied in full.
Class 3	General Unsecured Claims	Yes	All rights of the Debtor to dispute, object to, and litigate any Class 3 Claim shall be transferred to the Liquidating Trust. Holders of Class 3 Claims shall receive their pro-rata share of available cash from the Liquidating Trust after full and final satisfaction of senior claims.
Class 4	Interest Holders	Yes	All equity interests shall be cancelled upon the Effective Date of the Plan.

Class 2A (G450), Class 2B (Pontis), and Class 2(C) all voted to accept the Plan. Class 3 (general unsecured claims) also voted to accept the Plan.

II. Findings of Fact and Conclusions of Law

As set forth below, the Court finds that the Plan satisfies all applicable provisions of § 1129. Therefore, the Court will confirm the Plan.

SECTION 1129(A)(1)

Section 1129(a)(1) requires that the "plan compl[y] with the applicable provisions of this title." According to the leading treatise, the "legislative history suggests that the applicable provisions are those governing the plan's internal structure and drafting: 'Paragraph (1) requires that the plan comply with the applicable provisions of chapter

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CONT... 450 S. Western, LLC, a California limited liability Chapter 11

11, such as section 1122 and 1123, governing classification and contents of a plan.'" *Collier on Bankruptcy* ¶ 1129.01[1] (16th rev'd ed.) (citing S. Rep. No. 989, 95th Cong., 2d Sess. 126 (1978)).

1. Section 1122(a)

Section 1122(a) provides that "a plan may place a claim or an interest in a particular class only if such claim or interest is substantially similar to the other claims or interests of such class." "A claim that is substantially similar to other claims may be classified separately from those claims, even though section 1122(a) does not say so expressly." *In re Rexford Props., LLC*, 558 B.R. 352, 361 (Bankr. C.D. Cal. 2016).

The Plan's classification structure complies with § 1122(a). Claims are placed in different classes based upon differences in the legal or factual nature of those claims, and each of the claims in a particular class is substantially similar to the other claims in that class.

2. Section 1122(b)

Section 1122(b) provides that "a plan may designate a separate class of claims consisting only of every unsecured claim that is less than or reduced to an amount that the court approves as reasonable and necessary for administrative convenience."

The Plan does not contain any convenience classes. Section 1122(b) does not apply.

3. Section 1123(a)(1)

Section 1123(a)(1) requires that a plan "designate ... classes of claims, other than claims of a kind specified in section 507(a)(2) [administrative expense claims], 507(a)(3) [claims arising during the gap period in an involuntary case], or 507(a)(8) [priority tax claims], and classes of interest." There are no involuntary gap claims because this is a voluntary chapter 11 case. The Plan appropriately classifies administrative expense claims and priority tax claims. The Plan satisfies § 1123(a)(1).

4. Section 1123(a)(2)

Section 1123(a)(2) requires that the Plan "specify any class of claims or interests that is not impaired under the Plan." The Plan specifies that Class 1, Class 2(D), Class 2(E), Class 2(F), and Class 2(G) are not impaired. The Plan satisfies § 1123(a)(2).

5. Section 1123(a)(3)

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CONT... 450 S. Western, LLC, a California limited liability

Chapter 11

Section 1123(a)(3) requires that the Plan "specify the treatment of any class of claims or interests that is impaired under the Plan." The Plan specifies the treatment of Class 2(A), Class 2(B), Class 2(C), Class 3, and Class 4, all of which are impaired. The Plan satisfies § 1123(a)(3).

6. Section 1123(a)(4)

Section 1123(a)(4) requires that the Plan "provide the same treatment for each claim or interest of a particular class unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest." The Plan provides the same treatment to claims of the same class. The Plan satisfies § 1123(a)(4).

7. Section 1123(a)(5)

Section 1123(a)(5) requires that the Plan "provide adequate means for the plan's implementation." The Plan provides for the transfer of all assets of the estate to the Liquidating Trust upon the Effective Date of the Plan. The Plan provides for the appointment of Richard J. Laski as the Liquidating Trustee. The Liquidating Trust Agreement contemplated by the Plan vests the Liquidating Trustee with the powers necessary to implement the Plan and administer assets, including without limitation the (a) ability to oversee claims resolution and distribution; (b) evaluate and prosecute causes of action; (c) wind down the Debtor's affairs; and (d) maintain necessary books and records. The Plan satisfies § 1123(a)(5).

8. Section 1123(a)(6)

Section 1123(a)(6) provides: "[A] plan shall provide for the inclusion in the charter of the debtor, if the debtor is a corporation ..., of a provision prohibiting the issuance of nonvoting equity securities, and providing, as to the several classes of securities possessing voting power, an appropriate distribution of such power among such classes, including, in the case of any class of equity securities having a preference over another class of equity securities with respect to dividends, adequate provisions for the election of directors representing such preferred class in the event of default in the payment of such dividends."

This section does not apply because under the Plan, the Debtor will issue no shares and will be dissolved as soon as practicable.

9. Section 1123(a)(7)

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Chapter 11

Section 1123(a)(7) requires that the Plan's provisions with respect to the selection of officers and directors be consistent with public policy and the interests of creditors and equity security holders.

In the context of a liquidating plan, the appointment of a Liquidating Trustee to liquidate assets, make distributions to creditors, and wind up the Debtor satisfies § 1123(a)(7). *See, e.g., In re Rochester Drug Co-Operative, Inc.*, 2021 WL 771683, at *3 (Bankr. W.D.N.Y. Feb. 26, 2021); *In re Lasalle Grp., Inc.*, 2020 WL 999862, at *4 (Bankr. N.D. Tex. Feb. 28, 2020); *In re Waters Retail TPA, LLC*, No., 2020 WL 7390987, at *4 (Bankr. N.D. Tex. Dec. 16, 2020). The Plan satisfies § 1123(a)(7).

10. Section 1123(a)(8)

Section 1123(a)(8) requires that in a case in which the debtor is an individual, the Plan "provide for the payment to creditors ... of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan."

Because the Debtor is a corporation, § 1123(a)(8) does not apply.

10. Section 1123(b)

Section 1123(b) sets forth provisions that are permitted, but not required, in a plan. The Plan contains certain of § 1123(b)'s optional provisions. The Plan is consistent with § 1123(b).

SECTION 1129(A)(2)

Section 1129(a)(2) requires that the "proponent of the plan compl[y] with the applicable provisions of this title." The Debtor has obtained approval of the employment of professional persons and has solicited votes on the Plan in accordance with procedures approved by the Court. The Debtor has satisfied the requirements of § 1129(a)(2).

SECTION 1129(A)(3)

Section 1129(a)(3) requires that the "plan has been proposed in good faith and not by any means forbidden by law." As one court has explained:

The term 'good faith' in the context of 11 U.S.C. § 1129(a)(3) is not statutorily defined but has been interpreted by case law as referring to a plan that 'achieves a result consistent with the objectives and purposes

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450 S. Western, LLC, a California limited liability

Chapter 11

of the Code.’ ‘The requisite good faith determination is based on the totality of the circumstances.’

In re Melcher, 329 B.R. 865, 876 (Bankr. N.D. Cal. 2005) (internal citations omitted).

Where, as here, no objections to a plan have been timely filed, the Court "may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on such issues." Bankruptcy Rule 3020(b).

The Plan is the product of arms-length negotiation with creditors and meaningful consultation with the Committee. The Plan provides for the creation of a Liquidating Trust that will distribute the Debtor’s remaining assets to creditors in accordance with the priority scheme established by the Bankruptcy Code. The Plan has been proposed in good faith and not by any means forbidden by law.

SECTION 1129(A)(4)

Section 1129(a)(4) requires that "[a]ny payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable." The Plan provides that all professional fees are subject to review by the Court. The plan satisfies § 1129(a)(4).

SECTION 1129(A)(5)

Section 1129(a)(5) requires that the Plan disclose "the identity and affiliations of any individual proposed to serve, after confirmation of the Plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint Plan with the debtor, or a successor to the debtor under the Plan." Section 1129(a)(5)(A)(ii) requires that the appointment to or continuation in office of an director or officer be consistent with the interests of creditors, equity security holders, and public policy. Section 1129(a)(5)(B) requires the Plan proponent to disclose the identity of any insider to be employed by the reorganized debtor.

The Plan designates Richard J. Laski as the Liquidating Trustee, and provides that Mr. Laski will receive \$750 per hour for his services. The Plan satisfies § 1129(a)(5).

SECTION 1129(A)(6)

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CONT... 450 S. Western, LLC, a California limited liability

Chapter 11

Section 1129(a)(6), which requires that a governmental regulatory commission with jurisdiction over rates charged by a debtor approve any rate changes provided for in the plan, does not apply.

SECTION 1129(A)(7)

Section 1129(a)(7), known as the "best interests of creditors test," provides in relevant part: "With respect to each impaired class of claims or interests, each holder of a claim or interest of such class has accepted the plan; or will receive or retain under the plan on account of such claim or interest property of a value, as of the effective date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under chapter 7 of this title on such date."

In a hypothetical Chapter 7 liquidation, general unsecured creditors would receive approximately 10.9% of their allowed claims. *See* Doc. No. 330 (liquidation analysis). Under the Plan, general unsecured creditors are projected to receive between 15–30% of their allowed claims. The Plan satisfies § 1129(a)(7).

SECTION 1129(A)(8)

Section 1129(a)(8) requires each class to accept the Plan, unless the class is not impaired. All impaired classes have voted to accept the Plan. Section 1129(a)(8) has been satisfied.

SECTION 1129(A)(9)

Section 1129(a)(9) requires that holders of certain administrative and priority claims receive cash equal to the allowed claim amount of their claims on the effective date of the plan, unless the claimant agrees to different treatment.

Administrative expense claims and priority tax claims will be paid in full on the later of the Effective Date or the date upon which the claim becomes allowed. The Plan satisfies § 1129(a)(9).

SECTION 1129(A)(10)

Section 1129(a)(10) requires that "at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider." Four impaired classes have voted to accept the Plan. Section 1129(a)(10) has been satisfied.

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CONT... 450 S. Western, LLC, a California limited liabilit

Chapter 11

SECTION 1129(A)(11)

Section 1129(a)(11), known as the "feasibility requirement," requires the Court to find that "[c]onfirmation of the plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan."

This requirement is more easily satisfied in the context of a liquidating plan, which by definition "cannot be followed by a subsequent liquidation or further financial reorganization, and [will be] implemented by standard liquidating mechanisms in a timely fashion by competent professionals." *In re Farwest Pump Co.*, 621 B.R. 871, 895 (Bankr. D. Ariz. 2019).

As of March 31, 2021, the Debtor had cash on hand in the amount of \$9,567,890.98. The Debtor has sufficient cash on hand to make all payments required on the Effective Date, which are less than \$150,000 in the aggregate. The Plan provides for the appointment of a reputable Liquidating Trustee to carry out the Plan's objectives. The Plan is feasible and satisfies § 1129(a)(11).

SECTION 1129(A)(12)

Section 1129(a)(12) requires that the Debtor pay all United States Trustee fees prior to confirmation or provide for payment of those fees on the effective date. The Plan provides for the payment of all required fees. The Plan satisfies § 1129(a)(12).

SECTION 1129(A)(13)

Section 1129(a)(13), which contains requirements pertaining to the payment of retirement benefits, does not apply.

SECTION 1129(A)(14)

Section 1129(a)(14), which contains requirements pertaining to the payment of domestic support obligations, does not apply.

SECTION 1129(A)(15)

Section 1129(a)(15), which imposes certain requirements upon individual debtors, does not apply.

SECTION 1129(A)(16)

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CONT... 450 S. Western, LLC, a California limited liability

Chapter 11

Section 1129(a)(16) provides: "All transfers of property under the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust."

Because the Debtor is **not** a non-profit entity, § 1129(a)(16) does not apply.

SECTION 1129(D)

Section 1129(d) provides: "Notwithstanding any other provisions of this section, on request of a party in interest that is a governmental unit, the court may not confirm a Plan if the principal purpose of the Plan is the avoidance of taxes or the avoidance of the application of section 5 of the Securities Act of 1933." No governmental unit has requested that the court not confirm the Plan on the grounds that the Plan's purpose is the avoidance of taxes. No securities are issued under the Plan. The Plan satisfies § 1129(d).

III. Conclusion

Based upon the foregoing, the Plan is **CONFIRMED**. A Post-Confirmation Status Conference shall take place on **August 17, 2021 at 10:00 a.m.** The Liquidating Trustee shall file a Post-Confirmation Status Report no later than fourteen days prior to the hearing. Within seven days of the hearing, Debtor shall submit a proposed Confirmation Order, incorporating this tentative ruling by reference, via the Court's Lodged Order Upload (LOU) system.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By
Aram Ordubegian

**United States Bankruptcy Court
Central District of California
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CONT...

450 S. Western, LLC, a California limited liabilit

Chapter 11

Christopher K.S. Wong
M Douglas Flahaut
Amelia Puertas-Samara
Dylan J Yamamoto

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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Tuesday, April 20, 2021

Hearing Room 1568

11:00 AM

2:21-11639 GIA REDEVELOPMENT, LLC

Chapter 11

#102.00 Hearing
RE: [13] Motion For Sale of Property of the Estate under Section 363(b) - No
Fee 5055 Mount Helena Ave, Los Angeles - Motion Authorizing Sale Free and
Clear of Liens

Docket 13

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 4/13/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

GIA REDEVELOPMENT, LLC

Represented By
Robert S Altagen

**United States Bankruptcy Court
Central District of California
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Tuesday, April 20, 2021

Hearing Room 1568

11:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#103.00 Hearing

RE: [9] FINAL hearing re : (1) Authorizing Debtor To Obtain PostPetition Loan Secured By Senior Lien Pursuant To 11 U.S.C. § 364; (2) Authorizing Debtors Use Of Cash Collateral Pursuant To 11 U.S.C. § 363; (3) Scheduling Final Hearing On Motion; And (4) Granting Related Relief

fr. 3-24-21

Docket 8

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Financing and Cash Collateral Motion is **GRANTED** on a final basis.

Pleadings Filed and Reviewed:

- 1) Notice of Final Hearing on Debtor's Emergency Motion for Interim and Final Orders: (1) Authorizing Debtor to Obtain Postpetition Loan Secured by Senior Lien Pursuant to 11 U.S.C. § 364; (2) Authorizing Debtor's Use of Cash Collateral Pursuant to 11 U.S.C. § 363; (3) Scheduling a Final Hearing on Motion; and (4) Granting Related Relief [Doc. No. 38]
- 2) Debtor's Statement Re Final Hearing on Motion for Final Order: (1) Authorizing Debtor to Obtain Postpetition Loan Secured by Senior Lien Pursuant to 11 U.S.C. § 364; (2) Authorizing Debtor's Use of Cash Collateral Pursuant to 11 U.S.C. § 363; and (3) Granting Related Relief [Doc. No. 84]
- 3) Interim Order: (1) Authorizing Debtor to Obtain Postpetition Loan Secured by Senior Lien Pursuant to 11 U.S.C. § 364; (2) Authorizing Debtor's Use of Cash

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CONT... collab9, LLC, a Delaware limited liability company Chapter 11

Collateral Pursuant to 11 U.S.C. § 363; (3) Scheduling a Final Hearing on Motion; and (4) Granting Related Relief [Doc. No. 46] (the "Interim Financing and Cash Collateral Order")

- 4) Notice of Submission of Updated Budget [Doc. No. 81]
- 5) Debtor's Emergency Motion for Interim and Final Orders: (1) Authorizing Debtor to Obtain Postpetition Loan Secured by Senior Lien Pursuant to 11 U.S.C. § 364; (2) Authorizing Debtor's Use of Cash Collateral Pursuant to 11 U.S.C. § 363; (3) Scheduling Final Hearing on Motion; and (4) Granting Related Relief [Doc. No. 9] (the "Motion")
 - a) Declaration of Gina Lim in Support of [Motion] [Doc. No. 10]
 - b) Declaration of Haze Walker in Support of [Motion] [Doc. No. 11]
 - c) Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions [Doc. No. 12]
 - d) Order Setting Hearing on First Day Motions [Doc. No. 13]
 - e) Notice of Hearing on Emergency "First Day" Motions [Doc. No. 15]
 - f) Proof of Service Regarding "First Day" Motions [Doc. No. 16]
 - g) Declaration of Maria R. Viramontes Re: Notice and Service of "First Day" Motions [Doc. No. 17]
 - h) Declaration of Debbie A. Perez Re: Telephonic Notice of "First Day" Motions [Doc. No. 18]

I. Facts and Summary of Pleadings

On March 19, 2021 (the "Petition Date"), collab9, LLC (the "Debtor") filed a voluntary Chapter 11 petition. On March 24, 2021, the Court conducted an interim first-day hearing on the Debtor's motion to obtain post-petition financing and use cash collateral (the "Financing and Cash Collateral Motion"). On March 26, 2021, the Court entered an order (1) authorizing the Debtor to obtain financing and use cash collateral on an interim basis and (2) setting a final hearing on the Financing and Cash Collateral Motion for April 20, 2021. *See* Doc. No. 46 (the "Interim Financing and Cash Collateral Order"). On April 13, 2021, the Debtor submitted an updated cash collateral budget [Doc. No. 81] (the "Budget") as ordered by the Court.

No opposition to the final approval of the Financing and Cash Collateral Motion is on file.

A. Background

The Debtor operates a secure cloud platform for managed voice, collaboration,

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CONT... collab9, LLC, a Delaware limited liability company

Chapter 11

conferencing, and contact center services, primarily for U.S. public sector customers. The Debtor provides a unified communications as a service ("UCaaS") platform to government agencies, including the U.S. Customs and Border Protection Agency (the "CBP"), the U.S. Health and Human Services Agency (the "HHS"), the Defense Nuclear Facilities Safety Board (the "DNFSB"), and the state of Pennsylvania. Among other services, the Debtor (1) provides phone service for the DNFSB, (2) hosts internal call centers for the human resources department of the CBP, and (3) provides voicemail for the employees of HHS who are responsible for managing the federal government's response to the COVID-19 pandemic. To provide its UCaaS platform to the public sector, the Debtor is required to obtain authorization under the Federal Risk and Authorization Management Program ("FedRAMP").

The filing of the petition was precipitated by a dispute with Avaya, Inc. ("Avaya"). On August 31, 2017, the Debtor and Avaya entered into a five-year master agreement (the "Avaya Agreement"), which provided that the Debtor would use its FedRAMP experience to assist Avaya in obtaining FedRAMP compliance for its unified communications ("UC") products. In May 2019, Avaya extended a \$10 million unsecured loan to the Debtor, convertible into equity (the "Convertible Note"), in furtherance of the Avaya Agreement. The Convertible Note prohibited the Debtor from accessing capital from any source other than Avaya, and prohibited the Debtor from selling its assets without Avaya's express approval.

The Debtor asserts that in May 2020, Avaya unilaterally terminated the Avaya Agreement without just cause. The Debtor states that the termination caused it significant harm because the Debtor had expended substantial resources to comply with the agreement. The Debtor asserts that the termination was in bad faith, and accuses Avaya of secretly developing a competing platform while simultaneously falsely representing to the Debtor that no such competing platform was under development.

By February 2021, the Debtor had come close to exhausting the funds available under the Convertible Note. In February 2021, the Debtor commenced an arbitration proceeding against Avaya, asserting breaches of the Avaya Agreement. According to the Debtor, Avaya structured the Convertible Note in a manner that would prevent the Debtor from raising capital from other sources, in a bad-faith effort to drive the Debtor out of business after Avaya had obtained from the Debtor the knowledge and expertise necessary to launch a competing platform.

The Debtor currently operates at a loss of approximately \$518,000 per month. As of the Petition Date, the Debtor's unsecured debt amounted to approximately \$20

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CONT... collab9, LLC, a Delaware limited liability company Chapter 11

million (including the disputed Convertible Note of approximately \$11.5 million).

On April 12, 2021, the Court entered an order establishing bidding procedures for the auction of substantially all of the Debtor's assets. *See* Doc. No. 80. A hearing to approve the results of the auction is set for May 20, 2021 at 10:00 a.m.

B. The DIP Financing and Cash Collateral Motion

The Debtor seeks final approval of a senior secured financing facility in the amount of \$1,770,000 (the "DIP Loan") from SecureComm LLC ("SecureComm"), an insider of the Debtor. **[Note 1]** The postpetition line of credit under the DIP Loan will be \$1,190,000, with the remaining \$580,000 being dedicated to a roll-up of pre-petition secured debt held by SecureComm. The Debtor's only secured debt is the \$580,000 secured claim held by SecureComm that will be satisfied through the roll-up.

The material terms of the DIP Loan are as follows:

- 1) SecureComm shall be entitled to a first priority security interest in all of the Debtor's assets and a superpriority administrative claim. SecureComm's superpriority administrative claim shall be subject to a carve-out for (a) United States Trustee fees and (b) fees of the Debtor's proposed general bankruptcy counsel, capped at \$275,000.
- 2) SecureComm shall be entitled to an origination fee of 2% of the principal amount of the DIP Loan.
- 3) The DIP Loan bears interest at the rate of 12% per annum, to be paid on a monthly basis. If an Event of Default occurs, the interest rate increases to 18% per annum.
- 4) The DIP Loan matures on June 20, 2021.
- 5) The Debtor shall be in default if the Debtor fails to meet any of the following Bankruptcy Milestones:
 - a) The Debtor shall have filed a combined motion to approve sale procedures and a sale of substantially all of the Debtor's assets no later than fourteen days subsequent to the Petition Date (the "Sale Motion").
 - b) A hearing on the Sale Motion shall have occurred on or before May 20, 2021.

The Debtor also seeks final authorization to use SecureComm's cash collateral to pay ordinary and necessary operating and administrative expenses in accordance with

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CONT... collab9, LLC, a Delaware limited liability company Chapter 11

a proposed 13-week budget (the "Budget"). The most significant expenditures under the Budget are as follows (figures are for the full 13-week period):

- 1) Payroll—\$544,691
- 2) Hardware and software maintenance and support—\$492,935
- 3) Legal fees for the Debtor's proposed general bankruptcy counsel—\$355,000
- 4) Business and medical insurance—\$123,769
- 5) Data center charges—\$116,716
- 6) Consulting fees—\$75,120
- 7) Outsourcing—\$77,708

II. Findings of Fact and Conclusions of Law

A. DIP Financing

Section 364 provides in relevant part:

(c) If the trustee is unable to obtain unsecured credit allowable under section 503(b)(1) of this title as an administrative expense, the court, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt—

- (1) with priority over any or all administrative expenses of the kind specified in section 503(b) or 507(b) of this title;
- (2) secured by a lien on property of the estate that is not otherwise subject to a lien; or
- (3) secured by a junior lien on property of the estate that is subject to a lien.

(d)(1) The court, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property of the estate that is subject to a lien only if—

- (A) the trustee is unable to obtain such credit otherwise; and
- (B) there is adequate protection of the interest of the holder of the lien on the property of the estate on which such senior or equal lien is proposed to be granted.

(2) In any hearing under this subsection, the trustee has the burden of proof on the issue of adequate protection.

§ 364(c)–(d).

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No opposition to the Financing and Cash Collateral Motion having been filed, the Court adopts the findings made in connection with the interim hearing, and approves the DIP Loan on a final basis. Having reviewed the declarations of Gina Lim (the Debtor's interim Chief Financial Officer), Haze Walker (a managing partner at the financial firm hired by the Debtor to obtain financing), and Kevin Schatzle (the Debtor's CEO), the Court finds that the Debtor was unable to obtain financing on terms more favorable than those set forth in the DIP Loan. In early February 2021, Walker contacted lenders including SG Credit Partners (a software-as-a-service, asset-based, and cashflow lender), LSQ (an accounts receivable lender), and Utica Leasing (an equipment financing lender) in an attempt to secure funding. Each of these lenders refused to provide funding. The Debtor also sought funding from Avaya and Mechanics Bank, both of whom declined. Walker, who has 22 years of experience in banking, asset-based financing, factoring, and consumer receivables lending, testifies that he does not believe that any non-insider lender would be willing to extend financing to the Debtor.

The Debtor has no secured debt other than the \$580,000 claim held by SecureComm, which will be satisfied by the roll-up. Therefore, the granting to SecureComm of a security interest in all the Debtor's assets and a superpriority administrative claim will not impair the interests of any other secured creditors. For these reasons, the Court approves the DIP Loan on a final basis.

The Court finds that SecureComm has extended the DIP Loan in good faith and is therefore entitled to the protections of § 364(e). Although SecureComm is an insider, Walker's testimony establishes that the Debtor was not able to obtain financing on more favorable terms.

B. Cash Collateral

Section 363(c)(2) requires court authorization for the use of cash collateral unless "each entity that has an interest in such cash collateral consents." Absent affirmative express consent, the Debtors "may not use" cash collateral absent the Court's determination that the use is "in accordance with the provisions" of Section 363—that is, that the secured creditor's interest in the cash collateral is adequately protected. § 363(c)(2)(B) and (e).

A secured creditor's interest is adequately protected if the value of its collateral is not declining; the secured creditor is not entitled to payment to compensate for its inability to foreclose upon the collateral during bankruptcy proceedings. *United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S.

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CONT... collab9, LLC, a Delaware limited liability company

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365 (1988).

The Debtor's only secured creditor is SecureComm, whose \$580,000 secured claim will be satisfied through the DIP Loan's roll-up provision. By consenting to the provisions of the DIP Loan, SecureComm has also consented to the Debtor's use of its cash collateral.

Having reviewed the updated Budget, the Court authorizes the Debtor's use of cash collateral on a final basis. CFO Gina Lim testifies that "[a]ll payments described in the Budget are necessary to maintain and continue the Debtor's operations and to maximize the value of the Debtor's estate," and that the failure "to make payments in accordance with the Budget could result in immediate and irreparable harm to the Debtor's operations, system security profile, critical government communications systems, the value of the Estate, and the interests of creditors." Lim Decl. at ¶ 10. The Court finds that the expenditures set forth in the Budget are necessary to preserve the Debtor as a going-concern while its assets are marketed.

III. Conclusion

Based upon the foregoing, the Financing and Cash Collateral Motion is **GRANTED** on a final basis. Within seven days of the hearing, the Debtor shall lodge a proposed order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

The Debtor is 50% owned by Dinco Inc. and 50% owned by Dollab, LLC ("Dollab"). Dollab is an affiliate of SecureComm. Prior to the Petition Date, Dollab extended a secured loan in the amount of \$200,000 to the Debtor, which Dollab subsequently assigned to SecureComm. The Debtor acknowledges that SecureComm is an insider. *See* Motion at 21 ("As noted above, the DIP Lender is an insider of the Debtor").

Party Information

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Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

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11:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

#104.00 HearingRE: [82] Motion Trustees Motion To Clarify The January 8, 2020 Order Denying Debtors Objection To Claim Of Basilio Torices And Roxanne Martinez [Docket No. 60]; Declaration Of Rosendo Gonzalez In Support Thereof (Gonzalez (TR), Rosendo)

Docket 82

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, Claim 13 shall be treated as a timely-filed general unsecured claim.

Pleadings Filed and Reviewed:

- 1) Trustee's Motion to Clarify the January 8, 2020 Order Denying Debtor's Objection to Claim of Basilio Torices and Roxanne Martinez [Doc. No. 82] (the "Motion")
 - a) Notice Trustee's Motion to Clarify the January 8, 2020 Order Denying Debtor's Objection to Claim of Basilio Torices and Roxanne Martinez [Doc. No. 83]

I. Facts and Summary of Pleadings

On January 12, 2018, Christina Marie Uzeta (the "Debtor") filed a voluntary Chapter 7 petition. Rosendo Gonzalez was appointed as the Chapter 7 Trustee (the "Trustee").

On January 7, 2020, the Court conducted a hearing on the Debtor's objection (the "Claim Objection") to Proof of Claim No. 13 ("Claim 13"). By Claim 13, claimants Basilio Torices and Roxanne Martinez (the "Claimants") assert a general unsecured claim in the amount of \$18,900. The Court found that the Debtor lacked standing to object to Claim 13 because there was no evidence showing that disallowance of the

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CONT... Christina Marie Uzeta

Chapter 7

claim would result in a surplus estate. *See* Doc. No. 58. Consequently, the Court denied the Debtor's Claim Objection without prejudice. *See* Doc. No. 60.

On August 16, 2019, the Court entered an order fixing November 18, 2019 as the deadline for creditors to file proofs of claim (the "Claims Bar Date"). *See* Doc. No. 43. On the Claims Bar Date, Claimants filed a proof of claim in the wrong bankruptcy case. The error resulted from the fact that the receipt generated when filing a proof of claim does not list the complete case number. That is, the receipt that Claimants received stated that their proof of claim has been filed in Case No. 18-bk-10408 (the complete case number is **2:18-bk-10408-ER**). As a result, Claimants accidentally filed the proof of claim in Case No. **8:18-bk-10408**, when the proof of claim should have been filed in Case No. **2:18-bk-10408**. Claimants discovered the error after being notified by counsel in Case No. 8:18-bk-10408 that the proof of claim had been filed in the wrong case. On November 22, 2019 (four days after the Claims Bar Date), Claimants filed their proof of claim in the correct case.

On February 22, 2021, the Trustee filed a Trustee's Final Report [Doc. No. 77] (the "TFR"). The TFR designates Claim 13 as a tardily filed general unsecured claim. Because funds in the estate are not sufficient to pay timely filed unsecured claims in full, the TFR proposes to pay Claimants \$0.00 on account of Claim 13.

After Claimants contacted the Trustee and asserted that Claim 13 should be designated as a timely filed general unsecured claim, the Trustee filed the instant Motion, which requests a determination as to whether Claim 13 should be designated as a timely filed or tardily filed claim. The Trustee takes no position as to the timeliness of Claim 13. No other parties have filed any papers in response to the Motion.

II. Findings of Fact and Conclusions of Law

The deadline for filing a proof of claim is fixed by Bankruptcy Rule 3002(c). As set forth in Bankruptcy Rule 9006(b)(3), the proof of claim deadline may be enlarged "only to the extent and under the conditions stated" in Rule 3002(c). Because excusable neglect is not one of the grounds for enlargement under Rule 3002(c), the "deadline for filing claims under Rule 3002(c) cannot be extended for excusable neglect." *Zidell, Inc. v. Forsch (In re Coastal Alaska Lines, Inc.)*, 920 F.2d 1428, 1432 (9th Cir. 1990). Courts within the Ninth Circuit have strictly enforced Rule 3002(c)'s limitation on enlargement of the claims bar date. In *In re Edelman*, the Ninth Circuit Bankruptcy Appellate Panel refused to allow a six-day extension of the claims bar date, where counsel filed a proof of claim late because his office had been damaged by

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CONT... **Christina Marie Uzeta**
the Northridge earthquake:

Chapter 7

The rule of *Coastal Alaska* simply is that no source of discretion [to extend the claims bar date] exists—neither equitable jurisdiction, nor § 105, nor anything else—and a source is not created even if a good reason is presented for why a source *should* exist. To excuse lateness that is caused by prevention would be to exercise discretion that *Coastal Alaska* has found bankruptcy courts do not possess.

Dicker v. Dye (In re Edelman), 237 B.R. 146, 153 (B.A.P. 9th Cir. 1999).

Therefore, the Court cannot extend the Claims Bar Date from November 18, 2019 to November 22, 2019 under the doctrine of excusable neglect. However, the Court's inability to enlarge the Claims Bar Date does not mean that Claim 13 must be designated as untimely. Section 502(a) provides that "[a] claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest ... objects." Interested parties may object to a claim on timeliness grounds. *See* § 502(b)(9) (requiring that a claim be disallowed where "proof of such claim is not timely filed, except to the extent tardily filed as permitted under paragraph (1), (2), or (3) of section 726(a) of this title or under the Federal Rules of Bankruptcy Procedure"). Here, no party with standing has objected to Claim 13 on timeliness grounds. The instant Motion cannot be construed as an objection to the timeliness of the claim, since the Trustee takes no position as to the claim's timeliness and merely requests a ruling upon whether the claim should be treated as timely or not. None of the other holders of general unsecured claims have filed any papers objecting to the timeliness of Claim 13. (Holders of other general unsecured claims would have standing to assert a timeliness objection since designation of Claim 13 as tardily-filed would increase their distribution.)

Because no party with standing has objected to the timeliness of Claim 13, § 502(a) requires that Claim 13 be deemed allowed as a timely general unsecured claim. The Trustee shall file an amended TFR providing that Claim 13 shall receive a pro-rata distribution with other general unsecured creditors.

Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel

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CONT... Christina Marie Uzeta Chapter 7

Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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11:00 AM

2:20-11634 XLmedica, Inc.

Chapter 11

#105.00 HearingRE: [73] Application for Compensation Second Interim Application by Resnik Hayes Moradi LLP, General Bankruptcy Counsel for the Debtor, for Allowance of Fees and Costs for the Period October 22, 2020 Through March 24, 2021; Declarations of Anna Stahl and Roksana D. Moradi-Brovia in Support Thereof, with Proof of Service for Roksana D. Moradi-Brovia, Debtor's Attorney, Period: 10/22/2020 to 3/24/2021, Fee: \$10,550.00, Expenses: \$38.35.

Docket 73

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$9,430 approved [Doc. No. 73] (The Court denied the Debtor's request for sanctions against creditor EmCyte Corp. on December 10, 2020 [Doc. No. 64]. Because the Court finds that the request for sanctions was not "'reasonably likely' to benefit the estate at the time the services were rendered," the Court will not award the Debtor's counsel the \$1,120 in requested fees for that work. *Sheridan & Kotel, P.C. v. Bergen Brunswig Drug Co. (In re Mednet)*, 251 B.R. 103, 108 (B.A.P. 9th Cir. 2000))

Expenses: \$38.35 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should

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CONT... XLmedica, Inc.

Chapter 11

an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

XLmedica, Inc.

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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Tuesday, April 20, 2021

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11:00 AM

2:20-11634 XLmedica, Inc.

Chapter 11

#106.00 HearingRE: [74] Application for Compensation Second Interim Application by Callagy Law, P.C., Special Counsel for the Debtor, for Allowance of Fees for the Period October 31, 2020 Through February 28, 2021; Declarations of Anna Stahl and Michael J. Smikun in Support Thereof, with Proof of Service for Rokšana D. Moradi-Brovia, Special Counsel, Period: 10/30/2020 to 3/1/2021, Fee: \$18,452.00, Expenses: \$0.00.

Docket 74

Tentative Ruling:

4/19/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$18,452 approved [Doc. No. 74]

Expenses: \$0 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

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Debtor(s):

XLmedica, Inc.

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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Hearing Room 1568

10:00 AM

2:13-20738 Sergio Miranda

Chapter 11

Adv#: 2:19-01079 Miranda et al v. BANK OF AMERICA NATIONAL ASSOCIATION et al

#1.00 APPEARANCE BY VIDEO CONFERENCE ONLY

Hearing re [74] Evidentiary hearing

FR. 10-26-20; 1-11-21; 3-10-21; 3-11-21

Docket 0

Tentative Ruling:

4/20/2021

No tentative. Hearing required.

Party Information

Debtor(s):

Sergio Miranda

Represented By
David A Akintimoye

Defendant(s):

BANK OF AMERICA NATIONAL

Represented By
Adam N Barasch
Donald H Cram III

Shellpoint Mortgage Servicing LLC

Pro Se

DOES 1-10, Inclusive

Pro Se

Shellpoint Mortgage Servicing, LLC

Represented By
Erin M McCartney

Shellpoint Mortgage Servicing, LLC

Represented By

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10:00 AM

CONT... Sergio Miranda

Chapter 11

Erin M McCartney

Joint Debtor(s):

Esmeralda Miranda

Represented By
David A Akintimoye

Plaintiff(s):

Sergio Lopez Miranda

Represented By
David A Akintimoye

Esmeralda Miranda

Represented By
David A Akintimoye

**United States Bankruptcy Court
Central District of California
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Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:17-24457 8590 Sunset A-FS, LLC dba Cafe Primo

Chapter 7

Adv#: 2:19-01495 Gonzalez v. Lui et al

#1.00 Trial Date Set

RE: [20] Amended Complaint First Amended Complaint (1) To Avoid and Recover Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(A); (2) To Avoid and Recover Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.04(A)(1); (4) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.04(a)(2)(A); (5) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.04(a)(2)(B); (6) To Avoid and Recover Fraudulent Transfer Under 11 U.S.C. § 544 and California Civil Code § 3439.05; (7) To Avoid and Recover Preferential Transfer Pursuant to 11 U.S.C. § 547(b); (8) To Recover Fraudulent and Preferential Transfers Pursuant to 11 U.S.C. § 550(a); and (9) To Preserve Transfers Pursuant to 11 U.S.C. § 551 by Diane C Weil on behalf of Rosendo Gonzalez against CP WW Ventures Inc, CTC Investment Holdings LLC, Catalyst Trust, Charlton Lui, Primo Hospitality Group, Inc., Hovahannes Tshavrushyan. (RE: related document(s)1 Adversary case 2:19-ap-01495. Complaint by Rosendo Gonzalez against Charlton Lui, Catalyst Trust, CP WW Ventures Inc, CTC Investment Holdings LLC, Primo Hospitality Group, Inc., Hovahannes Tshavrushyan. (Charge To Estate). Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) filed by Plaintiff Rosendo Gonzalez). (Weil, Diane)

Docket 20

***** VACATED *** REASON: DISMISSED 7-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

8590 Sunset A-FS, LLC dba Cafe

Represented By
Michael Jay Berger

Defendant(s):

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CONT... 8590 Sunset A-FS, LLC dba Cafe Primo Chapter 7

Charlton Lui	Represented By Sanaz S Bereliani
Catalyst Trust	Pro Se
CP WW Ventures Inc	Pro Se
CTC Investment Holdings LLC	Pro Se
Primo Hospitality Group, Inc.	Pro Se
Hovahannes Tshavrushyan	Represented By Roland H Kedikian

Plaintiff(s):

Rosendo Gonzalez	Represented By Diane C Weil
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Trustee(s):

Rosendo Gonzalez (TR)	Represented By Sonia Singh Diane C Weil
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:19-13059 Norberto Pimentel

Chapter 7

Adv#: 2:19-01146 Wesley H Avery, Chapter 7 Trustee v. Pimentel et al

#2.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01146. Complaint by WESLEY Howard AVERY against Norberto Pimentel, Erica Pimentel. (Charge To Estate). Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Stevens, Adam)

fr. 3-12-20; 3-24-2020; 6-24-20; 7-29-20; 10-27-20; 1-25-21

Docket 1

***** VACATED *** REASON: CONTINUED 6-28-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norberto Pimentel

Represented By
Marcus Gomez

Defendant(s):

Norberto Pimentel

Pro Se

Erica Pimentel

Pro Se

Joint Debtor(s):

Erica Pimentel

Represented By
Marcus Gomez

Plaintiff(s):

Wesley H Avery, Chapter 7 Trustee

Represented By
Georgeann H Nicol
Adam Stevens

Trustee(s):

Wesley H Avery (TR)

Represented By
Adam Stevens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

CONT... Norberto Pimentel

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:19-17051 Marlon Camar Salamat

Chapter 7

Adv#: 2:19-01411 Fernando v. Salamat et al

#3.00 Trial

RE: [1] Adversary case 2:19-ap-01411. Complaint by Angela Sandra Legaspi Fernando against Marlon Camar Salamat, Daisy Anne Boiser Salamat. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(91 (Declaratory judgment)) (Smyth, Stephen)

FR. 5-12-20; 8-11-20; 10-13-20

Docket 1

***** VACATED *** REASON: STIPULATED JUDGMENT ENTERED 11-30-20**

Tentative Ruling:

10/9/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

On February 7, 2020, the Court stayed this action pending resolution of the underlying state court action through which Plaintiff seeks to establish the indebtedness alleged to be non-dischargeable (the "State Court Action"). *See* Doc. No. 18. Judgment in the State Court Action was entered on July 29, 2020.

Having reviewed the Joint Status Report submitted by the parties, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) In view of the entry of judgment in the State Court Action, the previously-ordered stay of this action is lifted.
- 2) The following litigation deadlines shall apply:
 - a) The last day to amend pleadings and/or join other parties is **11/15/2020**.
 - b) The last day to disclose expert witnesses and expert witness reports is **1/26/2021**.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

CONT...

Marlon Camar Salamat

Chapter 7

- c) The last day to disclose rebuttal expert witnesses and rebuttal expert witness reports is **2/25/2021**.
- d) The last date to complete discovery relating to expert witnesses (e.g., depositions of expert witnesses), including hearings on motions related to expert discovery, is **3/16/2021**. (For contemplated hearings on motions related to expert discovery, it is counsel's responsibility to check the Judge's self-calendaring dates, posted on the Court's website. If the expert discovery cutoff date falls on a date when the court is closed or that is not available for self-calendaring, the deadline for hearings on expert discovery motions is the next closest date which is available for self-calendaring.)
- e) The last day for dispositive motions to be heard is **3/23/2021**. (If the motion cutoff date is not available for self-calendaring, the deadline for dispositive motions to be heard is the next closest date which is available for self-calendaring.)
- f) The last day to complete discovery (except as to experts), including hearings on discovery motions, is **3/23/2021**. (If the non-expert discovery cutoff date is not available for self-calendaring, the deadline for non-expert discovery motions to be heard is the next closest date which is available for self-calendaring.)
- g) A Pretrial Conference is set for **4/13/2021 at 11:00 a.m.** By no later than fourteen days prior to the Pretrial Conference, the parties must submit a Joint Pretrial Stipulation via the Court's Lodged Order Upload (LOU) system. Submission via LOU allows the Court to edit the Joint Pretrial Stipulation, if necessary. Parties should consult the Court Manual, section 4, for information about LOU.
- h) In addition to the procedures set forth in Local Bankruptcy Rule 7016-1(b), the following procedures govern the conduct of the Pretrial Conference and the preparation of the Pretrial Stipulation:
 - i) By no later than thirty days prior to the Pretrial Conference, the parties must exchange copies of all exhibits which each party intends to introduce into evidence (other than exhibits to be used solely for impeachment or rebuttal).
 - ii) When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, April 26, 2021

Hearing Room 1568

9:00 AM

CONT...

Marlon Camar Salamat

Chapter 7

Motion in Limine which clearly identifies each exhibit alleged to be inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1. The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.

- iii) The failure of a party to file a Motion in Limine complying with the requirements of ¶(1)(h)(ii) shall be deemed a waiver of any objections to the admissibility of an exhibit.
- iv) Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶(1)(h)(ii), and shall be filed by the deadline specified in ¶(1)(h)(ii). The failure of a party to file a Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.
- i) Trial is set for the week of **4/26/2021**. The trial day commences at 9:00 a.m. The exact date of the trial will be set at the Pretrial Conference. Consult the Court's website for the Judge's requirements regarding exhibit binders and trial briefs.
- 3) This matter was formally mediated on June 29, 2020. The Court will not order further formal mediation at this time.

The Court will prepare and enter a Scheduling Order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

CONT... Marlon Camar Salamat

Chapter 7

Party Information

Debtor(s):

Marlon Camar Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Defendant(s):

Marlon Camar Salamat

Represented By
David Brian Lally

Daisy Anne Boiser Salamat

Represented By
David Brian Lally

Joint Debtor(s):

Daisy Anne Boiser Salamat

Represented By
Michelle A Marchisotto
David Brian Lally

Plaintiff(s):

Angela Sandra Legaspi Fernando

Represented By
Stephen S Smyth

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:19-17062 Shamim Ahemmed

Chapter 7

Adv#: 2:19-01423 Cruz v. Ahemmed

#4.00 Trial Date Set

RE: [29] **Second Amended** Complaint Objecting to Discharge Pursuant to 11 USC 523 (a)2(A) and (6) by Michael N Berke on behalf of Miguel Hernandez Cruz against Shamim Ahemmed. (Berke, Michael)

FR. 4-13-21

Docket 29

***** VACATED *** REASON: CONTINUED 5-24-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shamim Ahemmed

Represented By
Julie J Villalobos

Defendant(s):

Shamim Ahemmed

Represented By
Lawrence R Fieselman
Julie J Villalobos

Plaintiff(s):

Miguel Hernandez Cruz

Represented By
Michael N Berke

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01505 Strategic Funding Source, Inc. v. Tardaguila

#5.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01505. Complaint by Strategic Funding Source, Inc. against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Harvey, Brian)

FR. 10-26-20; 1-25-21

Docket 1

***** VACATED *** REASON: TRIAL WEEK OF 7/26/21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.

Represented By
Brian T Harvey

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:20-12237 Christopher Paul Rabalais

Chapter 7

Adv#: 2:20-01138 Leon v. Rabalais

#6.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01138. Complaint by Seth Leon against Christopher Paul Rabalais. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (Chang, Cheryl)

Docket 1

***** VACATED *** REASON: DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Paul Rabalais	Pro Se
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Defendant(s):

Christopher Paul Rabalais	Pro Se
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Plaintiff(s):

Seth Leon	Represented By Cheryl S Chang
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Trustee(s):

John P Pringle (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:20-12958 Dikran Stepan Tcheubjian
Adv#: 2:20-01139 Krasnoff v. Sepilian et al

Chapter 7

#7.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01139. Complaint by Brad D. Krasnoff against Micheline Sepilian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

Docket 1

***** VACATED *** REASON: DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Micheline Sepilian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Plaintiff(s):

Brad D. Krasnoff

Represented By
Sonia Singh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

CONT... Dikran Stepan Tcheubjian

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:20-12958 Dikran Stepan Tcheubjian

Chapter 7

Adv#: 2:20-01140 Krasnoff v. Zeitounian et al

#8.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01140. Complaint by Brad D. Krasnoff against Christine Molino Zeitounian, Dikran Stepan Tcheubjian, Haikanouche Tcheubjian. (Charge To Estate). -Trustee's Complaint to: (1) Avoid, Preserve and Recover Preferential Transfer; (2) Avoid, Preserve and Recover Fraudulent Transfer; and (3) Disallow Exemption Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Singh, Sonia)

Docket 1

***** VACATED *** REASON: DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Defendant(s):

Christine Molino Zeitounian

Pro Se

Dikran Stepan Tcheubjian

Pro Se

Haikanouche Tcheubjian

Pro Se

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Plaintiff(s):

Brad D. Krasnoff

Represented By
Sonia Singh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

CONT... Dikran Stepan Tcheubjian

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

9:00 AM

2:20-13016 Charlene Eleazar Lobarbio

Chapter 7

Adv#: 2:20-01143 Sanchez et al v. Lobarbio

#9.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01143. Complaint by Carmela Sanchez, Herminia V. Figueroa against Charlene Eleazar Lobarbio. willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (65 (Dischargeability - other)) (Nazarian, Morris)

Docket 1

***** VACATED *** REASON: DISMISSED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlene Eleazar Lobarbio

Represented By
Giovanni Orantes

Defendant(s):

Charlene Eleazar Lobarbio

Pro Se

Plaintiff(s):

Carmela Sanchez

Represented By
Morris Nazarian

Herminia V. Figueroa

Represented By
Morris Nazarian

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

2:21-10677 Astrid Fererra

Chapter 7

#100.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Rogue . (Martinez, Kirsten)

Docket 11

Tentative Ruling:

4/20/2021 (posted early due to CM/ECF upgrade shutdown)

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

CONT... Astrid Fererra

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Astrid Fererra

Represented By
Jaime A Cuevas Jr.

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

2:20-12770 Wise Choice Plumbing and Rooter, Inc.

Chapter 7

#101.00 HearingRE: [88] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Express VIN# 1GB0GRFG2G1158871 with proof of service.

Docket 88

Tentative Ruling:

4/20/2021

(posted early due to CM/ECF upgrade shutdown)

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, April 26, 2021

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10:00 AM

CONT... Wise Choice Plumbing and Rooter, Inc.

Chapter 7

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Wise Choice Plumbing and Rooter,

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

2:20-12770 Wise Choice Plumbing and Rooter, Inc.

Chapter 7

#102.00 HearingRE: [89] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Chevrolet Express Comm High Cube Van VIN#1HA3GTCG6HN007872 with proof of service. (Delmotte, Joseph)

Docket 89

Tentative Ruling:

4/20/2021

(posted early due to CM/ECF upgrade shutdown)

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

CONT... Wise Choice Plumbing and Rooter, Inc.

Chapter 7

claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Wise Choice Plumbing and Rooter,

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

2:21-12190 Sehee Bang

Chapter 7

#103.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Mercedes-Benz G550W4, VIN: WDCYC6BJXKX301351 . (Ith, Sheryl)

Docket 10

Tentative Ruling:

4/20/2021

(posted early due to CM/ECF upgrade shutdown)

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, April 26, 2021

Hearing Room 1568

10:00 AM

CONT... Sehee Bang

Chapter 7

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Sehee Bang

Represented By
Young K Chang

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 3, 2021

Hearing Room 1568

10:00 AM

2:20-14379 Petroleum Gas Station Maintenance and Construction

Chapter 7

#1.00 HearingRE: [31] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: (Action in Nonbankruptcy Forum) .

Docket 31

Tentative Ruling:

4/29/2021

Tentative Ruling:

This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2) . On April 19, 2021, the Chapter 7 Trustee filed a Conditional Non-Opposition. *See* Doc. No. 33. The Chapter 7 Trustee does not object to the relief requested, but merely asks that the Court include the language the the movant may only recover from applicable insurance and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate. Conditional Non-Opposition at 2.

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. The claim is insured. Movant may seek recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or estate property.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the Unites States Code. This order shall also be binding and effective in any bankruptcy case by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Nonbankruptcy Action. All other relief is denied.

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CONT... Petroleum Gas Station Maintenance and Construction

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Petroleum Gas Station Maintenance

Represented By
James R Selth

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 3, 2021

Hearing Room 1568

10:00 AM

2:21-12447 Med Equity, LLC

Chapter 11

#2.00 HearingRE: [20] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 871 Linda Flora Drive, Los Angeles, CA 90049 . (Woods, Dan)

Docket 20

Tentative Ruling:

4/29/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (with supporting declarations) (Real Property) (the "Motion") [Doc. No. 20]
 - a. Memorandum of Points and Authorities in Support of Motion for Relief from Automatic Stay (the "Memorandum in Support") [Doc. No. 22]
 - b. Supplemental Declaration of Saman Jilanchi (the "Supplemental Jilanchi Decl.") [Doc. No 21]
- 2) Debtor's Opposition to Motion for Relief from Stay (the "Opposition") [Doc. No. 26]
 - a. Request for Judicial Notice in Support of Debtor's Opposition to Motion for Relief from Stay [Doc. No. 27]
 - b. Declaration of Joshua Pukini in Support of Opposition to Motion for Relief from Stay (the "Pukini Decl.") [Doc. No. 28]
 - c. Declaration of Jeffrey A. Borsuk in Support of Opposition to Motion for Relief from Stay (the "Borsuk Decl.") [Doc. No. 29]
- 3) Reply Brief in Support of Motion for Relief from the Automatic Stay (the

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Med Equity, LLC

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"Reply") [Doc. No. 30]

- a. Declaration of Saman Jilanchi in Response to Med Equity LLC's Opposition to Motion for Relief from the Automatic Stay (the "Jilanchi Decl.") [Doc. No. 31]
- b. Declaration of Scott J. Street in Response to Med Equity LLC's Opposition to Motion for Relief from the Automatic Stay [Doc. No. 32]

I. Facts and Summary of Pleadings

On March 26, 2021, debtor and debtor-in-possession Med Equity, LLC (the "Debtor") filed its voluntary chapter 11 petition. *See* Doc. No. 1. The Debtor's primary asset is a parcel of real property located at 871 Linda Flora Drive, Los Angeles, CA 90049 (the "Property"). On its petition, the Debtor scheduled the Property at a value of \$7,000,000 based upon an appraisal, with approximately \$3,000,000 in secured claims against it.

A. The Motion

On April 12, 2021, Saman Jilanchi ("Jilanchi"), Qwan International Investments, LLC and Qwan Capital LLC (collectively, the "Movants") filed their Motion and Memorandum in Support. In their Motion, the Movants argue for relief pursuant to 11 U.S.C. §§ 362(d)(1) & (d)(2). The Movants also argue that the bankruptcy case was filed in bad faith because the Movants are one of only a few creditors. Motion at 3-4. The Movants assert that they have claims of \$3,677,524.08 against the Property, and the value of the Property is only \$2,350,000; therefore, the Property is entirely underwater. *Id.* at 7-8. The Movant's valuation is supported by an appraisal by Chris Adelman (the "Movants' Appraiser"), a certified appraiser, who conducted an appraisal on January 12, 2021 and assessed the fair market value of the Property at \$2,350,000. Ex. C. to Motion at 2. The Movants' Appraiser notes that the Property is a 1.04 acre lot on a "flat pad;" the Property is vacant and there is no livable structure on the lot. *Id.* at 6.

In their Memorandum in Support, the Movants provide more background information on the history of the Property and dealings with the Debtor. The Movants state that on or about November 1, 2018, the Movants made a \$4.5 million loan (the "Loan") to the Debtor secured by the Property. Memorandum in Support at 2. Approximately \$1.5 million of that was supposed to be used by the Debtor to build a

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single-family home on the property, but was not disbursed because the Debtor "did not meet the construction milestones." *Id.* at 3. The entirety of the Loan matured on June 1, 2020, and the Debtor did not pay the outstanding balance. The Movants recorded a notice of default, and sued the Debtor and its principals in Los Angeles Superior Court for breach of written agreements. *Id.* A foreclosure sale was scheduled for December 29, 2020. Shortly before the foreclosure sale was to be held, the Debtor filed an *ex parte* application to enjoin the sale. The Superior Court granted the preliminary injunction on the condition that the Debtor post a \$900,000 bond. *Id.* at 4. The Debtor did not post the bond and the Superior Court dissolved the injunction. *Id.* A subsequent foreclosure sale was set for April 1, 2021. *Id.* at 3-4. The Movants now argue that the instant case was filed in bad faith because the Debtor is simply attempting to impede the foreclosure process. The Movants believe that if the Debtor was serious about the bankruptcy process, it would have filed for bankruptcy when it defaulted on the Loan, or when the first foreclosure sale was set to occur in December. *Id.* at 7. The Movants also argue that the Property is the sole valuable asset of the Debtor, and the Debtor has listed very few creditors. The Movants further state that the Debtor has no equity in the Property and therefore relief from stay ought to be granted. *Id.* at 7-8.

B. The Opposition

On April 19, 2021, the Debtor filed its Opposition. The Debtor argues that it owes the Movant far less than the \$3.7 million they claim. The Debtor argues that the when the Movants withheld \$1.5 million of the original Loan, they were in breach of contract and the Debtors were forced to commence a state court action against the Movants. Opposition at 3. Furthermore, the Debtor argues that it *did* in fact make numerous improvements to the property, including "(i) extensive grading, (ii) driving scores of 30-40 foot concrete pylons, (iii) erecting massive retaining walls, (iv) laying an enormous foundation, (v) installing extensive under ground utilities and (vi) completing much of a driveway for an 8,1000 square foot luxury home." *Id.* at 2-3. The Debtor argues that the property is actually worth \$5,200,000 and the Movants' valuation is incorrect because it does not take into account the view, the "enormous 21,000 square foot pad size (which Debtor increased from 7,000 to 21,000 feet through the construction)" and the abovementioned improvements. *Id.* at 3.

The Debtor's valuation is based on an appraisal done by Jeffrey Borsuk (the "Debtor's Appraiser"), a licensed appraiser, on April 15, 2021. Borsuk Decl. at ¶¶ 8-9.

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The Debtor's Appraiser believes that his valuation is more accurate because the Movants' Appraiser did not take into account all of the improvements that the Debtor did to the property, including but not limited to, the expansion of the building pad from 7,000 square feet to 20,000 square feet, which the Debtor's Appraiser calls "extremely rare in the subject market area." Ex. 3 to Borsuk Decl.

Furthermore, the Debtor believes that the Movants' Appraiser's valuation is implausible because the Movants loaned the Debtor \$4.5 million on a property that was supposedly worth far less. Opposition at 9. The Debtor quotes one of the Movants' state court pleadings where the Movants note that they do not loan money on properties unless a 75% loan to value "would provide some equity to protect their investment." *Id.* at 9. Therefore, the loan to value ratio on this Property using the Movants' valuations does not make sense. The Debtor further avers that the case was not filed in bad faith because it has listed 17 creditors and it intends to file a plan of reorganization that will pay 100% of the Movants' claim. Opposition at 4 & 8.

C. The Reply

On April 26, 2021, the Movants filed their Reply. The Movants argue that this case was filed in bad faith because the Debtor is attempting to block the sale of the Property. Reply at 5-6. The Movants aver that the Debtor's primary asset is the Property, and the Debtor has few unsecured creditors. They believe that most of the unsecured creditors do not actually have claims against the estate and the only true unsecured claims are held by two law firms and a construction company that the Debtor allegedly owns. *Id.* at 6. Furthermore, they argue that the Debtor does not have any meaningful cash flow, and the Debtor has not shown that the Property is necessary for an effective reorganization. The Movants also believe that the Debtor's Appraiser's valuation is "exaggerated and unrealistic." *Id.* at 9. They state that the Debtor's Appraiser's attack on the Movants' Appraiser "lacks merit" because the Movants' Appraiser did in fact consider that the Property is located on a level pad and would not require extensive soil grading or stabilization. *Id.* at 10. The Movants also contest the Debtor's assertion that the Debtor made \$1.8 million in improvements to the property. The Movants believe that it is "unreasonable to believe that Med Equity spent nearly half of the budgeted funds (allegedly \$1.8 million) to get the Property into its current state." *Id.* at 11.

Furthermore, the Movant's assert that the Debtor's Appraiser "cannot be

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trusted" because in August of 2018 he appraised the Property at \$3.5 million, assuming that "all foundational work [was] done and ready for vertical construction." *Id.* at 12. Now that the foundational work is done, the Movants argue, it is illogical that the Debtor's Appraiser would re-appraise the property at \$5.2 million. Finally, the Movant argues that, at a minimum, the Court should order Med Equity to pay adequate protection payments.

II. Findings of Fact and Conclusions of Law

As a preliminary matter, the Court emphasizes the notion that motions for relief from the automatic stay are "summary proceeding[s]" that should not involve "an adjudication of the merits of claims." *In re Luz Intern., Ltd.*, 219 B.R. 837, 842 (9th Cir. BAP 1998); *see also Grella v. Salem Five Cent Sav. Bank*, 42 F.3d 26, 31 (1st Cir. 1994) and *In re Johnson*, 756 F.2d 738, 740 (9th Cir. 1985). Both parties spend much of their pleadings discussing the other's alleged breach of contract, the cost of improvements, and the pending state court proceedings. The Court will not consider the merits of any action currently pending in state court, and will simply focus on whether the Movants have made a sufficient showing for relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) & (d)(2).

A. Value of the Property

The Court must address the value of the Property in order to determine whether stay relief ought to be granted. The movant bears the initial burden to show there is either an inadequate equity cushion or that the Debtor has no equity in the Property, which is in turn dependent upon the fair market value of the Property. *See* 11 U.S.C. § 362(g). The Movants posit that, based on the Movants' Appraiser's valuation, the Property has a value of \$2,350,000. In contrast, the Debtor contends that, based upon the Debtor's Appraiser's valuation, the Property is worth \$5,200,000-\$6,000,000 [**Note 1**]. The Debtor also scheduled the Property at a value of \$7,000,000. *See In re Enewally*, 368 F.3d 1165, 1173 (9th Cir. 2004) ("an owner's opinion of property value may be conclusive"); *Universal Pictures Co. v. Harold Lloyd Corp.*, 162 F.2d 354, 369 (9th Cir. 1947) (finding that the owner of property "may always testify to its value").

Here, there are two competing valuations. "[V]aluation of assets is 'not an exact science.'" *In re Karakas*, 2007 WL 1307906, at * 5 (Bankr. N.D.N.Y. May 3, 2007). "A Court may look to the accuracy, credibility and methodology employed by

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the appraisers.” *In re Lepage*, 2011 WL 1884034, at *4 (Bankr. E.D.N.Y. May 18, 2011). In terms of the experience of the appraisers, both are licensed in California and have been practicing for many years, so the Court finds little to distinguish them as far as experience and qualifications.

When determining which valuation, if any, to adopt, one bankruptcy court noted:

The Court may accept an appraisal in its entirety or may choose to give weight only to those portions of an appraisal that assist the Court in its determination. *See, In re Brown*, 289 B.R. 235, 238 (Bankr. M.D. Fla. 2003). “[W]hen competing appraisals are submitted, the court is required to consider portions of each to arrive at what it believes to be a realistic market value for the property.” *In re Belmont Realty Corp.*, 113 B.R. 118, 121 (Bankr. D.R.I. 1990). Heightened scrutiny is appropriate when two competent appraisals are presented by qualified appraisers stating widely divergent values. *See In re Grind Coffee & Nosh, L.L.C.*, 2011 WL 1301357 (Bankr. S.D. Miss. 2011).

In re 210 Ludlow St. Corp., 455 B.R. 443, 448 (Bankr. W.D. Pa. 2011).

“In valuing residential real property, the typical method used is the comparable sales method.” *In re Levin*, No. 8-17-77330, 2020 WL 1987783, *3 (Bankr. E.D.N.Y. Apr. 24, 2020). Comparables in this case, however, do not paint the full picture. The Debtor’s Appraiser’s comparables ranged in price from \$2.1 million to \$3.6 million. However, he noted that “all the comparables are inferior to the subject site in usable pad area and views.” Ex. 3 to Borsuk Decl. The Movants’ Appraiser’s comparables ranged in price from \$2.1 million to \$3 million. However, he also did not find any strong comparables because of “the limited data of similar properties and due to the geographical characteristics of the subject’s market area” Ex. C. to Motion at 8.

In addition to comparables, courts may also look to “other factors such as location, lot size, square footage, condition, and age of the property.” *In re Toal*, No. 10-72783-478, 2011 WL 3607911, *3 (Bankr. E.D.N.Y. Aug. 15, 2011). “What matters is not the mere existence of widely varying appraisals, but the *reasons* for those variations.” *In re Bate Land & Timber, LLC*, 523 B.R. 483, 499 (Bankr. E.D.N.C. 2015). The main distinguishing factor between the two appraisals is the size

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of the building pad, or the size of the area upon which a home may be built. The Debtor notes that the Property is 1.04 acres and initially had a building pad of 7,000 square feet. The Debtor then improved the lot and increased the building pad to over 20,000 square feet. While Jilanchi states that the Movants' Appraiser "considered all the improvements that has been made to the Property as of January 2021," the Movants' Appraiser does not explicitly say that he took the increased building pad size into account – a key deficiency in the appraisal. Jilanchi Decl. at ¶ 8. Rather, he simply states that "the report was made under the assumption that the lot is buildable" Ex. C to Motion at 6-7. The Debtor's Appraiser, on the other hand, does state that he took into consideration the greatly expanded the building pad (almost tripling from 7,000 square feet to 20,000 square feet). *See* Ex. 3 to Borsuk Decl. ("The level pad of the subject site has been expanded from about 7000 sq ft to over 20000 sq ft at substantial expense (\$1,784,668.80)"). Also, as noted above, the Debtor's Appraiser believes that the unusually large building pad is unique to the area. *See id.* The Court finds that this consideration could easily account for the drastic difference in conclusions made by the appraisers. It is plausible that tripling a building pad could add millions in value to a property. In addition, the Debtor's Appraiser explicitly states that plans for a single-family residence have been approved by the City of Los Angeles, and all entitlements and fees for permits have been paid (at a cost of approximately \$450,000). *Id.* The Movants' Appraiser makes no mention of any of these attributes.

The Court also questions the Movants' suggestion that little or no work has been done on the property. While it is clear that there is no house on the land, the photos attached to both appraisals indicate that the land is completely cleared (where there was presumably a house before) and a large retaining wall has been installed. *Id.* at 11-12. Jilanchi states both that "[n]o construction has been done" and "almost no construction has been done on the Property." Supplemental Jilanchi Decl. at ¶¶ 5 & 14. On the other hand, one of the Debtor's principals, Joshua Pukini, submitted a signed declaration stating that they had spent just over \$1.8 million "(i) obtaining the architectural plans and permits, (ii) grading the site and hauling dirt, (iii) building three cement retaining walls which have increased the building pad (i.e., level building area) from about 7,000 square feet to over 22,000 square feet, (iv) driving dozens of 30'-40' pylons into the hillside to stabilize the Property for building, and (v) installing underground electric and plumbing for the site." Pukini Decl. at ¶ 26. According to the photos, there has been at least some amount of construction

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completed on the Property, the extent to which is unclear.

While both appraisals have deficiencies, the Court finds that the Debtor's Appraiser took into account factors that the Movants' Appraiser did not: the approval of plans for a single-family home, the fees and entitlements paid to the City of Los Angeles, and, most importantly, the construction and expansion of the building pad. Therefore, the Court finds that Debtor's Appraiser's valuation is more realistic, and the Property has a value of \$5.2 million.

However, a major point of contention is exactly how much work has been done on the land and at what cost. The disposition of that issue is better suited for the relevant state court proceedings. Therefore, this Court's valuation finding is for the purposes of this lift stay motion only and is not intended to have any preclusive effect in the pending state court proceedings.

B. Adequate Protection Under 11 U.S.C. § 362(d)(1)

Under § 362(d)(1), the court shall grant relief "for cause, including the lack of adequate protection of an interest in property of such party in interest." Generally, what constitutes cause for purposes of § 362(d) "has no clear definition and is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir. 1990); *see also Little Creek Dev. Co. v. Commonwealth Mortgage Corp. (In the Matter of Little Creek Dev. Co.)*, 779 F.2d 1068, 1072 (5th Cir. 1986) (relief from the automatic stay may "be granted 'for cause,' a term not defined in the statute so as to afford flexibility to the bankruptcy courts"). However, cause under § 362(d)(1) expressly includes a lack of adequate protection. Section 361 sets forth three non-exclusive examples of what may constitute adequate protection: (1) periodic cash payments equivalent to decrease in value; (2) an additional or replacement lien on other property; or (3) other relief that provides the indubitable equivalent. *See In re Mellor*, 734 F.2d at 1400. The Ninth Circuit has established that an equity cushion of at least 20% constitutes adequate protection for a secured creditor. *Id.* at 1401; *see Downey Sav. & Loan Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.)*, 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral).

Here, the Property's fair market value is determined to be \$5.2 million, and the Movants contend that they have a total claim of \$3,677,524.08. Based on these

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figures, the Court finds that the Movant is adequately protected by an equity cushion of \$1,522,475.92, which constitutes 29.3% of the Property's fair market value. Moreover, the Movants have not established that the Property is declining in value. In sum, the Court determines that the Movant is not entitled to relief for lack of adequate protection at this time. For the same reason, because the Debtor has equity in the property, the Movants are not entitled to stay relief under § 362(d)(2).

C. Bad Faith Finding Under 11 U.S.C. § 362(d)(1)

As many cases have recognized, a "debtor's lack of good faith in filing a petition for bankruptcy may be the basis for lifting the automatic stay" under § 362(d)(1). *In re Laguna Assocs. Ltd. P'ship*, 30 F.3d 734, 737 (6th Cir. 1994); *see also Carolin Corp. v. Miller*, 886 F.2d 693, 699 (4th Cir. 1989) ("Section 362(d)(1)'s 'for cause' language authorizes the court to determine whether, with respect to the interests of a creditor seeking relief, a debtor has sought the protection of the automatic stay in good faith."); *In re Arnold*, 806 F.2d 937, 939 (9th Cir. 1986) ("The debtor's lack of good faith in filing a bankruptcy petition has often been used as a cause for removing the automatic stay."). "Good faith is an amorphous notion, largely defined by factual inquiry. In a good faith analysis, the infinite variety of factors facing any particular debtor must be weighed carefully." *In re Okoreeh-Baah*, 836 F.2d 1030, 1033 (6th Cir. 1988). The determination of bad faith depends on an amalgam of various factors and not upon a single fact. *See Matter of Littlecreek Development Co.*, 779 F.2d 1068, 1072 (5th Cir.1986). Bankruptcy courts should examine factors that may include "the debtor's financial condition, motives, and the local financial realities." *Id.*

Here, Movants' bad faith argument rests on the fact that the Debtor has few unsecured creditors and the Debtor filed this petition on the eve of foreclosure, allegedly in order to prevent the foreclosure. The facts presented by the Movants are not sufficient to reach a finding of bad faith. Although the Debtor has few creditors and commenced this case just before the foreclosure sale date, these facts do not persuade the Court that the Debtor engaged in bad faith. *See Matter of Littlecreek Development Co.*, 779 F.2d at 1073 ("filing a bankruptcy petition on the eve of a scheduled foreclosure sale is not, by itself, sufficient to constitute bad faith") (internal citations omitted). Furthermore, the Movants rely on causes such as *In re Kornhauser*, 184 B.R. 425 (Bankr. S.D.N.Y 1995) and *In re Williams*, No. 1-09-44856, 2010 WL 411108 (Bankr. E.D.N.Y Jan. 27, 2010) for the contention that filing a petition on the

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eve of foreclosure constitutes bad faith. However, the Movants also admit that those cases are distinguishable: in *In re Kornhauser* the Debtor had filed four petitions and "made little effort to comply with this obligations under the Bankruptcy code," and in *In re Williams* the debtor "did not file required documents during [the] proceeding." Reply at 8. Here, the Debtor has neither filed multiple petitions, nor has it failed to comply with its obligations under the Bankruptcy Code.

In addition, although the Debtor basically holds only one asset, *i.e.*, the Property, it fully secures all of the claims against it. The Debtor "expects to file a plan of reorganization that will pay 100% of the Lenders claim (as determined by the Court) with interest at the market rate. Opposition at 8. Having reviewed the Debtor's first monthly operating report [Doc. No. 25], the Court further notes that it appears that the Debtor has closed all pre-petition bank accounts and kept current on all insurance premiums. Additionally, there is no evidence that the Debtor was incorporated for the single purpose of seeking bankruptcy relief, or otherwise that the Property was transferred to Debtor on the eve of the bankruptcy filing.

Having considered the facts of this matter in their totality, the Court cannot conclude that Debtor's bankruptcy petition was filed in bad faith. Therefore, the Movants have not established entitlement to relief from stay pursuant to § 362(d)(1).

III. Conclusion

Based upon the foregoing, the Motion is **DENIED**.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven (7) days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Note 1: The Debtor also submits a valuation from its appraiser stating that the value of the property, once construction is completely finished, will be \$11,000,000. The value of the property as finished is not relevant to this Court's findings because "the value of the property should be determined as of the date to which the valuation relates." *Matter of Savannah Gardens-Oaktree*, 146 B.R. 306, 308 (Bankr. S.D. Ga. 1992).

Party Information

Debtor(s):

Med Equity, LLC

Represented By
Alan W Forsley

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

#1.00 APPLICANT: Trustee, Rosendo Gonzalez

Hearing re [77] and [78] Applications for chapter 7 fees and administrative expenses

Docket 0

***** VACATED *** REASON: NOTICE OF WITHDRAWAL FILED 4-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

#2.00 APPLICANT: Accountant: SLBIGGS, A
Division of SingerLewak

Hearing re [77] and [78] Applications for chapter 7 fees and administrative expenses

Docket 0

***** VACATED *** REASON: NOTICE OF WITHDRAWAL FILED 4-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

#3.00 APPLICANT: Other: FRANCHISE TAX BOARD

Hearing re [77] and [78] Applications for chapter 7 fees and administrative expenses

Docket 0

***** VACATED *** REASON: NOTICE OF WITHDRAWAL FILED 4-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01236 St. Francis Medical Center v. Cardio Medical Consultants Medical Group of

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01236. Complaint by St. Francis Medical Center against Cardio Medical Consultants Medical Group of Long Beach, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20;P 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardio Medical Consultants Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01241 O'Connor Hospital v. Chem-Aqua, Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01241. Complaint by O'Connor Hospital against Chem-Aqua, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-21; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Chem-Aqua, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01246 St. Francis Medical Center v. City of Lynwood, California

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01246. Complaint by St. Francis Medical Center against City of Lynwood, California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

City of Lynwood, California

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01319 St. Vincent Medical Center v. Jorge Estuardo Carrillo

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01319. Complaint by St. Vincent Medical Center against Jorge Estuardo Carrillo. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR, 12-1-20; 1-19-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Jorge Estuardo Carrillo

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01503 Verity Health System of California, Inc. et al v. AT&T Inc.

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01503. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against AT&T Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-9-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AT&T Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01506 St. Francis Medical Center et al v. Beckman Coulter, Inc.

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01506. Complaint by St. Francis Medical Center, Seton Medical Center against Beckman Coulter, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Beckman Coulter, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01508 O'Connor Hospital et al v. Cardinal Health 414, LLC

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01508. Complaint by O'Connor Hospital, Verity Health System of California, Inc. against Cardinal Health 414, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: cont'd to 9/21/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health 414, LLC

Represented By

Lei Lei Wang Ekvall

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01509 Seton Medical Center et al v. Carefusion 2200, Inc.

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01509. Complaint by Seton Medical Center, St. Francis Medical Center against Carefusion 2200, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

*** VACATED *** REASON: DISMISSED 3-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Carefusion 2200, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01511 Verity Health System of California, Inc. et al v. Chancellor Consulting

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01511. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Chancellor Consulting Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/21/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Chancellor Consulting Group, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01513 Seton Medical Center et al v. Clean Earth Environmental Solutions, Inc.

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01513. Complaint by Seton Medical Center, St. Francis Medical Center against Clean Earth Environmental Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clean Earth Environmental

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01515 St. Vincent Medical Center et al v. Cochlear Americas Corporation

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01515. Complaint by St. Vincent Medical Center, O'Connor Hospital against Cochlear Americas Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cochlear Americas Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01524 St. Francis Medical Center et al v. Fluke Electronics Corporation

#15.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01524. Complaint by St. Francis Medical Center, Seton Medical Center against Fluke Electronics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Fluke Electronics Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01527 Seton Medical Center et al v. Getinge USA Sales, LLC

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01527. Complaint by Seton Medical Center, St. Francis Medical Center against Getinge USA Sales, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Getinge USA Sales, LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01530 St. Francis Medical Center et al v. Haemonetics Corporation

#17.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01530. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Haemonetics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Haemonetics Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01534 Verity Health System of California, Inc. et al v. Kronos Incorporated

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01534. Complaint by Verity Health System of California, Inc., St. Vincent Medical Center against Kronos Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: Cont'd 9/21/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Kronos Incorporated

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01535 St. Francis Medical Center et al v. Landmark Anesthesia Medical Group

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01535. Complaint by St. Francis Medical Center, Verity Medical Foundation against Landmark Anesthesia Medical Group. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Landmark Anesthesia Medical Group

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01536 Seton Medical Center et al v. Larratt Bros. Plumbing, Inc.

#20.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01536. Complaint by Seton Medical Center, Verity Holdings, LLC against Larratt Bros. Plumbing, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Larratt Bros. Plumbing, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01538 Verity Business Services et al v. Geisinger

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01538. Complaint by Verity Business Services, Seton Medical Center against Lisa Lhummel Geisinger. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: CONTINUED 9-21-21 AT 10:00 AM.**

Tentative Ruling:

5/3/2021

Order entered. Status Conference **CONTINUED to September 21, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Lisa Lhummel Geisinger

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01539 St. Vincent Medical Center et al v. Los Angeles Department of Water and

#22.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01539. Complaint by St. Vincent Medical Center, Verity Holdings, LLC against Los Angeles Department of Water and Power. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Los Angeles Department of Water

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01541 St. Vincent Medical Center et al v. Mindray DS USA, Inc.

#23.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01541. Complaint by St. Vincent Medical Center, St. Louise Regional Hospital against Mindray DS USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Mindray DS USA, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01544 O'Connor Hospital et al v. Norcal Mutual Insurance Company

#24.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01544. Complaint by O'Connor Hospital, St. Francis Medical Center against Norcal Mutual Insurance Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Norcal Mutual Insurance Company

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01582 St. Francis Medical Center et al v. Johnson & Johnson Health Care Systems

#25.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01582. Complaint by St. Francis Medical Center, O'Connor Hospital, St. Vincent Medical Center, Seton Medical Center against Johnson & Johnson Health Care Systems Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Johnson & Johnson Health Care

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01583 St. Francis Medical Center et al v. Philips Healthcare Informatics, Inc.

#26.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01583. Complaint by St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center, Saint Louise Regional Hospital against Philips Healthcare Informatics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Philips Healthcare Informatics, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01589 St. Vincent Medical Center et al v. Spectranetics LLC

#27.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01589. Complaint by St. Vincent Medical Center, O'Connor Hospital, Seton Medical Center, St. Francis Medical Center against Spectranetics LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Spectranetics LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01590 O'Connor Hospital et al v. Taylor Communications, Inc.

#28.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01590. Complaint by O'Connor Hospital, St. Vincent Medical Center, Seton Medical Center, Verity Medical Foundation against Taylor Communications, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

*** VACATED *** REASON: DISMISSED 2-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Taylor Communications, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01597 St. Francis Medical Center et al v. Depuy Synthes Sales, Inc.

#29.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01597. Complaint by St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital, Saint Louise Regional Hospital against Depuy Synthes Sales, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Depuy Synthes Sales, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 4, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 4, 2021

Hearing Room 1568

11:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#100.00 HearingRE: [43] Application to Employ SulmeyerKupetz, A Professional Corporation as Bankruptcy Counsel Debtors Application For Order Authorizing Employment Of SulmeyerKupetz, A Professional Corporation, As Bankruptcy Counsel; Declarations Of Kevin B. Schatzle And Victor A. Sahn In Support Thereof, with proof of service,

Docket 43

Tentative Ruling:

5/3/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Employment Application is **GRANTED**.

Pleadings Filed and Reviewed

- 1) Debtor's Application for Order Authorizing Employment of SulmeyerKupetz, a Professional Corporation, as Bankruptcy Counsel; Declarations of Kevin B. Schatzle and Victor A. Sahn in Support Thereof (the "Employment Application") [Doc. No. 43]
- 2) United States Trustee's Objection to Debtor's Application for Order Authorizing Employment of SulmeyerKupetz, a Professional Corporation, as Bankruptcy Counsel and Request for Hearing (the "Objection") [Doc. No. 76]
- 3) Notice of Application for Order Authorizing Employment of SulmeyerKupetz, a Professional Corporation, as Bankruptcy Counsel [Doc. No. 44]
- 4) Notice of Hearing on Debtor's Application for Order Authorizing Employment of SulmeyerKupetz, a Professional Corporation, as Bankruptcy Counsel [Doc. No. 78]
- 5) Supplemental Disclosure Re Debtor's Application For Order Authorizing Employment of SulmeyerKupetz, a Professional Corporation, as Bankruptcy Counsel; Declaration of Kevin B. Schatzle [Doc. No. 95]
- 6) Debtor's Reply to Objection of U.S. Trustee to Application for Order

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Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 4, 2021

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11:00 AM

CONT... **collab9, LLC, a Delaware limited liability company** **Chapter 11**
Authorizing Employment of SulmeyerKupetz, a Professional Corporation, as
Bankruptcy Counsel; Declaration of David S. Kupetz in Support Thereof (the
"Reply") [Doc. No. 98]

I. Facts and Summary of Pleadings

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition (the "Petition Date"). The Debtor is a cloud security service provider for managed voice, collaboration, conferencing and contact center services primarily for U.S. public sector customers. The Debtor states that its business operations have been severely undermined by Avaya, its largest creditor. Nevertheless, the Debtor asserts that it was able to find a path forward, "including obtaining funding, a commitment for additional essential financing, and implementation of a process to protect and preserve its business and the value of its business/assets through this chapter 11 case." *See* Doc. No. 5. The Debtor intends to seek a sale of the company's business and assets shortly.

A. The Employment Application

On March 26, 2021, the Debtor filed its Employment Application, seeking to employ SulmeyerKupetz (the "Firm") as bankruptcy counsel, effective as of March 19, 2021. The Debtor argues that the Firm's employment is necessary in order to, *inter alia*, 1) continue compliance with the United States Trustee requirements; 2) review claims of creditors; 3) give advice and counsel to the Debtor with respect to sale of property, use of cash collateral, reject or assume leases, and related matters; 4) negotiate with creditors; and 5) prepare legal documents, correspondence, and act as counsel for the Debtor in all bankruptcy related matters. Employment Application at 4. The Debtor further argues that the Firm is eminently qualified, as it has over 60 years of bankruptcy experience. Finally, the Debtor notes that the Firm is disinterested, not adverse to the estate, and its employment is in the best interest of the estate. *Id.* at 6-7.

The Debtor proposes that it will pay the Firm based upon the Firm's hourly rates pursuant to 11 U.S.C. § 330. *See id.* at 5. Prior to the Petition Date, the Debtor hired the Firm and provided the Firm a \$135,000 retainer as an advance for fees and costs incurred as of the commencement of the Debtor's case. The unused balance was to constitute an advance against fees and costs incurred after the Petition Date. As of the commencement of the case, the Firm's unused pre-petition retainer balance was

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CONT... collab9, LLC, a Delaware limited liability company

Chapter 11

zero. *Id.* at 6. The Debtor requests that the Court authorize the Firm to receive payment on a monthly basis with allowance of all fees and costs subject to final Court approval. The Firm seeks the authority to receive payments from the Debtor in the Firm's trust account on a weekly basis in the amount of \$25,000. Each month, the Firm will withdraw amounts from the trust account pursuant to the procedures set forth in the United States Trustee's Guide to Application for Retainers, and Professional and Insider Compensation for the Central District of California (the "Compensation Guide"). Notwithstanding the monthly draw-down procedures, compensation and reimbursement will be subject to Court approval. The Debtor argues that these procedures are necessary to "ease the financial burden" on the Firm. *Id.*

B. The Objection

On April 9, 2021, the United States Trustee (the "UST") filed its Objection. The UST does not object to the employment of the Firm, but only to the compensation procedures. The UST argues that the Debtor is seeking *Knudsen* payments and has not made a showing that it is entitled to such payments. Objection at 2. The UST asserts that *Knudsen* payments should only be allowed "in rare circumstances." *In re Knudsen*, 84 B.R. 668, 669-70 (9th Cir. BAP 1988). Furthermore, such payments are generally only allowed in "large Chapter 11 cases where a professional satisfies *Knudsen*'s evidentiary standard." Objection at 3. The UST states that "[i]f mere financial hardship or burden is sufficient to satisfy *Knudsen*, then every single solo bankruptcy practitioner or small firm would request the same treatment." *Id.* However, the "the Employment Application fails to provide any evidence or discussion to support the required *Knudsen* findings" and the Firm has failed to show that "being paid every 120 days as opposed to every 30 days will cause a firm of [the Firm's] size to be financing this Debtor's reorganization." *Id.*

The UST's second ground for its objection is that the Debtor is seeking an evergreen retainer. *Id.* at 4. "The evergreen retainer agreement contemplates that the retainer shall remain intact and that debtor's professionals' interim compensation shall be paid from the debtor's operating capital. Accordingly, professionals holding evergreen retainers do not look to this sum until such time as a final fee application is presented and approved by the court." *Id.* The UST avers that because the Firm has already received and drawn down its entire pre-petition retainer, it is not entitled to a post-petition retainer because the Compensation Guide "does not provide for

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CONT... collab9, LLC, a Delaware limited liability company

Chapter 11

continuous replenishment of the retainer." *Id.* The UST expresses concern over the continuous replenishment of the retainer because the applicant is then "seeking continuous fee payments without a proper fee application or review by the Court or any interested party." *Id.* Finally, the UST notes his willingness to compromise on the above issue if necessary, and allowing the Debtor to deposit \$25,000 per week into a trust account that the Firm can then draw from after filing regular fee applications every 120 days. That way, the Firm will have "some financial assurance that it will be paid." *Id.* at 5.

C. The Reply

On April 22, 2021, the Debtor filed its Reply. The Debtor notes that the UST's statement that the Debtor has not received any post-petition retainer is incorrect. On March 26, 2021, this Court issued its Interim Order Authorizing Debtor to Obtain Post-Petition Loan and Authorizing Debtor's Use of Cash Collateral (the "Interim DIP Financing Order"). Doc. No. 46. In the Interim DIP Financing Order, the Court approved of 11 payments of \$25,000 over 13 weeks, totaling \$275,000, that would be paid by the Debtor into the Firm's trust account. Interim DIP Financing Order at 13. The Court entered its Final Order Authorizing Debtor to Obtain Post-Petition Loan and Authorizing Debtor's Use of Cash Collateral (the "Final DIP Financing Order") on April 21, 2021, which contains substantially similar language to the Interim DIP Financing Order. Doc. No. 96. The Debtor argues that this is not an evergreen retainer because the Final DIP Financing Order allows for a maximum of \$275,000 to be deposited as a post-petition retainer, but there is no continuous replenishment. Rather, the Firm elected to receive weekly payments into its trust account because the Debtor did not have the up-front capital to pay \$275,000. *Id.* at 4. Furthermore, the Debtor argues that it is not attempting to seek fee payments without review by the Court or any other interested party; rather, it is drawing down on the \$275,000 post-petition retainer via providing a professional fee statement to the UST that complies with its Compensation Procedures. *Id.* at 5.

The Debtor argues that the UST incorrectly categorizes the draw-down procedures as a request for *Knudsen* payments. The Debtor states that "the proposed Draw-Down procedures are only used to allow [the Firm's] post-petition retainer in the form of advances received pursuant to the Court-approved budget to be drawn down, and does not result in approval of fees or expenses separate from the fee application process." *Id.* at 6. The Debtor cites to numerous cases in this District

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CONT... **collab9, LLC, a Delaware limited liability company** **Chapter 11**

where similar draw-down procedures were approved. *See id.* at 6-7. To the extent that the Court construes the payments as *Knudsen* payments, the Debtor believes that the payments are warranted because of the substantial size of the case. Furthermore, the Firm agreed to represent the Debtor with a smaller up-front retainer, based upon the understanding that the Firm would receive a larger post-petition retainer (in the form of 11 \$25,000 payments). *Id.* at 8. Finally, all final fees that the Firm requests will be subject to notice, hearing, and Court approval. *Id.* at 8-9.

II. Findings of Fact and Conclusions of law

As a preliminary matter, the Court notes that the UST does not object to the Firm's qualifications or disinterestedness, or the necessity of the Firm's employment. Therefore, the narrow issue for consideration is the payment scheme by which the Debtor proposes to pay the Firm.

A. The "Evergreen Retainer"

An evergreen retainer is a type of security retainer whereby a professional will receive a "retainer" from the debtor, but interim compensation paid to the professional will not be paid from the "retainer." Rather, the payments will come from the debtor's operating income. At the conclusion of the bankruptcy proceeding, the professional may seek final fees that would then be paid out of the "retainer." Therefore, an evergreen retainer operates more as a security interest to protect the professional and assure said professional that it will get paid, as opposed to a true post-petition retainer. *See generally In re Benjamin's-Arnolds, Inc.*, 123 B.R. 839, 840 (Bankr. D. Minn. 1990) (describing the evergreen retainer as a system whereby "attorneys and accountants would be employed provided that the prepetition retainers they had received would not be used to pay approved fees until the final fee applications and that all interim fees approved would be paid from operating cash."); *In re Fitzsimmons Trucking, Inc.*, 124 B.R. 556 (Bankr. D. Minn. 1991) (granting an evergreen retainer and allowing counsel to submit fee statements to the court every 90 days); *In re Pan American Hosp. Corp.*, 312 B.R. 706 (Bankr. S.D. Fla. 2004) (granting an evergreen retainer but not allowing counsel to submit fee applications more frequently than every 120 days).

The retainer requested here is not an evergreen retainer. While the UST argues that the Debtor has not received a post-petition retainer and should not be allowed to

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Central District of California
Los Angeles
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Chapter 11

receive a continuous replenishment of any sort of retainer, the Court notes that in its Final DIP Financing Order, the Court approved of weekly payments of \$25,000 that would be paid from the Debtor into the Firm's trust account. Final DIP Financing Order at 13. The Firm argues that it requested, and the Court approved, a post-petition retainer of 11 payments of \$25,000 (totaling \$275,000) into its trust account. The Debtor is not requesting a continuous replenishment of the post-petition retainer. *See* Reply at ¶ 5 fn. 2 ("the post-petition retainer at issue here does not remain intact and is not replenished. Rather, per the Budget, it is in a specific amount (\$275,000) and is advanced over time (11 weekly payments over a period of 13 weeks)"). The Firm "would have preferred that the post-petition retainer be paid up front. However, the Debtor did not have adequate liquidity to do so" Reply at 4. Therefore, the Debtor and the Firm agreed upon the weekly payments to create the post-petition retainer. Furthermore, the Firm is requesting to draw down on the post-petition retainer, not use the post-petition retainer as a security interest and be paid from the Debtor's operating income in the meantime. There is no indication to the Court that this is an evergreen retainer because the pre-petition retainer does not remain intact, the post-petition retainer is not being continuously replenished, and, unlike in *In re Benjamin's-Arnolds*, the draw-downs will not come from the Debtor's operating income. Although the Court has already approved the weekly payments to the Firm's trust account, the Court again approves said payment procedure.

B. Interim Compensation Procedures

With respect to interim compensation, 11 U.S.C. § 331 states:

A trustee, an examiner, a debtor's attorney, or any professional person employed under section 327 or 1103 of this title may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such application or reimbursement for expenses incurred before such date as is provided under section 330 of this title.

11 U.S.C. § 331. The Compensation Guide provides for more frequent payments if the Debtor has received a pre- or post-petition retainer:

Any professional who has received a pre-petition or post-petition retainer must submit to the United States Trustee a monthly Professional Fee Statement

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Los Angeles
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CONT...

collab9, LLC, a Delaware limited liability company

Chapter 11

(Form USTLA-6) no later than the 20th day after the end of the month during which professional services were rendered, together with documentation supporting the charges for the professional services and expenses in the form required for professional fee applications by applicable law

The Professional Fee Statement must explicitly state that the fees and costs will be withdrawn from the trust account in the amount requested without further notice or hearing, unless an objection is filed with the clerk of court and served upon the applicant(a) within 10 days after service of the Professional Fee Statement.

Compensation Guide at I.B.1. & 2. Therefore, if a debtor has received a pre- or post-petition retainer, the debtor may draw down on that retainer by filing monthly statements.

The UST contends that the Firm's interim compensation procedures essentially amount to *Knudsen* payments. *In re Knudsen Corp.* created a test that allows for more frequent payments to professionals than § 331 would normally allow. Such payments are only allowed in large cases where "counsel is essentially compelled to finance the reorganization." *In re Knudsen*, 84 B.R. at 672. Professionals are allowed to receive payments without court approval under approved *Knudsen* procedures. *Id.* at 670.

However, the Court need not address the *Knudsen* test because the Debtor is not asking for *Knudsen* payments. The Debtor explicitly states that it is seeking to use the UST's own Compensation Guide draw-down procedures, discussed above. Such compensation procedures are not uncommon in this District. For example, in *Mad Dogg Athletics* (No. 2:19-bk-18730-WB), the Firm sought a similar arrangement. There, the Firm received a pre-petition retainer and had \$65,189.31 of that rolled over to a post-petition retainer. The Firm then requested the ability to draw down on that post-petition retainer pursuant to the UST's Compensation Guide. The Firm explicitly stated that it sought to "withdraw funds from the trust account maintained by [the Firm] pursuant to the procedures set forth in the [Compensation Guide]." *Mad Dogg Athletics*, No. 2:19-bk-18730-WB, Doc. No. 71 at 6. The UST made an almost identical objection to its Objection here, arguing that such compensation procedures were tantamount to an evergreen retainer and *Knudsen* payments. *Id.*, Doc. No. 91.

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Judge Brand overruled the UST's objection and allowed the Firm to draw down on the unused portion of the retainer pursuant to the procedures set forth in the Compensation Guide. *Id.*, Doc. No. 132. There are numerous other examples of similar procedures being approved for the Firm in this District. *See Glostation USA, Inc.*, No. 1:20-bk-435-MB, Doc. No. 106; *One Way Loans, LLC*, No. 2:18-bk-24572-SK, Doc. No. 91; *Sheikh Shoes, LLC*, No. 2:17-bk-24626-VZ, Doc. No. 254.

The Firm is requesting a monthly draw-down from the Court approved post-petition retainer pursuant to the UST's Compensation Guide. The Compensation Guide provides that the Firm will file a Form USTLA-6 Professional Fee Statement before any draw-down. Compensation Guide at I.B.1. Such draw-downs will be subject to Court approval if the UST requests a hearing within 10 days. *Id.* In contrast, *Knudsen* payments are *not* subject to court approval of billing statements, and are therefore distinguishable. *In re Knudsen*, 84 B.R. at 670 & 674. Here, the UST has the option of requesting Court approval of the Professional Fee Statements if it so chooses. Because the Firm is requesting to use the UST's Compensation Guide for draw-downs and not the *Knudsen* procedures, the compensation scheme is approved.

III. Conclusion

Based upon the foregoing, the Employment Application is GRANTED, with employment effective as of March 19, 2021.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By

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collab9, LLC, a Delaware limited liability company

Victor A Sahn
David S Kupetz
Claire K Wu

Chapter 11

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2:21-12222 collab9, LLC, a Delaware limited liability company

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#101.00 Hearing
RE: [69] Application to Employ Law Offices Of Herbert Hafif as Special Litigation Counsel Application To Employ Law Offices Of Herbert Hafif As Special Litigation Counsel Declaration Of Kevin B. Schatzle In Support Thereof; Statement Of Disinterestedness, with proof of service,

Docket 69

***** VACATED *** REASON: CONTINUED 6-15-21 AT 11:00 A.M.**

Tentative Ruling:

5/3/2021

On the court's own motion, continued to June 15, 2021 at 11:00 a.m.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
Central District of California
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Judge Ernest Robles, Presiding
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Hearing Room 1568

10:00 AM

2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#1.00 Hearing
RE: [1644] Motion RE: Objection to Claim Number 31 by Claimant Accountable
Health Care IPA.

Docket 1644

***** VACATED *** REASON: CONTINUED 6-8-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II
Anthony Bisconti
Steven J. Katzman
Anne A Uyeda

**United States Bankruptcy Court
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2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#2.00 Hearing
RE: [1645] Motion RE: Objection to Claim Number 36 by Claimant Spine
Surgical Implants, Inc..

Docket 1645

***** VACATED *** REASON: CONTINUED 6-22-21 AT 11:00 A.M**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II
Anthony Bisconti
Steven J. Katzman
Anne A Uyeda

**United States Bankruptcy Court
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Wednesday, May 5, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01450 St. Vincent Medical Center et al v. St. Vincent IPA Medical Corporation

#3.00 Hearing
RE: [10] Motion to Dismiss Adversary Proceeding Notice of Motion and Motion to Dismiss Plaintiff's Amended Complaint to Avoid and Recover Transfers Pursuant to 11 U.S.C. 547, 549 and 550 and To Disallow Claims Pursuant to 11 U.S.C. 502; Memorandum of Points and Authorities (Neubauer, Mark)

Docket 10

***** VACATED *** REASON: DISMISSED 4-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

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Defendant(s):

St. Vincent IPA Medical Corporation

Represented By
Mark A Neubauer

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Howard Grobstein

Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1568

10:00 AM

2:19-13763 Ya-Chuan Victor Lee

Chapter 11

#4.00 HearingRE: [166] Motion for order confirming chapter 11 plan (with proof of service)

Docket 166

Tentative Ruling:

5/4/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Plan is **CONFIRMED**.

Pleadings Filed and Reviewed

- 1) Debtor's Motion for Confirmation of Individual Chapter 11 Plan of Reorganization (Dkt. # 152) and Declaration of Marcus G. Tiggs, in Support Thereof (the "Motion") [Doc. No. 166]
- 2) Plan Ballot Summary (with Cast Ballots) [Doc. No. 165]
- 3) Individual Debtor's Disclosure Statement in Support of Plan of Reorganization (the "Disclosure Statement") [Doc. No. 151]
- 4) Individual Debtor's Chapter 11 Plan of Reorganization (the "Plan") [Doc. No. 152]
- 5) Ruling on Disclosure Statement [Doc. No. 157]
- 6) Order Approving Individual Debtor's Disclosure Statement in Support of Plan of Reorganization (the "Order Approving Disclosure Statement") [Doc. No. 160]
- 7) Notice of Hearing on Confirmation of Debtor's Chapter 11 Plan (with Copy of 1) Plan; 2) Disclosure Statement; 3) Entered Order Approving Disclosure Statement; 4) Ballot for Accepting or Rejecting Plan, if Applicable); and Declaration of Marcus Tiggs [Doc. No. 162]
- 8) As of the preparation of this tentative ruling, no opposition is on file.

I. Facts and Summary of Pleadings

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Debtor and Debtor-in-Possession Ya-Chuan Victor Lee (the "Debtor") filed his individual chapter 11 petition on April 3, 2019. The Debtor worked at and holds a 100% ownership interest in Advanced Body Collision, Inc. Auto Body and Paint ("ABC"). The Debtor's bankruptcy was precipitated by the Debtor's attempt to keep another business he had an interest in afloat. The Debtor took loans to support his other business and used ABC as collateral, as well as providing a personal guaranty. Disclosure Statement at 6. The Debtor was unable to keep up with the loans and their high interest rates (between 40%-60%), and sought help from "debtor assistance programs." *Id.* at 7. None of his attempts were successful in reorganizing any of his debts and he determined that his only option was bankruptcy.

After filing for bankruptcy, and with the Court's permission, the Debtor sold two assets: a parcel of real property located at 1820 West 146th St., Gardena, CA, and personal property/equipment located at ABC. The Debtor used the proceeds from these sales to meet payroll, purchase parts, and other operating expenses. Currently, the Debtor's only major asset is his interest in ABC. On February 11, 2020, the US Trustee filed a motion to determine the value of ABC. On March 11, 2020, the Court determined that ABC was worth \$401,000. However, presumably due to the COVID-19 pandemic, the Debtor then listed ABC for sale at a price of \$250,000. ABC continued to struggle and the Debtor was forced to shut down his business in November 2020 due to decreased revenues brought on by the pandemic. *Id.* at 9. As such, the value of ABC decreased significantly, and the Debtor currently values his interest in ABC at between \$100,000 and \$120,000. *Id.* However, the California Department of Tax & Fee Administration (the "CDTFA") currently has a statutory lien against ABC (not the Debtor) in the amount of approximately \$125,990.86. *See* App'x. 2 to the Disclosure Statement. The Debtor believes that the sale proceeds from ABC will cover most, if not all, of the amount owed to the CDTFA. Because only the Debtor filed for chapter 11 bankruptcy, the lien against ABC is not listed as a claim in either the Disclosure Statement or the Plan.

On December 30, 2020, the Debtor filed his Disclosure Statement and Plan. The Court approved the Disclosure Statement on February 4, 2020, at which time the Court also established deadlines concerning solicitation and confirmation of the Debtor's Plan. The Debtor now seeks approval of his Plan. A summary of the Plan is set forth below:

Administrative Claims

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The Debtor anticipates that administrative fees for professionals will be approximately \$23,000, of which \$13,000 will be sought by the Debtor's counsel and \$10,000 by the Debtor's accountant. The professionals have agreed that, due to the limited amount of funds available on the Effective Date, they will set up other payment arrangements with the Debtor after the Effective Date. The Debtor's real estate broker will be paid fully upon the sale of ABC. Other administrative fees for the Clerk's Office and Office of the US Trustee will be paid in full on the Effective Date.

Priority Tax Claims

The Internal Revenue Service ("IRS") holds a priority tax claim against the Debtor. The Debtor proposed to fully pay the IRS' claim of \$4,681 plus 6% interest over the course of 30 months.

Class 1 – Priority Domestic Support Claim – Voted to Accept the Plan

The Debtor's former spouse holds a priority claim against the Debtor in the amount of \$4,000 per month in domestic support obligations. However, the former spouse has agreed to accept a reduced payment of \$1,000 per month in order to assist the Debtor in consummating his plan of reorganization. Class 1 voted to accept the Plan.

Class 6 – General Unsecured Claims

Class 6 consists of seven classes of claims against ABC with the Debtor as a personal guarantor. The claims are:

6(b): Royal Business Bank (\$200,000) – Voted to Accept the Plan

6(c): On-Deck Capital/Celtic Bank (\$94,769.10) – Deemed to Reject (No Ballot Cast)

6(d): Quicksilver Capital (\$84,186) – Deemed to Reject (No Ballot Cast)

6(e): Saturn Funding (\$20,958) – Deemed to Reject (No Ballot Cast)

6(f): Kalamata Capital Group (\$69,212.61) – Deemed to Reject (No Ballot Cast)

6(g): Complete Business Solutions (\$81,343) – Deemed to Reject (No Ballot Cast)

6(h): DMKA, LLC dba: The Smarter Merchant (\$31,999) – Deemed to Reject (No Ballot Cast)

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All seven of these claims are in relation to the Debtor's personal guaranty of business factoring loans for ABC. While the loans are secured under a UCC-1 Financing Statement against certain assets of ABC, the Plan provides that the claimants shall be treated as unsecured claimants as to the Debtor (assuming there will be a deficiency balance) due to the superior CDTFA claim. The Debtor proposes to pay each of these claims at least 5% per month for 5 years. The Debtor states that these classes are impaired and were entitled to vote. Class 6 also contained a convenience class; however, no creditor elected to join that class. Class 6(b) voted to accept the plan. Classes 6(c)-(h) did not return ballots, and therefore are deemed to have rejected the plan.

Class 7 – General Unsecured Claim – Voted to Accept the Plan

Class 7 consists of one personal guaranty claim against the Debtor held by Royal Business Bank for \$74,000. This claim is in relation to the Debtor's personal guaranty of a business loan for a former business of the Debtor, Le Brilliant Lighting Corporation ("LBLC"). While this claim is secured under a UCC-1 Financing Statement against certain assets of LBLC, the Plan provides that the claimant shall be treated as an unsecured claimant as to the Debtor (assuming there will be a deficiency balance). The Debtor proposes to pay this claim at least 5% per month for 5 years. The Debtor states that this class is impaired and was entitled to vote. Class 7 voted to accept the Plan.

Class 8 – General Unsecured Claims – Voted to Accept the Plan

Class 8 consists of credit card and auto parts supplier debts to which the Debtor is personally responsible, totaling \$546,522.77. See Ex. C to Disclosure Statement. The Debtor proposes to pay these claims at least 3% per month for 5 years. The Debtor states that this class is impaired and was entitled to vote. Nine creditors (totaling \$155,052.85) voted to accept the Plan and two (totaling \$11,289.68) voted to reject the Plan. Therefore, Class 8 is deemed to have accepted the Plan.

As of the preparation of this tentative ruling, no opposition is on file.

II. Findings of Fact and Conclusions of Law

As set forth below, the Court finds that the Plan complies with all applicable provisions of §§ 1122, 1123, & 1129. The Plan is confirmed.

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SECTION 1122(a)

Section 1122(a) provides that "a plan may place a claim or an interest in a particular class only if such claim or interest is substantially similar to the other claims or interests of such class."

The Plan's classification structure complies with § 1122(a).

SECTION 1122(b)

Section 1122(b) provides that "a plan may designate a separate class of claims consisting only of every unsecured claim that is less than or reduced to an amount that the court approves as reasonable and necessary for administrative convenience."

The Plan contains a convenience class, but no creditor elected to join said class. Therefore, § 1122(b) does not apply.

SECTION 1123(a)(1)

Section 1123(a)(1) requires that a plan "designate ... classes of claims, other than claims of a kind specified in section 507(a)(2) [administrative expense claims], 507(a)(3) [claims arising during the gap period in an involuntary case], or 507(a)(8) [priority tax claims], and classes of interest."

There are no involuntary gap claims because this is a voluntary chapter 11 case. The Plan appropriately classifies the Debtor's priority IRS tax claim. In addition, the Plan appropriately classifies administrative expense claims and the Debtor's domestic support obligation. The Plan satisfies § 1123(a)(1).

SECTION 1123(a)(2)

Section 1123(a)(2) requires that the Plan "specify any class of claims or interests that is not impaired under the Plan."

All classes are impaired (except the convenience class that contains no creditors). The Plan satisfies § 1123(a)(2).

SECTION 1123(a)(3)

Section 1123(a)(3) requires that the Plan "specify the treatment of any class of claims or interests that is impaired under the Plan."

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The Plan specifies the treatment afforded to each impaired class—Classes 1(a), 6(b)-(c), 7, and 8. The Plan satisfies § 1123(a)(3).

SECTION 1123(a)(4)

Section 1123(a)(4) requires that the Plan "provide the same treatment for each claim or interest of a particular class unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest."

The Plan provides the same treatment to claims and interests of the same class. The Plan satisfies § 1123(a)(4).

SECTION 1123(a)(5)

Section 1123(a)(5) requires that the Plan "provide adequate means for the plan's implementation."

The Plan will be funded by the Debtor's cash on hand as well as monthly income from the Debtor's job as an insurance salesperson. Should ABC be sold for more than the CDFTA lien, the Plan will also be funded using proceeds from that sale. The Debtor anticipates having approximately \$4,000 of cash on hand on the Effective Date of the Plan. The professionals have agreed that, due to the limited amount of funds available on the Effective Date, they will set up other payment arrangements with the Debtor after the Effective Date. *See* Disclosure Statement.

In support of his ability to adequately implement the Plan, the Debtor has submitted pay stubs from his employment as an insurance salesman. *See* App'x. 1 to Disclosure Statement. The Debtor notes that income projections are inconsistent with average monthly income during the six months prior to this case because he started a new job. Total monthly payments under the plan equal \$1,984 (inclusive of his domestic support obligation), and as the Debtor's financial projections demonstrate, the Debtor will have an average net income of \$2,847 for the duration of the Plan. The proposed funding sources provide an adequate means for the Plan's implementation. The Plan satisfies § 1123(a)(5).

SECTION 1123(a)(6)

Section 1123(a)(6) provides: "[A] plan shall provide for the inclusion in the

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charter of the debtor, if the debtor is a corporation ..., of a provision prohibiting the issuance of nonvoting equity securities, and providing, as to the several classes of securities possessing voting power, an appropriate distribution of such power among such classes, including, in the case of any class of equity securities having a preference over another class of equity securities with respect to dividends, adequate provisions for the election of directors representing such preferred class in the event of default in the payment of such dividends."

The Debtor is an individual. Section 1123(a)(6) does not apply.

SECTION 1123(a)(7)

Section 1123(a)(7) requires that the Plan's provisions with respect to the selection of officers and directors be consistent with public policy and the interests of creditors and equity security holders.

The Debtor is an individual. Section 1123(a)(7) does not apply.

SECTION 1123(a)(8)

Section 1123(a)(8) was added to the Bankruptcy Code to provide that, to be confirmable, an individual debtor's plan must provide for the payment to creditors of all or such portion of earnings from personal services or other future income of the debtor. The Plan provides for the payment of a portion of the Debtor's future income to creditors. The Plan satisfies § 1123(a)(8).

SECTION 1123(b)

Section 1123(b) sets forth provisions that are permitted, but not required, in a plan. The Plan contains certain of § 1123(b)'s optional provisions. The Plan is consistent with § 1123(b).

SECTION 1129(a)(1)

Section 1129(a)(1) requires that the "plan compl[y] with the applicable provisions of this title." According to the leading treatise, the "legislative history suggests that the applicable provisions are those governing the plan's internal structure and drafting: 'Paragraph (1) requires that the plan comply with the applicable provisions of chapter 11, such as section 1122 and 1123, governing classification and contents of a plan.'" *Collier on Bankruptcy* ¶ 1129.01[1] (16th rev'd ed.) (citing S.

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Rep. No. 989, 95th Cong., 2d Sess. 126 (1978)).

SECTION 1129(a)(2)

Section 1129(a)(2) requires that the "proponent of the plan compl[y] with the applicable provisions of this title." The Court finds that the Debtor has:

- 1) Obtained Court approval of a Disclosure Statement in accordance with § 1125 (*see* "Order Approving Disclosure Statement and Setting Hearing on Confirmation of Plan" [Doc. No. 160]);
- 2) Obtained Court approval of the employment of professional persons (*see* Doc. Nos. 27, 30, 31, 82, 83 & 146); and
- 3) Filed monthly operating reports.

Accordingly, the Debtor has satisfied the requirements of § 1129(a)(2).

SECTION 1129(a)(3)

Section 1129(a)(3) requires that the "plan has been proposed in good faith and not by any means forbidden by law." As one court has explained:

The term 'good faith' in the context of 11 U.S.C. § 1129(a)(3) is not statutorily defined but has been interpreted by case law as referring to a plan that 'achieves a result consistent with the objectives and purposes of the Code.' 'The requisite good faith determination is based on the totality of the circumstances.'

In re Melcher, 329 B.R. 865, 876 (Bankr. N.D. Cal. 2005) (internal citations omitted).

The Plan seeks objectives that are consistent with those of the Bankruptcy Code and the Debtor has complied with the requirements of the Code throughout this case. Under Fed. R. Bankr. P. 3015(f), the Court is not required to receive evidence as to good faith because no party has objected to confirmation. Section 1129(a)(3) is satisfied.

SECTION 1129(a)(4)

Section 1129(a)(4) requires that "[a]ny payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under

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the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable."

The Plan provides that payment of all professional fees is subject to review by the Court. *See* Plan at I.A. The Plan satisfies § 1129(a)(4).

SECTION 1129(a)(5)

Section 1129(a)(5) requires that the Plan disclose "the identity and affiliations of any individual proposed to serve, after confirmation of the Plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint Plan with the debtor, or a successor to the debtor under the Plan." Section 1129(a)(5)(A)(ii) requires that the appointment to or continuation in office of a director or officer be consistent with the interests of creditors, equity security holders, and public policy. Section 1129(a)(5)(B) requires the Plan proponent to disclose the identity of any insider to be employed by the reorganized debtor.

The Debtor is an individual. Section 1129(a)(5) does not apply.

SECTION 1129(a)(6)

Section 1129(a)(6), which requires that a governmental regulatory commission with jurisdiction over rates charged by a debtor approve any rate changes provided for in the plan, does not apply.

SECTION 1129(a)(7)

Section 1129(a)(7), known as the "best interests of creditors test," provides in relevant part: "With respect to each impaired class of claims or interests, each holder of a claim or interest of such class has accepted the plan; or will receive or retain under the plan on account of such claim or interest property of a value, as of the effective date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under chapter 7 of this title on such date."

Based upon its review of the Liquidation Analysis included with the Disclosure Statement, under Chapter 7 liquidation unsecured creditors would likely be paid 0% on their claims. The Plan provides each holder of a claim in an impaired class

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with some payment as of the Effective Date, that is not less than the amount that such holder would receive in a Chapter 7 liquidation. The Plan satisfies § 1129(a)(7).

SECTION 1129(a)(8)

Section 1129(a)(8) requires each class to accept the Plan, unless the class is not impaired.

Classes 6(c)-(h) are deemed to have rejected the Plan. Therefore, the Plan will be confirmed by way of 11 U.S.C. § 1129(b).

SECTION 1129(a)(9)

Section 1129(a)(9) requires that holders of certain administrative and priority claims receive cash equal to the allowed claim amount of their claims on the effective date of the plan, unless the claimant agrees to different treatment.

The Plan and Motion provide that all administrative claims will either be paid in full on the Effective Date, or that the professionals have agreed to defer payment due to the limited nature of funds available on the Effective Date. Motion at 5; Plan at 2-3. The Plan also provides for payment of priority tax claims in a manner consistent with § 1129(a)(9)(C). Finally, the Plan provides for payment of domestic support obligations consistent with § 1129(a)(9)(B). The Plan satisfies § 1129(a)(9).

SECTION 1129(a)(10)

Section 1129(a)(10) requires that "at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider."

Classes 1(a), 6(b), 7, and 8 are impaired, do not consist of insiders, and have accepted the Plan. Section 1129(a)(10) is satisfied.

SECTION 1129(a)(11)

Section 1129(a)(11), known as the "feasibility requirement," requires the Court to find that "[c]onfirmation of the plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan."

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The Debtor has sufficient cash on hand to pay the amounts that are due on the Effective Date (assuming the Debtor and the professionals have come to an agreement regarding the professionals' fees). Based upon its review of the Debtor's projected income and the pay stubs submitted as Appendix 1 to the Disclosure Statement, the Court finds that confirmation is not likely to be followed by liquidation or the need for further financial reorganization. Furthermore, should the Debtor's business be sold for greater than the CDTFA lien against it, the Debtor will have additional funds. The Plan is feasible and satisfies § 1129(a)(11).

SECTION 1129(a)(12)

Section 1129(a)(12) requires that the Debtor pay all United States Trustee fees prior to confirmation or provide for payment of those fees on the effective date.

The Debtor states that he is current on all United States Trustee fees. To the extent any fees are outstanding, the Plan provides that all such fees will be paid by the Effective Date. Section 1129(a)(12) is satisfied.

SECTION 1129(a)(13)

Section 1129(a)(13), which contains requirements pertaining to the payment of retirement benefits, does not apply.

SECTION 1129(a)(14)

Section 1129(a)(14) provides: "[i]f the Debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition." The Debtor is current on his domestic support obligations and his former spouse has voted to accept the plan (Class 1(a)). Therefore, the Plan satisfies § 1129(a)(14).

SECTION 1129(a)(15)

Section 1129(a)(15) provides:

(15) In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objects to the confirmation of the plan--

(A) the value, as of the effective date of the plan, of the

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Ya-Chuan Victor Lee

Chapter 11

property to be distributed under the plan on account of such claim is not less than the amount of such claim; or
(B) the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2) [11 USCS § 1325(b)(2)]) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer.

Because no party has objected to confirmation, § 1129(a)(15) does not apply.

SECTION 1129(a)(16)

Section 1129(a)(16) provides: "All transfers of property under the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust."

The Plan does not provide for the transfer of any property. The Plan satisfies § 1129(a)(16).

SECTION 1129(b)

The Court may confirm a plan even if a class did not vote to approve the plan "if the plan does not discriminate unfairly, and is fair and equitable" with respect to the dissenting class. 11 U.S.C. § 1129(b)(1). Section 1129(b)(2)(B) provides two different ways that an unsecured creditor may be given fair and equitable treatment under a plan:

- i) The plan provides 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; or
- ii) The holder of any claim or interest that is junior to the claims of such class will not receive or retain under the plan on account of such junior claim or interest any property, except in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of

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subsection (a)(14) of this section.

11 U.S.C. § 1129(b)(2)(B)(i) & (ii).

The 9th Circuit Bankruptcy Appellate Panel ruled in *In re Juarez*, 603 B.R. 610 (2019) that the absolute priority rule only comes into play "if the debtor retains any property . . . under the plan on account of [the debtor's interest]." 603 B.R. at 623 (internal quotations omitted). That court further noted that "a debtor does not retain exempt property either under the plan or on account of the debtor's interest . . . [r]ather, the debtor retains exempt property due to the exemption statutes." *Id.* Here, the Plan does not violate the absolute priority rule because the Debtor is only retaining property that is exempt. Because the Debtor is not retaining any property on account of the Plan, the Court finds that the treatment of Classes 6(c)-6(h) is fair and equitable. Therefore, cramdown is appropriate pursuant to § 1129(b)(2)(B).

SECTION 1129(c)

Section 1129(c), which states that the court may confirm only one plan in a particular case, is satisfied.

SECTION 1129(d)

Section 1129(d) provides: "Notwithstanding any other provisions of this section, on request of a party in interest that is a governmental unit, the court may not confirm a Plan if the principal purpose of the Plan is the avoidance of taxes or the avoidance of the application of section 5 of the Securities Act of 1933."

No governmental unit has requested that the court not confirm the Plan on the grounds that the Plan's purpose is the avoidance of taxes or application of section 5 of the Securities Act of 1944. The Plan satisfies § 1129(d).

III. Conclusion

Based upon the foregoing, the Plan is CONFIRMED.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you

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intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Ya-Chuan Victor Lee

Represented By
Marcus G Tiggs

**United States Bankruptcy Court
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11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

#100.00 Hearing
RE: [211] Application for Compensation First Interim Application for Allowance
of Fees and Costs **re Marshack Hays LLP**

Docket 211

Tentative Ruling:

5/4/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$137,801.50 (Applicant agrees that the interim amount actually paid to the applicant at this stage will be 50% of allowed fees and 100% of allowed costs [*see* Doc. No. 211])

Expenses: \$7,756.66 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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CONT...

Bahram Zendedel

Chapter 7

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
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Courtroom 1568 Calendar**

Monday, May 10, 2021

Hearing Room 1568

10:00 AM

2:21-12306 Kiumars Mishamandani Bafekr and Mirian Del Carmen

Chapter 7

#1.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Toyota Prius Prime XLE . (Nagel, Austin)

Docket 10

Tentative Ruling:

5/6/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

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CONT... Kiumars Mishamandani Bafekr and Mirian Del Carmen

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Kiumars Mishamandani Bafekr

Represented By
Heather J Canning

Joint Debtor(s):

Mirian Del Carmen Bafekr

Represented By
Heather J Canning

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:17-18597 Base Architecture Planning & Engr Inc.

Chapter 7

Adv#: 2:20-01005 Gonzalez v. Anderson

#1.00 Status Conference to monitor consummation of the settlement RE: [1] Adversary case 2:20-ap-01005. Complaint by Rosendo Gonzalez against Michael H. Anderson. (Charge To Estate). Complaint: (1) To Avoid Fraudulent Transfers Pursuant To 11 U.S.C. §§ 544 and 548; (2) To Recover Avoided Transfers Pursuant To 11 U.S.C. § 550; and, (3) Automatic Preservation of Avoided Transfer Pursuant To 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Gonzalez, Rosendo)

fr. 2-9-21

Docket 1

***** VACATED *** REASON: CONTINUED 4-12-22 AT 10:00 A.M.**

Tentative Ruling:

5/10/2021

Order entered. Status Conference **CONTINUED** to **April 12, 2022 at 10:00 a.m.**

Party Information

Debtor(s):

Base Architecture Planning & Engr

Represented By
M. Jonathan Hayes

Defendant(s):

Michael H. Anderson

Pro Se

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01387 Mastan, Chapter 7 Trustee v. Bank of Hope et al

#2.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01387. Complaint by Peter J. Mastan, Chapter 7 Trustee against Bank of Hope, Jason Young Cho. (Charge To Estate).
Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Bank of Hope

Represented By
J. Alexandra Rhim

Jason Young Cho

Pro Se

Youngduk Duk Cho

Pro Se

DOES 1-10 inclusive

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

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CONT... Keystone Textile, Inc.

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:18-24265 Neilla M Cenci

Chapter 7

Adv#: 2:19-01065 BALL C M, Inc. v. Cenci et al

#3.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01065. Complaint by BALL C M, Inc. against Neilla M Cenci. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Slates, Ronald)

FR. 5-14-19; 8-13-19; 1-14-20; 7-14-20; 11-17-20; 2-9-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 A.M.**

Tentative Ruling:

5/10/2021

Order entered. Status Conference **CONTINUED to October 12, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Neilla M Cenci

Represented By
James R Selth

Defendant(s):

Neilla M Cenci

Pro Se

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

BALL C M, Inc.

Represented By
Ronald P Slates

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:19-14528 Allen Joseph MacQuarrie

Chapter 7

Adv#: 2:19-01144 Borish et al v. Tabingo et al

#4.00 Status Hearing RE: [1] Adversary case 2:19-ap-01144. Complaint by Stephen & Ami Borish against Allen Joseph MacQuarrie. (d),(e)),(14 (Recovery of money/property - other)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (Bonar, Roxanne)

fr: 8-13-19; 9-24-19; 10-13-20; 1-12-21

Docket 1

***** VACATED *** REASON: OSC RE DISMISSAL ENTERED 5-10-21**

Tentative Ruling:

5/10/2021

Order entered. Status Conference **VACATED**. Hearing on Order to Show Cause Re: Dismissal for Failure to Prosecute set for **June 9, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Allen Joseph MacQuarrie

Represented By
Shawn P Huston

Defendant(s):

Celgine Tabingo

Pro Se

Clarke Miller

Pro Se

KarmaBox Vending

Pro Se

MyKarmabox.com

Pro Se

Urban Vendor, Inc

Pro Se

Does 1 Through 20, Inclusive

Pro Se

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

CONT... Allen Joseph MacQuarrie

Chapter 7

Allan J Macquarrie

Pro Se

Plaintiff(s):

Stephen Borish

Pro Se

Ami Borish

Pro Se

Trustee(s):

Timothy Yoo (TR)

Pro Se

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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:19-24904 Nicholas Rene Ortiz

Chapter 7

Adv#: 2:20-01024 Winfund Investment LLC v. Ortiz

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01024. Complaint by Winfund Investment LLC against Nicholas rene Ortiz. willful and malicious injury)),(65 (Dischargeability - other)) (Chang, Peiwen)

fr. 5-12-20; 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 4-12-22 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas Rene Ortiz

Represented By
Daniel G McMeekin

Defendant(s):

Nicholas Rene Ortiz

Pro Se

Plaintiff(s):

Winfund Investment LLC

Represented By
Peiwen Chang

Trustee(s):

Sam S Leslie (TR)

Pro Se

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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#6.00 Status Hearing

RE: [26] First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

fr. 10-13-20; 1-12-21; 3-9-21

Docket 26

***** VACATED *** REASON: PER ORDER ENTERED 5-10-21**

Tentative Ruling:

5/10/2021

Order entered. Status Conference **VACATED**.

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:20-14515 Holly Wayne Roberson

Chapter 7

Adv#: 2:20-01659 Strategic Funding Source Inc. dba Kapitus v. Roberson

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01659. Complaint by Strategic Funding Source, Inc. d/bb/a Kapitus against Holly Wayne Roberson. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Myers, Michael)

FR. 2-9-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 3-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Holly Wayne Roberson

Represented By
David H Chung

Defendant(s):

Holly Wayne Roberson

Pro Se

Plaintiff(s):

Strategic Funding Source Inc. dba

Represented By
Michael S Myers

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:20-16424 Sang Young Yi

Chapter 7

Adv#: 2:20-01690 United States Trustee for the Central District of v. Yi

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01690. Complaint by United States Trustee for the Central District of California, Region 16 against Sang Young Yi. (\$350.00 Fee Not Required). for Denial of Discharge pursuant to 11 U.S.C. Sec. 727(a) (3), (a)(4), and (a)(5) (Attachments: # 1 Summons) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Yip, Hatty)

FR. 3-9-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sang Young Yi

Represented By
Jaenam J Coe

Defendant(s):

Sang Young Yi

Pro Se

Plaintiff(s):

United States Trustee for the Central

Represented By
Hatty K Yip

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

10:00 AM

2:20-20871 Carlos A. Flores

Chapter 7

Adv#: 2:21-01047 Newman et al v. Flores

#9.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01047. Complaint by Robert Newman, Best Capital Investments, LLC against Carlos A. Flores. false pretenses, false representation, actual fraud)) (Hagen, David)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 4-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos A. Flores

Represented By
John M Boyko

Defendant(s):

Carlos A. Flores

Pro Se

Plaintiff(s):

Robert Newman

Represented By
David S Hagen

Best Capital Investments, LLC

Represented By
David S Hagen

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

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Hearing Room 1568

10:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

Adv#: 2:21-01030 Philmont Management, Inc. v. 450 S. Western Ave., LLC

#10.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01030. Complaint by Philmont Management, Inc. against 450 S. Western Ave., LLC. priority or extent of lien or other interest in property)) (Finlayson, Jesse)

Docket 1

***** VACATED *** REASON: DISMISSED 5-10-21**

Tentative Ruling:

5/10/2021

Order entered. Complaint **DISMISSED WITH PREJUDICE**. Status Conference **VACATED**.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

Defendant(s):

450 S. Western Ave., LLC

Pro Se

Plaintiff(s):

Philmont Management, Inc.

Represented By

Jesse S Finlayson

**United States Bankruptcy Court
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Judge Ernest Robles, Presiding
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Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:16-25740 QUIGG LA11, LLC

Chapter 7

Adv#: 2:18-01399 Elissa D. Miller, solely in her capacity as chapte v. Old World Precast, Inc., a

#100.00 Pre-Trial Conference

RE: [1] Adversary case 2:18-ap-01399. Complaint by Elissa D. Miller, solely in her capacity as chapter 7 trustee against Old World Precast, Inc., a California corporation. (Charge To Estate). Complaint for (1) Avoidance and Recovery of Preferential Transfers, (2) Avoidance and Recovery of Fraudulent Transfers, (3) Preservation of Preferential and Fraudulent Transfers, and (4) Disallowance of Claims Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Lev, Daniel)

fr: 10-15-19; 3-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

QUIGG LA11, LLC

Represented By
David M Reeder

Defendant(s):

Old World Precast, Inc., a California

Pro Se

Plaintiff(s):

Elissa D. Miller, solely in her

Represented By
Asa S Hami
Daniel A Lev

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Asa S Hami

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CONT...

QUIGG LA11, LLC

Jessica Vogel

Chapter 7

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:17-13016 Sharp Edge Enterprises

Chapter 7

Adv#: 2:18-01163 Leslie v. Reihanian et al

#101.00 Pre-Trial Conference
RE: [10] Amended Complaint by Christian T Kim on behalf of Sam S. Leslie, Sam S Leslie (TR) against Leon Reihanian. (RE: related document(s)1 Adversary case 2:18-ap-01163. Complaint by Sam S. Leslie against Leon Reihanian. (Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) filed by Plaintiff Sam S. Leslie. (Kim, Christian)

fr. 6-11-19; 7-16-19; 1-15-20; 8-11-20; 12-15-20; 2-9-21

Docket 10

***** VACATED *** REASON: JUDGMENT 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharp Edge Enterprises

Represented By
Peter A Davidson

Defendant(s):

Leon Reihanian

Represented By
Raymond H. Aver

DOES 1-20, inclusive

Pro Se

Abraham Reihanian, as Trustee of

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Christian T Kim
James A Dumas Jr

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11:00 AM

CONT... Sharp Edge Enterprises

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:18-11795 Alana Gershfeld

Chapter 7

Adv#: 2:19-01052 Dye v. Khasin et al

#102.00 Pre-Trial Conference
RE: [1] Adversary case 2:19-ap-01052. Complaint by Carolyn A Dye against Maria Khasin, Larry A. Khasin, M & L Living Trust. (Charge To Estate).
Complaint: (1) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. §§ 544 And 548; (2) To Recover Avoided Transfers Pursuant To 11 U.S.C. § 550; And,(3) Automatic Preservation Of Avoided Transfer Pursuant To 11 U.S.C. § 551
Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Gonzalez, Rosendo)

FR. 1-14-20; FR 7-16-19; 4-14-20; 11-17-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alana Gershfeld

Represented By
Alla Tenina

Defendant(s):

Maria Khasin

Pro Se

Larry A. Khasin

Pro Se

M & L Living Trust

Pro Se

Plaintiff(s):

Carolyn A Dye

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Represented By

**United States Bankruptcy Court
Central District of California
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CONT...

Alana Gershfeld

Rosendo Gonzalez

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:19-12402 Ryan James McMillin

Chapter 7

Adv#: 2:19-01137 Elite Optoelectronics Co., Ltd a China Limited Lia v. McMillin et al

#103.00 Pre-Trial Conference
RE: [1] Adversary case 2:19-ap-01137. Complaint by G-Sight Solutions, LLC against Ryan James McMillin, G-Sight Solutions, Inc., a California Corporation. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(14 (Recovery of money/property - other)) (Zshornack, Errol)

fr: 12-15-20; 3-9-21

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 3-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan James McMillin

Represented By
John A Harbin

Defendant(s):

Ryan James McMillin

Represented By
Steven J Renshaw
Errol J Zshornack
Peter J Tormey

G-Sight Solutions, Inc., a California

Pro Se

Plaintiff(s):

Elite Optoelectronics Co., Ltd a

Represented By
Peter J Tormey
Errol J Zshornack

G-Sight Solutions, LLC, a California

Represented By

**United States Bankruptcy Court
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Los Angeles
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Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

CONT... Ryan James McMillin

Chapter 7

Peter J Tormey
Errol J Zshornack

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:19-17062 Shamim Ahemmed

Chapter 7

Adv#: 2:19-01423 Cruz v. Ahemmed

#104.00 Pre-Trial Conference

RE: [29] **Second Amended** Complaint Objecting to Discharge Pursuant to 11 USC 523 (a)2(A) and (6) by Michael N Berke on behalf of Miguel Hernandez Cruz against Shamim Ahemmed. (Berke, Michael)

FR. 11-17-20; 4-13-21

Docket 29

*** VACATED *** REASON: CONTINUED 8-31-21 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shamim Ahemmed

Represented By
Julie J Villalobos

Defendant(s):

Shamim Ahemmed

Represented By
Lawrence R Fieselman
Julie J Villalobos

Plaintiff(s):

Miguel Hernandez Cruz

Represented By
Michael N Berke

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:19-24704 Jesus Navarro Jr

Chapter 7

Adv#: 2:20-01153 YOO v. Paralta et al

#105.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01153. Complaint by TIMOTHY YOO against Edwin Paralta. (Charge To Estate). Avoidance of Fraudulent Transfer - 11 U.S.C. §§ 544(b), 550, 551 Nature of Suit: (14 (Recovery of money/property - other)) (McDonald, Kristofer)

Docket 1

***** VACATED *** REASON: DISMISSED 9-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Navarro Jr

Represented By
Daniel King

Defendant(s):

Edwin Paralta

Pro Se

Jane Doe Peralta

Pro Se

Plaintiff(s):

TIMOTHY YOO

Represented By
Kristofer R McDonald

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#106.00 Pre-Trial Conference
RE: [26] Amended Complaint First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

Docket 26

***** VACATED *** REASON: CONTINUED 8-10-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01119 Rodriguez v. Arid

#107.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01119. Complaint by Luis Rodriguez against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brown, David)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 10-13-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Luis Rodriguez

Represented By
Brian Center
David W Brown

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01120 Frooza, Inc. v. Arid

#108.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01120. Complaint by Frooza, Inc. against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)) (Malczynski, Matthew) WARNING: Some of the pages of complaint are unreadable/ unviewable. See docket entry #[2] for corrective action; Modified on 5/15/2020 (Evangelista, Maria).

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 12-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Frooza, Inc.

Represented By
Matthew Malczynski

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 11, 2021

Hearing Room 1568

11:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01168 Irone v. Mohammed

#109.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01168. Complaint by Munni Alvi Irone against Khurram Mohammed - false pretenses, false representation, actual fraud (Milano, Sonny) Modified on 7/30/2020 (Milano, Sonny).

Docket 1

***** VACATED *** REASON: PER HEARING HELD ON 10/13/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Khurram Mohammed	Pro Se
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Defendant(s):

Khurram Mohammed	Pro Se
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Plaintiff(s):

Munni Alvi Irone	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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 12, 2021

Hearing Room 1568

10:00 AM

2:15-18820 Artorn Benyasri

Chapter 7

#1.00 HearingRE: [36] Motion to Avoid Lien Pacific Mercantile Bank with Pacific Mercantile Bank with proof of service

Docket 36

Tentative Ruling:

5/11/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed

- 1) Debtor's Notice of Motion and Motion to Avoid Lien Under 11 U.S.C. § 522(f) (Real Property) (the "Motion") [Doc. No. 36]
- 2) Creditor Pacific Mercantile Bank's Memorandum of Points and Authorities in Opposition to Debtor's Motion to Avoid Lien [Dkt. #36]; Declaration of Glen R. Segal (the "Opposition") [Doc. No. 38]
- 3) Notice of Opposition and Request for a Hearing [Doc. No. 39]
- 4) Notice of Motion for Debtor's Motion to Avoid Lien of Creditor Pacific Mercantile Bank [Doc. No. 40]
- 5) Debtor's Response to Creditor Pacific Mercantile Bank's Opposition to Debtor's Motion to Avoid Lien (the "Reply") [Doc. No. 44]

I. Facts and Summary of Pleadings

On June 2, 2015, Artorn Benyasri (the "Former Debtor") filed a voluntary chapter 7 petition. The Former Debtor scheduled a piece of real property, located at 23823 Via Campana, Valencia, CA 91354 (the "Property") at a value of \$445,000 with \$345,588 in liens against it. On the petition, the Former Debtor claimed a homestead exemption of \$98,481, per California Code of Civil Procedure ("CCP") § 704.730. On September 14, 2015, he received a discharge and the chapter 7 case

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CONT...

Artorn Benyasri

Chapter 7

trustee filed a Report of No Distribution on January 27, 2016. The case was closed on March 23, 2016. On March 9, 2021, the Former Debtor filed a motion to reopen the case in order to avoid two judicial liens. The case was reopened the next day, and the Former Debtor filed the instant Motion on March 30, 2021.

The Former Debtor asserts that the Property is encumbered by a judicial lien, held by Pacific Mercantile Bank ("PMB"), in the amount of \$187,213 (the "PMB Lien"). Motion at 2. The Debtor argues that, as of the date of the petition, the Property was valued at \$445,000. In addition to the Debtor's scheduled value on his petition of \$445,000, the Former Debtor also submits a retroactive appraisal that values the property at \$445,000. *See* Ex. A to Motion at 11-43. With the senior lien on the Property of \$333,798.94 and his claimed exemption of \$98,481, the Former Debtor asserts that he should be able to be able to avoid the PMB Lien entirely. Motion at 4.

On April 13, 2021, PMB filed its Opposition. PMB asserts that the Former Debtor is only entitled to claim a homestead exemption of \$75,000 because when the petition was filed in 2015, the relevant code section only allowed for a \$75,000 exemption. Opposition at 2. PMB also argues that the value of the Property is \$470,000. *Id.* PMB also hired an appraiser to perform a retroactive appraisal, which is how it came to the value of \$470,000. *See* Ex. A to Opposition at 5-36. Finally, PMB argues that the Former Debtor's calculation of the senior lien on the property is likely incorrect because the Former Debtor's only evidence of the balance of the senior lien is a statement showing his balance as of April 1, 2015. However, the Former Debtor did not file any evidence of the balance of the senior lien as of the petition date of June 2, 2015. PMB asserts that there is still \$61,202 in equity to which its lien can attach.

On April 19, 2021, the Former Debtor filed his Reply. The Former Debtor argues that, at the time he filed his petition, he was 59 years old and made \$6,000 in 2015; therefore, he was actually entitled to a higher exemption amount of \$175,000, according to CCP § 703.740(a)(3)(C). The Former Debtor attached his 2015 tax return and W-2 as evidence of his wages for 2015. Reply at 5-9. The Former Debtor also reiterates his assertion that the Property had a value of \$445,000, per the appraisal he attached to his original Motion. Finally, the Former Debtor states that the amount owed on the senior lien as of the petition date was at least \$333,798.94 because he did not make a payment in the month of May. Therefore, at the beginning of June, the

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CONT...

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Chapter 7

balance would be no less than what he originally scheduled. Between the senior lien and his \$175,000 exemption, the Former Debtor believes he should be able to avoid the entirety of the PMB Lien.

II. Findings of Fact and Conclusions of Law

Section 522(f) allows a debtor to "avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." To prevail on a motion to avoid a judicial lien, the debtor must show that: (1) he has an interest in the property; (2) he is entitled to the exemption; (3) the asserted lien impairs that exemption; and (4) the lien is a judicial lien. *In re Meeks*, 349 B.R. 19, 21 (Bankr. E.D. Cal. 2006). "As the moving party, the debtor carries the burden of proof on all factors." *Id.*; *see also In re Pederson*, 230 B.R. 158, 160 (B.A.P. 9th Cir. 1999); *In re Catli*, 999 F.2d 1405, 1406 (9th Cir. 1993).

Here, both PMB and the Former Debtor agree that the PMB Lien impairs the Former Debtor's interest in the Property. The next question is to what extent the PMB Lien impairs his interest. To determine the extent to which the PMB Lien impairs the Former Debtor's interest, the Court must determine 1) the homestead exemption that the Former Debtor was allowed to claim and 2) if the Former Debtor can claim a higher exemption amount, whether the he can amend his petition to claim that higher amount.

As of June 2, 2015, the 2012 California Legislative Service was the operative exemption scheme. *See* 2012 Cal. Legis. Serv. Ch. 678 (A.B. 929). CCP § 704.730 reads:

(a) The amount of the homestead exemption is one of the following:

...

(3) One hundred seventy-five thousand dollars (\$175,000) if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale of the homestead any one of the following:

...

(C) A person 55 years of age or older with a gross annual income of not more than twenty-five thousand dollars

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Artorn Benyasri

Chapter 7

(\$25,000) or, if the judgment debtor is married, a gross annual income, including the gross annual income of the judgment debtor's spouse, of not more than thirty-five thousand dollars (\$35,000) and the sale is an involuntary sale.

CCP § 704.730(a)(3)(C) 2012 Cal. Legis. Serv. Ch. 678 (A.B. 929). The Former Debtor's signed declaration attached to his Reply states: "I was 59 years old in 2015." Reply at 4. Therefore, the determinative question is what the Former Debtor's gross annual income was.

The Ninth Circuit defines "gross annual income" as "income over a *calendar* year." *In re Goldman*, 70 F.3d 1028, 1029 (9th Cir. 1995). There, the debtor filed for bankruptcy protection on March 25, 1993. Brief for Appellee at *3, *In re Goldman*, 70 F.3d 1028 (9th Cir. 1995) (No. 94-55489). The debtor in *Goldman* argued that his estimated gross annual income for the 1993 year would be less than the statutory maximum, and he could therefore claim a higher homestead exemption. *Id.* The Bankruptcy Court agreed, ruling that "'gross annual income' as used in Section 704.730(a)(3)(C) means the 1993 calendar year [the year in which the petition was filed] and not the twelve (12) months immediately preceding the filing of the bankruptcy petition." 70 F.3d at 1029. The Ninth Circuit agreed with the Bankruptcy Court's ruling. It determined that the plain meaning of "annual income" is over a "calendar year." The court continued: "[w]e cannot ignore the plain meaning of the statute merely because unscrupulous debtors may underestimate their income over the remaining months of the calendar year to qualify for the exemption. Nothing obligates the court to accept a debtor's estimate if the evidence suggests that it is understated." *Id.*

Here, at the time the Former Debtor filed his petition, his income for 2015 was \$4,462. Petition at 37. While the Former Debtor did not estimate his income for the remainder of the year, by electing to take a higher exemption amount than the normal \$75,000 that he would be entitled to, the Former Debtor implied that he believed his estimated 2015 gross annual income would be less than \$25,000. *Id.* at 16. Furthermore, in his Reply, the Former Debtor attached his 2015 W-2 and tax return, confirming that his income was just \$6,000. Therefore, the Former Debtor, at the time he filed his petition, would have been entitled to a \$175,000 homestead exemption.

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Next, the Court must determine whether the Former Debtor can now claim the full \$175,000 exemption when he originally only claimed \$98,481. The Ninth Circuit Bankruptcy Appellate Panel wrote: "[a] debtor's ability to amend his or her claim of exemptions does not terminate upon closure." *In re Goswami*, 304 B.R. 386, 392 (BAP 9th Cir. 2003). Therefore, the Former Debtor may amend his petition even though his case was closed in 2016. Although the Former Debtor did not amend his Schedule C to claim a higher exemption amount, "pleadings should be liberally construed" and courts may "temporarily overlook deficiencies in pleadings in order to construe them in a manner that does substantial justice." *In re Little*, 220 B.R. 13, 18 (Bankr. D.N.J. 1998). Therefore, for the purposes of this Motion, the Court will allow the Former Debtor to claim the higher exemption amount given his signed declaration requesting the ability to do so. Reply at 4. The Former Debtor must, however, formally amend his Schedule C to reflect the higher exemption amount.

Finally, to determine the extent to which the PMB Lien impairs the Former Debtor's interest in the Property, the Court will use the calculation from *In re Hanger*, 217 B.R. 592, 595 (BAP 9th Cir. 1997):

The sum of:	1) the PMB lien	\$187,213
	2) all other liens	\$333,798.94
	\$2,704,498
	\$6,327
	\$693.28 [Note 1]
	3) the exemption	\$175,000
		= \$3,407,530.22

The sum of \$3,407,530.22 exceeds the value of the Former Debtor's interest in the Property in the absence of any liens. The extent of the impairment is \$3,407,530.22 minus the value of the property in the absence of any liens. For the purposes of this Motion, the Court will assume the value of the Property is \$470,000 [Note 2]. Subtracting \$470,000 from \$3,407,530.22 leaves an impairment of \$2,937,530.22. Therefore, judicial liens may be avoided to that amount, in reverse order starting at the most junior. The most junior judicial lien of \$2,704,498 may be avoided entirely because the amount is less than the extent of the impairment. Subtracting the \$2,704,498 lien leaves \$233,032.22. The next lien to be avoided is the PMB Lien. Because the amount of the PMB Lien (\$187,213) is also less than the remaining

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10:00 AM

CONT... Artorn Benyasri

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impairment, that lien can be avoided in its entirety as well. Therefore, the Former Debtor may avoid the PMB Lien.

III. Conclusion

Based upon the foregoing, the Motion is GRANTED.

The Former Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing. Concurrently with the order, the Former Debtor must file an amended Schedule C with the higher exemption amount that he is claiming.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: PMB disputes the Former Debtor's calculation of this HOA lien; however, under either PMB's calculation or the Former Debtor's calculation, the PMB Lien can still be entirely avoided. The Court's calculation of this HOA lien is for the purposes of this Motion only.

Note 2: The Court need not address the issue of the value of the Property because, under both a \$445,000 and \$470,000 valuation, the PMB Lien can be fully avoided.

Party Information

Debtor(s):

Artorn Benyasri

Represented By

Jarintorn Tanatchasai

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 12, 2021

Hearing Room 1568

10:00 AM

2:21-12655 5465 LLC

Chapter 7

#2.00 Status Hearing RE: [1] Chapter 7 Involuntary Petition Against a Non-Individual. Jonathan Hart, Erica Lemus . (Collins, Kim S.) Additional attachment(s) added on 4/1/2021 (Collins, Kim S.).

Docket 1

Tentative Ruling:

5/11/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The involuntary petition is **DISMISSED** for the reasons set forth below.

Pleadings Filed and Reviewed:

- 1) Involuntary Petition Against a Non-Individual [Doc. No. 1]
- 2) Summons and Notice of Status Conference in an Involuntary Bankruptcy Case [Doc. No. 3]
 - a) Certificate of Service [Doc. No. 6]
- 3) Order Regarding Manner of Appearance at Status Conference [Doc. No. 5]
 - a) Certificate of Service [Doc. No. 6]

The Petitioning Creditors have failed to file a proof of service establishing that the Summons, Notice of Status Conference, and Involuntary Petition were served upon the Alleged Debtor. The Summons issued to the Petitioning Creditors clearly informs the Petitioning Creditors of the obligation to serve the Summons, Notice of Status Conference, and Involuntary Petition upon the Alleged Debtor. The Summons further advises the Petitioning Creditors that failure to properly effectuate service may result in dismissal of the involuntary petition.

Local Bankruptcy Rule 1010-1 provides in relevant part: "The court may dismiss an involuntary petition without further notice and hearing if the petitioner fails to ... (c) serve the summons and petition within the time allowed by FRBP 7004; (d) file a

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CONT... 5465 LLC

Chapter 7

proof of service of the summons and petition with the court; or (e) appear at the status conference set by the court."

Based upon the foregoing, the involuntary petition is **DISMISSED**.
The Court will prepare and enter an appropriate order.

Party Information

Debtor(s):

5465 LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, May 12, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#3.00 Hearing

RE: [6144] Motion for Allowance of Administrative Expense Claim and Request for Payment under 11 U.S.C. § 503(b) (Reynolds, Michael)

FR. 12-9-20; 12-16-20; 1-20-21; 2-17-21; 317-21

Docket 6144

***** VACATED *** REASON: CONTINUED 6-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, May 12, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

#4.00 HearingRE: [141] Motion for Authority to Obtain Credit Under Section 364(b), Rule 4001(c) or (d)

Docket 141

Tentative Ruling:

5/11/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed

- 1) Notice of Motion and Debtor's Motion for Authority to Incur Debt (EIDL Loan); Declaration of Michael Brown (11 USC Section 364) (the "Motion") [Doc. No. 141]
- 2) As of the preparation of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

Michael Stuart Brown (the "Debtor") commenced a voluntary chapter 11 petition on May 15, 2020. The Debtor is the owner and managing partner of California Lawyers Group, LLP ("CLG"). Amended Petition [Doc. No. 25] at 8. On April 13, 2021, the Debtor filed the instant Motion, requesting that the Court permit CLG to enter into a loan agreement with the Small Business Administration (the "SBA"). The Debtor plans to serve as a guarantor on the loan, which is why he has requested Court approval. Motion at 4. The Debtor had previously applied to the SBA for an Economic Injury Disaster Loan for CLG in the amount of \$20,833 (the "EIDL Loan"). The Debtor intended to use the EIDL Loan for payroll, rent and utilities, because his firm has seen a slowdown in business due to the pandemic. The SBA denied the loan on the grounds that the Debtor had "filed for bankruptcy and the process has not been completed." *Id.* at 4, 9. However, in the denial letter, the SBA

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CONT... **Michael Stuart Brown**

Chapter 11

stated that it would "consider loan approval upon receipt of a request for reconsideration, written documentation from the court or trustee approving the additional debt of the loan, and the payment history of the current plan." *Id.* at 9.

The Debtor requests that the Court approve his ability to enter into the EIDL Loan agreement with the SBA under § 364(b) as an administrative expense. The Debtor argues that even though he needs the Court's authority, there should be no expense to the estate because the EIDL Loan will be forgiven. Nevertheless, the Debtor argues that if he does need to repay the EIDL Loan for any reason, he has the funds to do so. *Id.* at 4. In the alternative the Debtor asks the Court to declare the SBA's blanket rule that debtors may not receive EIDL loans as "arbitrary and capricious." *Id.* at 6,11 U.S.C. § 706(1) & (2)(A).

II. Findings of Fact and Conclusions of Law

Section 364 governs the obtaining of credit or incurring of debt by a debtor in possession and sets forth the incentives that may be offered to induce potential lenders to extend post-petition credit. *In re Stanton*, 248 B.R. 823, 828 (B.A.P. 9th Cir. 2000) *aff'd*, 285 F.3d 888 (9th Cir. 2002) *opinion amended and superseded on denial of reh'g*, 303 F.3d 939 (9th Cir. 2002) and *aff'd*, 303 F.3d 939 (9th Cir. 2002). Section 364 provides in relevant part: "[t]he court, after notice and hearing, may authorize the trustee to obtain unsecured credit or to incur unsecured debt other than under subsection (a) of this section, allowable under section 503(b)(1) of this title as an administrative expense." 11 U.S.C. § 364(b). Section 503(b)(1) provides, in relevant part: "[a]fter notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including . . . [t]he actual, necessary costs and expenses of preserving the estate" 11 U.S.C. § 503(b)(1)(A).

The loan will be in the amount of \$20,833 and the terms are as follows: "the [loan] is forgivable so long as the proceeds are used for CLG's payroll, rent and utilities." Motion at 4. The Debtor states that CLG intends to use the loan for "payroll, rent and utilities." *Id.*; *see also In re Standard Oil & Exploration, Inc.*, 136 B.R. 141 (Bankr. W.D. Mich.) (finding that a debtor could obtain credit under § 364(b) in order to pay operating expenses associated with its business). Having reviewed the declaration by the Debtor (the "Brown Decl."), the Court finds that the terms of the proposed loan are reasonable. Brown Decl. at ¶ 7. Furthermore, the Court finds that the loan is necessary to preserve the estate under § 503(b)(1)(A) because, although the

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funds will be used by CLG, the income that the Debtor receives from CLG is necessary to fund his chapter 11 plan of reorganization. *See* Motion at 4. Finally, given that the loan will be used for payroll, rent, and utilities, it is very likely that the loan will be forgiven in its entirety and will not need to be recovered as an administrative expense. The Court will grant the Debtor the ability to enter into the loan agreement with the SBA so long as the SBA agrees. **[Note 1]**

III. Conclusion

Based upon the foregoing, the Motion is GRANTED.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: Because the Court is approving the EIDL Loan pursuant to 11 U.S.C. § 364(b), it declines to address the Debtor's second argument regarding the validity of the SBA's rule.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:21-10152 Dean M Harris

Chapter 7

#100.00 Hearing
RE: [92] Motion of Objection to the Debtor's Homestead Exemption Claim

Docket 92

Tentative Ruling:

5/11/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Because the Debtor is precluded from challenging the District Court's finding that he is not entitled to a homestead exemption in the Property, the Court will enter an order sustaining the Objection and disallowing the claimed exemption in its entirety. So that the Debtor's appeal of this order can be heard by the same Ninth Circuit panel that is already hearing the Debtor's appeal of the Sale Order which raises the same issues, the Court will certify a direct appeal to the Ninth Circuit.

Pleadings Filed and Reviewed:

- 1) Notice of Objection and Objection to the Debtor's Homestead Exemption Claim [Doc. No. 92] (the "Objection")
- 2) Opposition to Objection to Debtor's Homestead Exemption Claim [Doc. No. 95] (the "Opposition")
- 3) Reply in Support of Objection to the Debtor's Homestead Exemption Claim [Doc. No. 96] (the "Reply")

I. Facts and Summary of Pleadings

A. Background

On July 11, 2019, the United States District Court for the Central District of California (the "District Court") entered judgment (the "Judgment") against Rosalina Lizardo Harris ("Harris"), the Debtor's spouse. The Judgment is in favor of Crystal Holmes ("Holmes"), and the amount of the Judgment that remains unsatisfied exceeds

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CONT... **Dean M Harris**

Chapter 7

\$3 million. The Judgment attaches to the family residence of the Debtor and Harris (the "Property").

The Debtor filed a voluntary Chapter 7 petition on January 11, 2021. Prior to the filing of the instant case, on December 8, 2020, upon Holmes' application, the District Court issued an order requiring the Debtor and Harris to show cause why the Property should not be sold to satisfy a portion of the Judgment (the "OSC").

On February 22, 2021, the Court conducted a hearing on a motion for relief from the automatic stay [Doc. No. 58] (the "RFS Motion") brought by Holmes. Holmes sought stay relief so that she could "complete her efforts before the District Court to [sell] the Property." RFS Motion at 1, ll. 17–18. Three days prior to the hearing on the RFS Motion, the Debtor filed a motion under § 522(f) to avoid the judicial lien against the Property that was created through Holmes' recordation of the Judgment (the "§ 522(f) Motion"). The Debtor did not file a written opposition to the RFS Motion, but did appear at the hearing and request that the Court delay ruling upon the RFS Motion until after the § 522(f) Motion had been adjudicated. The Debtor asserted that granting the RFS Motion prior to adjudication of the § 522(f) Motion could result in inconsistent rulings, because in connection with the OSC, the District Court would be required to determine the amount of the Debtor's homestead exemption, an issue also arising in connection with the § 522(f) Motion.

The Court rejected the Debtor's contention that a delay in ruling upon the RFS Motion was necessary to avoid inconsistent rulings between the Bankruptcy Court and the District Court with respect to the Debtor's homestead exemption. The Court stated that the District Court had jurisdiction to determine the Debtor's homestead exemption and to adjudicate any issues arising in connection with § 522(f). The Court stated that the RFS Motion would be granted "so that the District Court can determine what it wants to do with the Property." [Note 1]

On February 26, 2021, the District Court conducted a hearing on the OSC. The Debtor's counsel appeared at the hearing and raised arguments concerning the Debtor's homestead exemption. The District Court directed Holmes to submit a proposed order authorizing the sale of the Property, and fixed March 5, 2021 as the deadline for the Debtor to assert any objections to the proposed order, including objections based upon the Debtor's homestead exemption.

On March 2, 2021, Holmes filed a motion to extend the deadline to oppose the § 522(f) Motion. *See* Doc. No. 63 (the "Continuance Motion"). Holmes asserted that a continuance was warranted based on the fact that the District Court was prepared to rule upon the issue of the Debtor's homestead exemption.

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On March 5, 2021, the Court entered an order granting the Continuance Motion over Debtor's objection. *See* Doc. No. 70 (the "Continuance Order"). The Continuance Order provided in relevant part:

As the Court explained on the record at the hearing on the RFS Motion, the District Court has the jurisdiction to determine the amount of the Debtor's homestead exemption and to adjudicate any issues arising under § 522(f). As it appears that the District Court is prepared to rule upon the issues presented by the § 522(f) Motion, it makes no sense to require Holmes to simultaneously file an opposition to the § 522(f) Motion before the Bankruptcy Court. There is no merit to the Debtor's argument that deferring adjudication of the § 522(f) Motion until after the District Court has ruled will deprive him of the ability to obtain a determination of his rights under § 522(f). The Debtor has always had the opportunity to present his arguments under § 522(f) to the District Court.

Continuance Order at ¶ 1.

On March 10, 2021, the District Court entered an order authorizing the United States Marshal to sell the Property (the "Sale Order") to satisfy a portion of the Judgment. The Sale Order contains a finding that "neither the Judgment Debtor [Harris] nor Mr. Harris [the Debtor] satisfied their burden of proof at the Hearing that the Property is a homestead as required by CCP § 704.780(a)(1)." Sale Order at p. 3. The Sale Order contains an additional finding that "the maximum exemption in the Property available to [Harris and/or the Debtor], if they were able to satisfy their burden of proof that the Property is a homestead, would be \$100,000 pursuant to CCP §§ 703.050 and 704.730." *Id.*

On April 7, 2021, Harris and the Debtor appealed the Sale Order to the Ninth Circuit. On April 14, 2021, Harris and the Debtor filed a motion in the District Court seeking reconsideration of the Sale Order (the "Motion for Reconsideration"). A hearing on the Motion for Reconsideration is set for May 24, 2021. The Motion for Reconsideration asserts that the Sale Order should be modified to provide for a homestead exemption of \$600,000.

B. Summary of Papers Filed in Connection with the Motion

On Schedule C, the Debtor claimed a homestead exemption of \$600,000 in the Property pursuant to Cal. Code Civ. Proc. § 704.730. Holmes moves for disallowance of the claimed homestead exemption in its entirety (the "Objection"). Holmes argues

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that the Debtor is precluded from challenging the Sale Order's finding that he is not entitled to any exemption in the Property.

Debtor argues that the Court should abstain from ruling upon the Objection for the following reasons:

- 1) Abstention would be consistent with the Court's finding in the Continuance Order that the District Court has jurisdiction to rule upon the issues presented by the § 522(f) Motion.
- 2) An order from the Bankruptcy Court disallowing the Debtor's homestead exemption is unnecessary given that the Sale Order already contains a finding that the Debtor is not entitled to a homestead exemption.
- 3) Entry of an order disallowing the exemption by the Bankruptcy Court would prejudice the Debtor. An appeal of such an order would be heard by either the Bankruptcy Appellate Panel or the District Court, not the Ninth Circuit, which is already hearing the Debtor's appeal of the Sale Order. There is a risk that two different appellate courts could reach different conclusions on the exact same dispute.

Holmes opposes the Debtor's request that the Court abstain from ruling upon the Objection. Holmes maintains that a ruling is necessary because the Debtor continues to claim a homestead exemption in this case, and under the Bankruptcy Code, a claimed exemption is allowed unless an interested party objects and the Court sustains the objection.

II. Findings and Conclusions

Bankruptcy Rule 4003(a) requires a debtor to "list the property claimed as exempt under § 522 of the Code." "Unless a party in interest objects, the property claimed as exempt on such list is exempt." § 522(l). Pursuant to Bankruptcy Rule 4003(b)(1), "a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under § 341(a) is concluded or within 30 days after an amendment to the list or supplemental schedules is filed, whichever is later." Bankruptcy Rule 4003(c) states that "the court *shall* determine the issues presented by the objections" after a "hearing on notice" (emphasis added).

The Bankruptcy Code prevents the Court from abstaining from ruling upon the Objection, as the Debtor requests. Under § 522(l), the Debtor will continue to have a \$600,000 exemption in the Property unless the Court sustains the Objection.

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Therefore, the practical effect of abstention would be to allow the Debtor to continue to assert the \$600,000 exemption despite the Objection. The fact that a claimed exemption persists absent a ruling from the Court is why Bankruptcy Rule 4003(c) *requires* the Court to adjudicate an objection to an exemption if one is presented.

Fortunately, the Debtor's concerns regarding inconsistent rulings from appellate courts can be easily resolved. Title 28 U.S.C. § 158(d)(2) provides that the Bankruptcy Court, acting on its own motion, may certify a direct appeal of an order to the Court of Appeals where necessary to "materially advance the progress of the case or proceeding." Certification is warranted here. The Debtor's appeal of the Sale Order's provisions regarding the amount of his homestead exemption is already pending before the Ninth Circuit. The identical issue is presented by the instant Objection. Certification will eliminate any risk of inconsistent rulings from different appellate courts.

The Court finds that under principles of claim preclusion, the Debtor is barred from contesting the Sale Order's finding that he is not entitled to a homestead exemption in the Property. "Under the doctrine of claim preclusion, a final judgment forecloses successive litigation of the very same claim, whether or not relitigation of the claim raises the same issues as the earlier suit." *Taylor v. Sturgell*, 553 U.S. 880, 892, 128 S. Ct. 2161, 2171, 171 L. Ed. 2d 155 (2008) (internal quotation omitted). By "precluding parties from contesting matters that they have had a full and fair opportunity to litigate," the doctrine protects against "the expense and vexation attending multiple lawsuits, conserv[es] judicial resources, and foste[rs] reliance on judicial action by minimizing the possibility of inconsistent decisions." *Id.* Claim preclusion applies "when there is: (1) an identity of claims; (2) a final judgment on the merits; and (3) identity or privity between parties." *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002) (internal quotation omitted).

The three elements of claim preclusion are satisfied here. With respect to the first element, an "[i]dentity of claims exists when two suits arise from 'the same transactional nucleus of facts.'" *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Plan. Agency*, 322 F.3d 1064, 1078 (9th Cir. 2003). The instant Objection and the Sale Order involve the same facts and implicate the same rights—the amount of the Debtor's homestead exemption in the Property. With respect to the second element, the Sale Order is final for purposes of claim preclusion even though it is the subject of an appeal. *See Coleman v. Tollefson*, 575 U.S. 532, 539, 135 S. Ct. 1759, 1764, 191 L. Ed. 2d 803 (2015) (stating that a federal "judgment's preclusive effect is generally immediate, notwithstanding any appeal"). With respect to the third element, privity is

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CONT... Dean M Harris

Chapter 7

satisfied because the Debtor has opposed both the instant Objection and the Sale Order entered by the District Court.

III. Conclusion

Because the Debtor is precluded from challenging the District Court's finding that he is not entitled to claim a homestead exemption in the Property, the Court will enter an order disallowing the claimed exemption in its entirety. So that the Debtor's appeal of this order can be heard by the same Ninth Circuit panel that is already hearing the Debtor's appeal of the Sale Order which raises the same issues, the Court will certify a direct appeal to the Ninth Circuit. The Court will prepare and enter an appropriate order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

An audio recording of the proceedings is on file with the Clerk of the Court.

Party Information

Debtor(s):

Dean M Harris

Represented By
Jeffrey B Smith

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

#101.00 Pre-Trial Conference
RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

FR. 5-14-19; 2-11-20; 4-14-20; 3-9-21

Docket 13

***** VACATED *** REASON: DISMISSED 3-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel

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CONT... Verity Health System of California, Inc.

Chapter 11

John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy

Defendant(s):

HERITAGE PROVIDER

Pro Se

Plaintiff(s):

VERITY HEALTH SYSTEM OF

Represented By
Steven J Kahn

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By
Steven J Kahn

**United States Bankruptcy Court
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Wednesday, May 12, 2021

Hearing Room 1568

11:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

#102.00 Hearing
RE: [59] Application to Employ Armory Consulting Co. as Financial Advisor
Notice Of Application And Application Of Debtors And Debtors-In-Possession To
Employ Armory Consulting Co. As Financial Advisor; Declaration Of James
Wong In Support Thereof, with Proof of Service

Docket 59

*** VACATED *** REASON: PER ORDER ENTERED 4-30-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba
Aaron E de Leest

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, May 12, 2021

Hearing Room 1568

11:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

#103.00 Hearing
RE: [50] Application to Employ Danning, Gill, Israel & Krasnoff, LLP as General Bankruptcy Counsel Debtor And Debtor In Possession's Notice Of Application To Employ Danning, Gill, Israel & Krasnoff, LLP S As General Bankruptcy Counsel; Statement Of Disinterestedness, with Proof of Service

Docket 50

*** VACATED *** REASON: PER ORDER ENTERED 5-7-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba
Aaron E de Leest

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
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Monday, May 17, 2021

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10:00 AM

2:21-11105 Alex Estelio Barrera and Virginia Barrera

Chapter 7

#1.00 HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Colorado Truck .

Docket 12

Tentative Ruling:

5/14/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to

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10:00 AM

CONT... Alex Estelio Barrera and Virginia Barrera Chapter 7

submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Alex Estelio Barrera

Represented By
Marlin Branstetter

Joint Debtor(s):

Virginia Barrera

Represented By
Marlin Branstetter

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Monday, May 17, 2021

Hearing Room 1568

10:00 AM

2:21-11437 Manuel Angel Jovel

Chapter 7

#2.00 HearingRE: [21] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Mercedes-Benz GLC300W, VIN: WDC0G8DB6LF712952 . (Ith, Sheryl)

Docket 21

Tentative Ruling:

5/14/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

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CONT... Manuel Angel Jovel

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Manuel Angel Jovel

Pro Se

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Monday, May 17, 2021

Hearing Room 1568

10:00 AM

2:21-11639 GIA REDEVELOPMENT, LLC

Chapter 11

#3.00 Hearing

RE: [19] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 5055 Mount Helena Avenue, Los Angeles, CA 90041-2328 . (Wilkinson, Reilly)

fr. 4-19-21

Docket 19

Tentative Ruling:

5/13/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (with supporting declarations) (Real Property) (the "RFS Motion") [Doc. No. 19]
- 2) Response to Motion Regarding the Automatic Stay and Declaration(s) in Support (the "Opposition") [Doc. No. 25]
- 3) Notice of Trustee's Intention to Abandon Real Property of the Estate Pursuant to 11 U.S.C. § 554(a), Fed. Rule Bank. Pro. 2002(c) & Local Bankruptcy Rule 6007-1 (the "Notice of Abandonment") [Doc. No. 33]

I. Facts and Summary of Pleadings

Debtor and debtor-in-possession GIA Redevelopment, LLC filed this voluntary chapter 11 petition on March 1, 2021. On March 18, 2021, the United States

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CONT... GIA REDEVELOPMENT, LLC

Chapter 11

Trustee (the "US Trustee") filed his motion to dismiss or convert the case (the "Motion to Convert") for failure of the Debtor to file with the US Trustee a litany of documents to show compliance with the US Trustee's reporting requirements. On March 23, 2021, the Debtor filed a motion for sale of real property (the "Sale Motion") located at 5055 Mount Helena Avenue, Los Angeles, CA 90041 (the "Property"). On March 29, 2021, creditor 1Sharpe Opportunity Intermediate Trust (the "Creditor") filed its RFS Motion. On April 5, 2021, the Debtor filed its Opposition to the RFS Motion. The US Trustee's Motion to Convert was granted on April 14, 2021, and this case was converted to one under chapter 7 of the Bankruptcy Code. The Sale Motion was taken off calendar and the RFS Motion was continued. *See* Doc. No. 29.

In its RFS Motion, the Creditor requests relief from the automatic stay with respect to the Property. The Creditor argues that it has a \$1,455,399.58 claim against the Property. RFS Motion at 7. Both the Creditor and the Debtor agree that the Property is worth \$1,500,000. *Id.* at 7; Petition [Doc. No. 1] at 7. Therefore, the Creditor argues that there is an insufficient equity cushion and relief from stay ought to be granted pursuant to 11 U.S.C. § 362(d)(1). Furthermore, combined with the other \$260,461.79 in liens on the Property, the Creditor argues that the Debtor has no equity in the Property and it is not necessary to an effective reorganization, so relief from stay ought to be granted pursuant to 11 U.S.C. § 362(d)(2). RFS Motion at 8; *see also* Petition at 7-8.

In its Opposition, the Debtor argues that the Creditor's claim is only \$1,330,000. Opposition at 7. Furthermore, the Debtor argues that the other major lienholder on the Property "has agreed to take a substantial reduction in his claim." *Id.* Prior to the conversion of this case to chapter 7, the Debtor had filed its Sale Motion. It proposed to sell the Property for \$1,500,000, pay off the Creditor at \$1,330,000, and the other lienholder would take a reduced payment. *Id.* The Debtor notes that the proposed buyer for the Property is already in possession. *Id.* The Debtor believes that at a price of \$1,500,000, there is still equity in the Property.

Following conversion of the case to chapter 7, Elissa D. Miller was appointed as case trustee (the "Trustee"). On May 5, 2021, the Trustee filed her Notice of Abandonment. The Trustee stated that she intends to abandon the Property, and the "abandonment is effective based on this Notice of abandonment." Notice of Abandonment at 2.

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CONT... **GIA REDEVELOPMENT, LLC**

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II. Findings of Fact and Conclusions of Law

Property of the estate includes "all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a)(1). Upon the filing of this case, an estate was created, and the Debtor's interest in the Property became part of that estate. The trustee then determines whether any property of the estate can be administered for the benefit of creditors. If the trustee determines that certain property cannot be administered for the benefit of creditors, then "[a]fter notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a). After a trustee files a notice of abandonment, and if no party in interest files an objection within 14 days, the abandonment becomes final without further order of the court. Local Bankruptcy Rule 6007-1(d).

"Abandonment is 'the release from the debtor's estate of property previously included in that estate.'" *In re St. Lawrence Corp.*, 239 B.R. 720, 723 (Bankr. D.N.J. 1998) (quoting *Midlantic Nat'l Bank v. New Jersey Dep't of Env'tl. Prot.*, 474 U.S. 494, 508 (1986)). Furthermore, when a Trustee abandons property, "it [is] no longer property of the estate and the automatic stay terminate[s]." *In re Hermosilla*, 375 B.R. 20, 25 (Bankr. D. Mass. 2007). For example, in *In re Hermosilla*, a trustee abandoned a piece of property, the debtor then sold the property and received funds. Thereafter, certain attorneys sought to obtain payment of fees from the funds the debtor received as a result of the sale. The debtor argued that the attorneys were in violation of the automatic stay because the funds were property of the estate. However, the court determined that because the trustee had filed a notice of abandonment, the property and the ensuing proceeds were no longer a part of the debtor's estate, and the attorneys were free to pursue a claim against the debtor. *Id.* at 22 & 24-25.

The Notice of Abandonment indicates that the Trustee has concluded that the Property is of "inconsequential value and benefit to the estate" and it cannot be administered for the benefit of creditors. 11 U.S.C. § 554(a). The abandonment will become final at the expiration of the objection period – May 19, 2021. As of that date, the automatic stay will no longer be in effect, and, similarly to the attorneys' conduct in *In re Hermosilla*, the Creditor may proceed under applicable nonbankruptcy law to enforce its remedies. The proposed abandonment is evidence that there is no adequate protection for the Property under § 362(d)(1), even before the objection period as

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Chapter 11

technically passed. As this is a chapter 7 case, reorganization for purposes of 11 U.S.C. § 362(d) (2) is irrelevant.

III. Conclusion

Based upon the foregoing, the Motion is **GRANTED** as to Debtor and Debtor's estate.

The Movant shall submit a conforming order, incorporating this tentative ruling by reference, within seven (7) days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

GIA REDEVELOPMENT, LLC

Represented By
Robert S Altagen

**United States Bankruptcy Court
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Chapter 11

#1.00 Hearing
RE: [6460] Motion to Extend Time Pursuant to Rule9006(b)(1) and to Deem
Filed Proofs of Claim Timely and Supporting Documents

Docket 6460

***** VACATED *** REASON: PER ORDER ENTERED 5-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

**United States Bankruptcy Court
Central District of California
Los Angeles
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01198 St. Francis Medical Center v. Arthur J. Edelstein, M.D., A Professional

#2.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01198. Complaint by St. Francis Medical Center against Arthur J. Edelstein, M.D., A Professional Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Arthur J. Edelstein, M.D., A

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01202 Seton Medical Center v. Fred F. Naraghi, M.D., Inc.

#3.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01202. Complaint by Seton Medical Center against Fred F. Naraghi, M.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Fred F. Naraghi, M.D., Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

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Central District of California
Los Angeles
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Tuesday, May 18, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01204 St. Francis Medical Center v. Hossein Eftekhari MD Inc

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01204. Complaint by St. Francis Medical Center against Hossein Eftekhari MD Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hossein Eftekhari MD Inc

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01214 St. Francis Medical Center v. ACCO Engineered Systems, Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01214. Complaint by St. Francis Medical Center against ACCO Engineered Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

5/17/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ACCO Engineered Systems, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
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Joseph L Steinfeld Jr
Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01216 St. Vincent Medical Center v. Advanced Cardiothoracic Surgery Medical

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01216. Complaint by St. Vincent Medical Center against Advanced Cardiothoracic Surgery Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Advanced Cardiothoracic Surgery

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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Tuesday, May 18, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01220 St. Vincent Medical Center v. AmerisourceBergen Corporation

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01220. Complaint by St. Vincent Medical Center against AmerisourceBergen Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

5/17/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AmerisourceBergen Corporation

Pro Se

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CONT... Verity Health System of California, Inc.

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Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01225 St. Vincent Medical Center v. Atlantic Business Organizations Corp.

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01225. Complaint by St. Vincent Medical Center against Atlantic Business Organizations Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Atlantic Business Organizations

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 18, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01230 Verity Health System of California, Inc. v. Blackbaud, Inc.

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01230. Complaint by Verity Health System of California, Inc. against Blackbaud, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blackbaud, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 18, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01231 Verity Health System of California, Inc. v. Blue Shield of California

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01231. Complaint by Verity Health System of California, Inc. against Blue Shield of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blue Shield of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01234 Verity Health System of California, Inc. v. California Statewide

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01234. Complaint by Verity Health System of California, Inc. against California Statewide Communities Development Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

5/17/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

California Statewide Communities

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

**United States Bankruptcy Court
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Los Angeles
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CONT...

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

Chapter 11

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Central District of California
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01240 Verity Health System of California, Inc. v. Change Healthcare Technologies,

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01240. Complaint by Verity Health System of California, Inc. against Change Healthcare Technologies, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

5/17/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Technologies,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

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

Verity Health System of California, Inc.

Joseph L Steinfeld Jr
Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01243 Verity Health System of California, Inc. v. Cigna Healthcare, Inc.

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01243. Complaint by Verity Health System of California, Inc. against Cigna Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cigna Healthcare, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 18, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01244 Verity Business Services v. Ciox Health, LLC

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01244. Complaint by Verity Business Services against Ciox Health, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

5/17/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Ciox Health, LLC

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

**United States Bankruptcy Court
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CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

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Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01247 Verity Health System of California, Inc. v. Clinicomp International, Inc.

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01247. Complaint by Verity Health System of California, Inc. against Clinicomp International, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

5/17/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clinicomp International, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01249 Verity Holdings, LLC v. Colliers International Greater Los Angeles, Inc.

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01249. Complaint by Verity Holdings, LLC against Colliers International Greater Los Angeles, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-21; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Colliers International Greater Los

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01254 Verity Medical Foundation v. CSI Medical Group

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01254. Complaint by Verity Medical Foundation against CSI Medical Group. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CSI Medical Group

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01259 St. Francis Medical Center v. Datex-Ohmeda, Inc.

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01259. Complaint by St. Francis Medical Center against Datex-Ohmeda, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Datex-Ohmeda, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01266 St. Francis Medical Center v. DVA Renal Healthcare, Inc.

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01266. Complaint by St. Francis Medical Center against DVA Renal Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 10-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

DVA Renal Healthcare, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01281 Verity Health System of California, Inc. v. Escoffier Culinary, Inc.

#20.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01281. Complaint by Verity Health System of California, Inc. against Escoffier Culinary, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Escoffier Culinary, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01289 Verity Health System of California, Inc. v. GE Medical Systems Information

#21.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01289. Complaint by Verity Health System of California, Inc. against GE Medical Systems Information Technologies, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

GE Medical Systems Information

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01290 Seton Medical Center v. Glaukos Corporation

#22.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01290. Complaint by Seton Medical Center
against Glaukos Corporation. (14 (Recovery of money/property - other))
(Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Glaukos Corporation

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01300 Verity Medical Foundation v. HIM Services, LLC

#23.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01300. Complaint by Verity Medical Foundation against HIM Services, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

HIM Services, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01311 St. Vincent Medical Center v. IntraNerve Neuroscience Holdings, LLC

#24.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01311. Complaint by St. Vincent Medical Center against IntraNerve Neuroscience Holdings, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

IntraNerve Neuroscience Holdings,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01329 Seton Medical Center v. LivaNova USA, Inc.

#25.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01329. Complaint by Seton Medical Center against LivaNova USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

LivaNova USA, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01340 Verity Health System of California, Inc. v. MD Insider, Inc.

#26.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01340. Complaint by Verity Health System of California, Inc. against MD Insider, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MD Insider, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01343 St. Francis Medical Center v. Medical Electronics, Inc.

#27.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01343. Complaint by St. Francis Medical Center against Medical Electronics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Medical Electronics, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01354 Verity Health System of California, Inc. v. MoreDirect, Inc.

#28.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01354. Complaint by Verity Health System of California, Inc. against MoreDirect, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MoreDirect, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01552 St. Vincent Medical Center et al v. PDL Enterprises, Inc.

#29.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01552. Complaint by St. Vincent Medical Center, Verity Health System of California, Inc. against PDL Enterprises, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

PDL Enterprises, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01556 St. Vincent Medical Center et al v. Rehab Alliance

#30.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01556. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Rehab Alliance. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM..**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Rehab Alliance

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01557 O'Connor Hospital et al v. Roche Diagnostics Corporation

#31.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01557. Complaint by O'Connor Hospital, St. Vincent Medical Center against Roche Diagnostics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 5-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Roche Diagnostics Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01560 St. Vincent Medical Center et al v. Sharp Electronics Corporation

#32.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01560. Complaint by St. Vincent Medical Center, Verity Health System of California, Inc. against Sharp Electronics Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Sharp Electronics Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01561 St. Francis Medical Center et al v. Smith & Nephew, Inc.

#33.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01561. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Smith & Nephew, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Smith & Nephew, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01563 St. Francis Medical Center et al v. Southern California Gas Company

#34.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01563. Complaint by St. Francis Medical Center, St. Vincent Medical Center against Southern California Gas Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Southern California Gas Company

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01564 St. Vincent Medical Center et al v. Stryker Sustainability Solutions, Inc.

#35.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01564. Complaint by St. Vincent Medical Center, St. Louise Regional Hospital against Stryker Sustainability Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stryker Sustainability Solutions, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01567 Verity Holdings, LLC et al v. Universal Protection Service, LP

#36.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01567. Complaint by Verity Holdings, LLC, St. Francis Medical Center against Universal Protection Service, LP. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 11-16-21 at 10 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Universal Protection Service, LP

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01568 St. Francis Medical Center et al v. RightSourcing, Inc.

#37.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01568. Complaint by St. Francis Medical Center, St. Vincent Medical Center against RightSourcing, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 11-16-21 at 10 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

RightSourcing, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01569 St. Vincent Medical Center et al v. ISO-MED Inc.

#38.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01569. Complaint by St. Vincent Medical Center, St. Francis Medical Center against ISO-MED Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

*** VACATED *** REASON: DISMISSED 3-31-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

ISO-MED Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01570 Seton Medical Center et al v. Agiliti Health, Inc.

#39.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01570. Complaint by Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, Saint Louise Regional Hospital against Agiliti Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTIMIED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Agiliti Health, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01572 St. Vincent Medical Center et al v. ARUP Laboratories, Inc.

#40.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01572. Complaint by St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital, St. Francis Medical Center against ARUP Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ARUP Laboratories, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01573 O'Connor Hospital et al v. Bio-Rad Laboratories, Inc.

#41.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01573. Complaint by O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center against Bio-Rad Laboratories, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bio-Rad Laboratories, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01576 Verity Health System of California, Inc. et al v. CareFusion Solutions, LLC

#42.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01576. Complaint by Verity Health System of California, Inc., Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center against CareFusion Solutions, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CareFusion Solutions, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01577 St. Francis Medical Center et al v. Cellco Partnership

#43.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01577. Complaint by St. Francis Medical Center, Verity Health System of California, Inc., O'Connor Hospital, St. Vincent Medical Center against Cellco Partnership. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cellco Partnership

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01578 St. Francis Medical Center et al v. CEP America LLC

#44.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01578. Complaint by St. Francis Medical Center, Verity Medical Foundation, St. Vincent Medical Center, Seton Medical Center against CEP America LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR.1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CEP America LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01587 Seton Medical Center et al v. Siemens Medical Solutions USA, Inc.

#45.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01587. Complaint by Seton Medical Center, St. Vincent Medical Center, O'Connor Hospital, St. Francis Medical Center against Siemens Medical Solutions USA, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR.1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Siemens Medical Solutions USA,

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01588 O'Connor Hospital et al v. SourceHOV Healthcare, Inc.

#46.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01588. Complaint by O'Connor Hospital, Saint Louise Regional Hospital, Verity Business Services, Verity Medical Foundation against SourceHOV Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

SourceHOV Healthcare, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01593 St. Vincent Medical Center et al v. Abbott Laboratories

#47.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01593. Complaint by St. Vincent Medical Center, O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, Saint Louise Regional Hospital against Abbott Laboratories. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-16-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Abbott Laboratories

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01594 O'Connor Hospital et al v. Baxter Healthcare Corporation

#48.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01594. Complaint by O'Connor Hospital, St. Vincent Medical Center, St. Francis Medical Center, Seton Medical Center, Saint Louise Regional Hospital against Baxter Healthcare Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Baxter Healthcare Corporation

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01595 St. Vincent Medical Center et al v. Becton Dickinson and Company

#49.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01595. Complaint by St. Vincent Medical Center, St. Francis Medical Center, O'Connor Hospital, Seton Medical Center, Saint Louise Regional Hospital against Becton Dickinson and Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-31-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Becton Dickinson and Company

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01596 Verity Health System of California, Inc. et al v. CDW Government LLC

#50.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01596. Complaint by Verity Health System of California, Inc., St. Francis Medical Center, Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center against CDW Government LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 8-17-21 AT 10AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CDW Government LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01600 Seton Medical Center et al v. GE Healthcare Inc.

#51.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01600. Complaint by Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, Verity Medical Foundation, Saint Louise Regional Hospital against GE Healthcare Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 11-16-21 at 10 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

GE Healthcare Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1645 Calendar**

Tuesday, May 18, 2021

Hearing Room 1645

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01604 O'Connor Hospital et al v. Osiris Therapeutics, Inc.

#52.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01604. Complaint by O'Connor Hospital, Saint Louise Regional Hospital, St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center against Osiris Therapeutics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Osiris Therapeutics, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1645 Calendar**

Tuesday, May 18, 2021

Hearing Room 1645

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:21-12447 Med Equity, LLC

Chapter 11

#53.00 Status Hearing

RE: [1] Chapter 11 **Subchapter V** Voluntary Petition Non-Individual. LLC

Docket 1

*** VACATED *** REASON: CONTINUED 6-23-21 AT 10:00 AM.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Med Equity, LLC

Represented By
Alan W Forsley

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

10:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

#54.00 Status Hearing
RE: [1] Subchapter V Chapter 11 Voluntary Petition Non-Individual. Inc.

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 18, 2021

Hearing Room 1568

11:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

#100.00 Hearing
RE: [13] Motion to Use Cash Collateral Debtor's Motion for Authority to: (A) Use Cash Collateral on an Interim Basis; and (B) Grant Replacement Liens; Memorandum of Points and Authorities; Declaration of Jonathan Goodman in Support Thereof

Docket 13

***** VACATED *** REASON: CONTINUED 6-2-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 19, 2021

Hearing Room 1568

10:00 AM

2:19-24457 Anthony Joseph Kassas

Chapter 7

Adv#: 2:21-01021 Kassas v. The State Bar of California

#1.00 Hearing
RE: Motion for Summary Judgment

FR. 4-20-21

Docket 9

Tentative Ruling:

5/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

At issue is whether debt in excess of \$2 million owed by a disbarred attorney to the Client Security Fund of the State Bar of California is dischargeable in bankruptcy. The Court finds that the Client Security Fund debt is a fine payable to a governmental unit that is not compensation for actual pecuniary loss. Therefore, the debt is non-dischargeable under § 523(a)(7) [**Note 1**] of the Bankruptcy Code.

Pleadings Filed and Reviewed:

- 1) Complaint for Declaratory Relief [Doc. No. 1] (the "Complaint")
- 2) Defendant the State Bar of California's Notice of Motion and Motion to Dismiss Complaint [Doc. No. 9]
 - a) Declaration of Suzanne C. Grandt in Support of Defendant the State Bar of California's Motion to Dismiss Complaint [Doc. No. 10]
 - b) Request for Judicial Notice in Support of Defendant the State Bar of California's Motion to Dismiss Complaint [Doc. No. 11]
- 3) Plaintiff's Opposition to Motion to Dismiss [Doc. No. 18]
- 4) Defendant the State Bar of California's Reply to Opposition to Motion to Dismiss Complaint [Doc. No. 21]

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CONT...

Anthony Joseph Kassas

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- 5) Defendant the State Bar of California's Supplemental Brief in Support of Motion for Summary Judgment [Doc. No. 27]
 - a) Defendant the State Bar of California's Request for Judicial Notice in Support of Motion for Summary Judgment [Doc. No. 28]
 - b) Declaration of Suzanne C. Grandt in Support of Defendant the State Bar of California's Motion for Summary Judgment [Doc. No. 29]
 - c) Declaration of Kimberly Cochran in Support of Defendant the State Bar of California's Motion for Summary Judgment [Doc. No. 30]
 - d) Declaration of Betty Yung in Support of Defendant the State Bar of California's Motion for Summary Judgment [Doc. No. 31]
- 6) Plaintiff's Supplemental Brief in Opposition to Motion for Summary Judgment [Doc. No. 32]

I. Facts [Note 2]

Anthony Kassas ("Kassas") was disbarred from the practice of law on January 15, 2014. Among other misconduct, Kassas solicited financially distressed homeowners by sending mailers falsely stating that Kassas had commenced litigation against various banks. After the homeowners advanced fees to Kassas of between \$1,500 to \$4,500 based upon promises that Kassas could assist them in obtaining loan modifications, Kassas failed to competently perform the promised legal services.

As part of his discipline, the California Supreme Court ordered Kassas to make restitution to 56 former clients, in the total amount of \$201,706. Kassas was also ordered to pay the State Bar \$61,112.27 as reimbursement for the costs of his disciplinary proceeding.

Kassas failed to make restitution to any of his former clients. Of the 56 clients Kassas had been ordered to reimburse, 51 were subsequently reimbursed from the State Bar's Client Security Fund. The Client Security Fund also reimbursed an additional 305 applicants who were also victims of Kassas's misconduct as an attorney. As further discussed below, when the Client Security Fund makes payments to clients who were victims of an attorney's dishonest conduct, California law requires the attorney to reimburse the Client Security Fund for such payments, plus interest and processing costs. Aggregate payments made by the Client Security Fund to Kassas's victims amount to \$1,367,978.12. Once interest of \$669,751.20 and processing costs of \$52,367.00 are added, Kassas owes the Client Security Fund \$2,090,096.32. [Note 3]

Kassas filed a voluntary Chapter 7 petition on December 11, 2019, and received a

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discharge on March 16, 2020. Kassas subsequently filed this action, which seeks a determination that the \$2,090,096.32 in Client Security Fund debt, the \$61,112.27 in disciplinary costs, and the \$201,706 in restitution obligations ordered by the California Supreme Court were discharged in his bankruptcy.

The State Bar concedes, and the Court agrees, that the \$201,706 in restitution payments has been discharged. [Note 4] Kassas acknowledges that under *State Bar of Cal. v. Findley (In re Findley)*, 593 F.3d 1048, 1054 (9th Cir. 2010), the Court is required to find that the \$61,112.27 in disciplinary costs has **not** been discharged. [Note 5] Therefore, the dispute before this Court is limited to the dischargeability of the \$2,090,096.32 in Client Security Fund debt.

The outcome hinges on the proper characterization of this Client Security Fund debt. According to the State Bar, the debt is a fine, penalty, or forfeiture payable to a governmental unit (the State Bar) that is not compensation for actual pecuniary loss. The State Bar's theory is that the debt's primary purpose is to punish Kassas by forcing him to confront, in concrete terms, the magnitude of the harm caused by his actions. Kassas disputes this characterization. He argues that because his reimbursement obligation is calculated by the amount paid to his victims, the State Bar is acting as a conduit to reimburse third parties for actual pecuniary loss.

II. Discussion

"A Chapter 7 bankruptcy discharge releases the debtor from personal liability for her pre-bankruptcy debts." *Boeing North America v. Ybarra (In re Ybarra)*, 424 F.3d 1018, 1022 (9th Cir. 2005). Section 523 of the Bankruptcy Code enumerates nineteen categories of debts that are not covered by the discharge. One of the exceptions provides that debt is non-dischargeable "to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss." § 523(a)(7).

The Ninth Circuit has not determined whether debt owed to the Client Security Fund is non-dischargeable under § 523(a)(7). *See Albert-Sheridan v. State Bar of California (In re Albert-Sheridan)*, 960 F.3d 1188, 1194 n. 5 (9th Cir. 2020) (stating that the issue of the dischargeability of reimbursements to the Client Security Fund was not before the court).

The Client Security Fund was established "to relieve or mitigate pecuniary losses caused by the dishonest conduct of licensees of the State Bar" Cal. Bus. & Prof. Code § 6140.5(a). Any attorney "whose actions have caused the payment of funds to an applicant from the Client Security Fund shall owe those funds to the State Bar and

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CONT... **Anthony Joseph Kassas**

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reimburse the Client Security Fund for all moneys paid out as a result of the [attorney's] conduct with interest, in addition to the payment of the assessment for the procedural costs of processing the claim." *Id.* at § 6140.5(c). The State Bar is permitted to "collect any money paid out by the Client Security Fund ... through any means provided by law." *Id.*

Funds are distributed from the Client Security Fund pursuant to rules promulgated by a Client Security Fund Commission (the "Commission") created by the Board of Trustees of the State Bar (such rules, the "CSF Rules"). "To qualify for reimbursement, an applicant must establish a loss of money or property that was received by an active attorney who was acting as an attorney or in a fiduciary capacity customary to the practice of law" CSF Rule 3.430(A). The loss must have been caused by "dishonest conduct," defined as (1) the "theft or embezzlement of money," (2) the "[f]ailure to refund unearned fees received in advance for services when the attorney performed an insignificant portion of the services or none at all," (3) the borrowing of money "from a client without the intention or reasonable ability ... of repaying it," (5) the obtaining of money or property "from a client for an investment that was not in fact made," or (6) "[a]n act of intentional dishonesty or deceit that proximately leads to the loss of money or property." CSF Rules 3.430–3.431.

The Commission has discretion "to deny or limit reimbursement" to applicants, and "[n]o person or entity has a right to reimbursement" from the Client Security Fund. CSF Rule 3.430(D); *see also People v. Hume*, 196 Cal. App. 4th 990, 999, 126 Cal. Rptr. 3d 824, 830 (2011) ("By statute and rule, all [Client Security Fund] payments made by the State Bar are entirely discretionary."). For example, reimbursement may be limited where an "applicant failed to act reasonably to protect against the loss, considering the circumstances of the transaction, the past dealings with the attorney, and differences in their education and business sophistication." CSF Rule 3.435.

Once an application for reimbursement is received, counsel for the Client Security Fund conducts an investigation and submits a Tentative Decision to the Commission. The Tentative Decision is served on the attorney and the applicant, each of whom have thirty days to file objections thereto. CSF Rule 3.443(B). Any objections are considered by the Commission, which has the ability to conduct hearings and receive evidence. CSF Rule 3.441(C). After considering objections, the Commission issues a Final Decision. Either the applicant or the attorney may seek review of the Commission's Final Decision in the California Superior Court, pursuant to Cal. Civ. Proc. Code § 1094.5 CSF Rule 3.450. The maximum allowable payment per applicant

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is \$100,000. CSF Rule 3.434(A).

Here, the State Bar made reimbursement payments in the aggregate amount of \$1,367,978.12 to 356 of Kassas's victims. The highest payment made to a single victim was \$14,125; the lowest payment made was \$958.33. The typical victim received a payment of between \$3,000 to \$6,000. In *Kelly v. Robinson*, the Supreme Court held that restitution imposed in connection with a criminal conviction is non-dischargeable under § 523(a)(7). 479 U.S. 36 (1986). In reaching this conclusion, the court emphasized that the overriding purpose of criminal restitution is to benefit society by rehabilitating offenders:

The criminal justice system is not operated primarily for the benefit of victims, but for the benefit of society as a whole. Thus, it is concerned not only with punishing the offender, but also with rehabilitating him. Although restitution does resemble a judgment "for the benefit of" the victim, the context in which it is imposed undermines that conclusion. The victim has no control over the amount of restitution awarded or over the decision to award restitution. Moreover, the decision to impose restitution generally does not turn on the victim's injury, but on the penal goals of the State and the situation of the defendant....

Because criminal proceedings focus on the State's interests in rehabilitation and punishment, rather than the victim's desire for compensation, we conclude that restitution orders imposed in such proceedings operate "for the benefit of" the State. Similarly, they are not assessed "for ... compensation" of the victim. The sentence following a criminal conviction necessarily considers the penal and rehabilitative interests of the State. Those interests are sufficient to place restitution orders within the meaning of § 523(a)(7).

Kelly v. Robinson, 479 U.S. 36, 52–53, 107 S. Ct. 353, 362–63, 93 L. Ed. 2d 216 (1986).

In *Brookman v. State Bar*, the California Supreme Court held that like criminal restitution, the primary purpose of restitution payable to the Client Security Fund is rehabilitative, not compensatory:

Although *Robinson* involved discharge of a restitution order arising in a criminal case, and the present matter involves restitution ordered *after* discharge in a bar disciplinary case, we believe

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Robinson's reasoning applies here. Restitution imposed as a condition of probation serves the state interest of rehabilitating culpable attorneys (and protecting the public) by forcing the attorney to "confront, in concrete terms, the harm his actions have caused." Such restitution—especially when, as here, it is made payable to the State Bar Client Security Fund—is clearly for the benefit of the public at large, not the underlying victim in this case (whom, we note, has already been compensated by the State Bar Client Security Fund). Because such restitution fundamentally serves the goal of rehabilitation, it is not merely compensation to the government for "actual pecuniary loss."

Brookman v. State Bar, 46 Cal. 3d 1004, 1009, 760 P.2d 1023, 1026 (1988) (internal citation omitted).

Adopting the premise that the primary purpose of requiring attorneys to reimburse their State Bar's Client Security Fund is rehabilitative and not compensatory, bankruptcy courts have determined that Client Security Fund debt is non-dischargeable. In *Virginia v. Young (In re Young)*, the court's determination of non-dischargeability turned on a finding that the purpose of requiring an attorney to reimburse the Client Security Fund was to punish the attorney and to protect the public. 577 B.R. 227, 231 (Bankr. W.D. Va. 2017). The *Young* court emphasized that "[i]n order to determine whether the debt is compensation for actual pecuniary loss, courts have looked to the primary purpose of the debt." *Id.*; see also *Disciplinary Board of the Supreme Court of Pennsylvania v. Feingold (In re Feingold)*, 730 F.3d 1268, 1275 (11th Cir. 2013) ("As to the 'not compensation for actual pecuniary loss' element, we 'look to the context in which the penalty [was] imposed to determine whether its purpose is truly compensatory.'"). The District Court for the Central District of California relied upon this reasoning to likewise conclude that Client Security Fund debt was excepted from discharge:

[T]he State Bar's requirement that an attorney with ethical violations reimburse his former clients for their losses [by making payments to the Client Security Fund] is grounded in the state's interest in rehabilitation, punishment, and deterrence.... [The attorney's] debt to the State Bar's [Client Security Fund] is a penalty that serves the state's interest in the rehabilitation and punishment of attorneys who have committed ethical violations.

In re Phillips, No. CV 09-2138 AHM, 2010 WL 4916633, at *4 (C.D. Cal. Dec. 1,

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CONT... Anthony Joseph Kassas

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2010).

The Court finds the reasoning of these cases to be persuasive. The debt owed by Kassas to the Client Security Fund is a penalty imposed in furtherance of the State's interest in punishing and rehabilitating errant attorneys, rather than compensation for actual pecuniary loss.

Kassas contends that his Client Security Fund debt is dischargeable under the reasoning of *Scheer v. State Bar of California (In re Scheer)*, 819 F.3d 1206 (9th Cir. 2016). Kassas overlooks several key distinctions between *Scheer* and the instant case. In *Scheer*, the disciplined attorney was ordered to pay \$5,500 *directly* to a former client. Here, by contrast, Kassas's debt is payable to the Client Security Fund, not to his former clients. Any payments made by Kassas to the Client Security Fund will go not to his former clients—who have already been reimbursed—but to other victims of dishonest attorneys. This reality highlights a second key distinction between *Scheer* and the instant case—the fact that the victim in *Scheer* had not been compensated for the damages caused by the attorney's misconduct. That fact made it possible for the *Scheer* court to categorize the payment in question as "compensation for actual pecuniary loss" falling with the § 523(a)(7) discharge exception. Unlike the situation in *Scheer*, payments made by Kassas to the Client Security Fund will be directed not to Kassas' clients but rather will enable the Fund to reimburse other victims of attorney misconduct. Therefore, the payments serve the State's interest in punishing and rehabilitating Kassas.

Kassas asserts that the Client Security Fund reimbursement obligation cannot be characterized as a "fine, penalty, or forfeiture" because the State Bar is required to seek reimbursement of the entirety of Client Security Fund payments made to Kassas's victims, and lacks discretion to tailor Kassas's reimbursement obligation to the gravity of his offenses. Kassas's argument overlooks the fact that the structure of the CSF Rules guarantees that the amounts paid to Kassas's victims will be proportional to Kassas's wrongdoing. Victims can obtain reimbursement only for money that they transferred to an attorney that was subsequently lost through the attorney's dishonest conduct. This means that Kassas's obligation to the Client Security Fund is directly proportional to the amount of money he wrongfully obtained from clients through dishonest conduct. Kassas's obligation to reimburse the Client Security Fund is precisely tailored to the gravity of Kassas's offenses. The reimbursement obligation consequently bears the hallmarks of a "fine, penalty, or forfeiture" because it forces Kassas to "confront, in concrete terms, the harms his actions have caused." *Robinson*, 479 U.S. at 49 n. 10.

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CONT... Anthony Joseph Kassas

Chapter 7

III. Conclusion

Based upon the foregoing, the Court finds that the State Bar is entitled to entry of a judgment finding that Kassas's obligations (a) to reimburse the Client Security Fund in the amount of approximately \$2,090,096.32 and (b) to pay the State Bar \$61,112.27 in disciplinary costs are both non-dischargeable. The Court will prepare and enter an appropriate judgment.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

Unless otherwise indicated, all "Civil Rule" references are to the Federal Rules of Civil Procedure, Rules 1–86; all "Bankruptcy Rule" references are to the Federal Rules of Bankruptcy Procedure, Rules 1001–9037; all "Evidence Rule" references are to the Federal Rules of Evidence, Rules 101–1103; all "LBR" references are to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Central District of California, Rules 1001-1–9075-1; and all statutory references are to the Bankruptcy Code, 11 U.S.C. §§ 101–1532.

Note 2

This matter initially came before the Court by way of a Motion to Dismiss filed by the State Bar. The Court determined that it was appropriate to treat the Motion to Dismiss as a Motion for Summary Judgment under Civil Rule 56. Pursuant to Civil Rule 12(d), the Court provided the parties an opportunity to present additional material pertinent to the Motion for Summary Judgment. The parties do not dispute any of the facts set forth below.

Note 3

This figure includes interest accrued as of April 30, 2021. The rate of interest is

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CONT... **Anthony Joseph Kassas**

Chapter 7

set yearly by the Board of Trustees of the State Bar and is currently set at 10%.

Note 4

To be non-dischargeable under § 523(a)(7), a debt must be "payable to and for the benefit of a governmental unit." § 523(a)(7). The direct restitution payments that the California Supreme Court ordered Kassas to make do not satisfy this requirement and are therefore dischargeable. *See In re Albert-Sheridan*, 960 F.3d 1188, 1193 (9th Cir. 2020).

Note 5

Kassas continues to maintain his claim as to the non-dischargeability of the disciplinary costs because he intends to seek reversal of *Findley* on appeal. As Kassas correctly observes, this Court has no ability to deviate from *Findley*'s holding that the costs of a State Bar disciplinary proceedings are non-dischargeable under § 523(a)(7). *See Findley*, 593 F.3d at 1054 ("[We conclude that ... attorney disciplinary costs imposed by the California State Bar ... are excepted from discharge in bankruptcy pursuant to 11 U.S.C. § 523(a)(7).").

Party Information

Debtor(s):

Anthony Joseph Kassas

Represented By
M. Jonathan Hayes

Defendant(s):

The State Bar of California

Represented By
Suzanne C Grandt

Plaintiff(s):

Anthony J. Kassas

Represented By
M. Jonathan Hayes

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:21-13050 Charles Murrey

Chapter 7

#2.00 Status Hearing RE: [1] Chapter 7 Involuntary Petition Against an Individual. Sarah) Additional attachment(s) added on 4/14/2021 (Cowan, Sarah).

Docket 1

Tentative Ruling:

5/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The involuntary petition is **DISMISSED** for the reasons set forth below.

Pleadings Filed and Reviewed:

- 1) Involuntary Petition Against a Non-Individual [Doc. No. 1]
- 2) Summons and Notice of Status Conference in an Involuntary Bankruptcy Case [Doc. No. 4]
 - a) Certificate of Service [Doc. No. 6]
- 3) Order Regarding Manner of Appearance at Status Conference [Doc. No. 6]
 - a) Certificate of Service [Doc. No. 7]

The Petitioning Creditors have failed to file a proof of service establishing that the Summons, Notice of Status Conference, and Involuntary Petition were served upon the Alleged Debtor. The Summons issued to the Petitioning Creditors clearly informs the Petitioning Creditors of the obligation to serve the Summons, Notice of Status Conference, and Involuntary Petition upon the Alleged Debtor. The Summons further advises the Petitioning Creditors that failure to properly effectuate service may result in dismissal of the involuntary petition.

Local Bankruptcy Rule 1010-1 provides in relevant part: "The court may dismiss an involuntary petition without further notice and hearing if the petitioner fails to ... (c) serve the summons and petition within the time allowed by FRBP 7004; (d) file a proof of service of the summons and petition with the court; or (e) appear at the status

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CONT... Charles Murrey

Chapter 7

conference set by the court."

Based upon the foregoing, the involuntary petition is **DISMISSED**.

Notwithstanding the dismissal, the Court will retain jurisdiction to hear the *Motion for Relief from the Automatic Stay* [Doc. No. 9] filed by Wells Fargo Bank, N.A., which is set for hearing on June 1, 2021.

The Court will prepare and enter an appropriate order.

Party Information

Debtor(s):

Charles Murrey

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, May 19, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#3.00 HearingRE: [396] Application for Compensation Second And Final Application For Compensation And Reimbursement Of Expenses Of Grobstein Teeple, LLP As Accountants For The Chapter 11 Debtors; Declarations Of Howard B. Grobstein And Debtors In Support Thereof With Proof Of Service for Grobstein Teeple, LLP, Accountant, Period: 6/1/2020 to 4/12/2021, Fee: \$114095.00, Expenses: \$251.09.

Docket 396

Tentative Ruling:

5/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis are now deemed final):

Fees: \$215,063.25 approved (consisting of \$48,630.50 paid pursuant to Professional Fee Statements [*See* Doc. No. 280], \$52,337.75 awarded on an interim basis on July 22, 2020 [*See* Doc. No. 307] and \$114,095 sought in connection with this application [*See* Doc. No. 396])

Expenses: \$251.09 approved ([*See* Doc. No. 396])

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the

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CONT... **Michael Bonert and Vivien Bonert**
hearing.

Chapter 11

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#3.10 HearingRE: [399] Application for Compensation of Final Fees and/or Expenses with proof of service for Alan W Forsley, Debtor's Attorney, Period: to, Fee: \$0, Expenses: \$0, for Fredman Lieberman Pearl LLP, Debtor's Attorney, Period: 9/16/2019 to 4/12/2021, Fee: \$508581.25, Expenses: \$10581.81.

Docket 399

Tentative Ruling:

5/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the second and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis are now deemed final):

Fees: \$508,581.25 approved (consisting of \$301,764.25 awarded on an interim basis on July 22, 2020 [*See* Doc. No. 308] and \$206,817 sought in connection with this application [*See* Doc. No. 399])

Expenses: \$10,581.81 approved (consisting of \$6,384.71 awarded on an interim basis on July 22, 2020 [*See* Doc. No. 308] and \$4,197.10 sought in connection with this application [*See* Doc. No. 399])

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the

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CONT... **Michael Bonert and Vivien Bonert**
hearing.

Chapter 11

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#3.20 HearingRE: [401] Application for Compensation Final Application of Subchapter V Trustee for Approval of Fees and Reimbursement of Expenses; Declaration of Gregory K. Jones in support for Gregory Kent Jones (TR), Trustee, Period: 3/16/2020 to 4/22/2021, Fee: \$24,300.00, Expenses: \$897.94. (Jones (TR), Gregory)

Docket 401

Tentative Ruling:

5/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first and final application for fees and expenses filed by the Subchapter V Trustee, the court approves the application and awards the fees and expenses set forth below:

Fees: \$24,300 approved [*See* Doc. No. 401]

Expenses: \$897.94 approved [*See id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The Subchapter V Trustee shall submit a conforming order within seven days of the hearing.

Party Information

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CONT... Michael Bonert and Vivien Bonert

Chapter 11

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, May 19, 2021

Hearing Room 1568

10:00 AM

2:19-24457 Anthony Joseph Kassas

Chapter 7

Adv#: 2:21-01021 Kassas v. The State Bar of California

#4.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01021. Complaint by Anthony J. Kassas against The State Bar of California. (\$350.00 Fee Charge To Estate). , with Proof of Service (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Blank Summons and Notice of Status Conference in Adversary Proceeding [LBR 7004-1]) Nature of Suit: (65 (Dischargeability - other)),(91 (Declaratory judgment)) (Hayes, M.)

fr. 4-13-21; 4-20-21

Docket 1

Tentative Ruling:

5/18/2021

See Cal. No. 1, above, incorporated in full by reference.

Party Information

Debtor(s):

Anthony Joseph Kassas

Represented By
M. Jonathan Hayes

Defendant(s):

The State Bar of California

Pro Se

Plaintiff(s):

Anthony J. Kassas

Represented By
M. Jonathan Hayes

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#5.00 Hearing
RE: [27] Motion to Dismiss Adversary Proceeding

Docket 27

***** VACATED *** REASON: CONTINUED 6-23-21 AT 10:00 A.M.**

Tentative Ruling:

5/18/2021

Order entered. The Court will treat the Motion to Dismiss as a Motion for Summary Judgment. The hearing on the Motion for Summary Judgment is **CONTINUED** from May 19, 2021 at 10:00 a.m. to **June 23, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Represented By
Katalina Baumann
Justin D Balser

CITIBANK N.A.

Represented By
Dillon D Chen

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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11:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01022 Iovita v. Monge et al

#100.00 Hearing
RE: [10] MOTION TO DISMISS COMPLAINT PURSUANT TO FRBP 7012 (b)
(6); MOTION FOR MORE DEFINITE STATEMENT FRBP 7012(e)

FR. 3-23-21

Docket 10

***** VACATED *** REASON: PER ORDER ENTERED 5-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Siboney Monge

Represented By
Paul M Brent

Malibu Reconveyance, LLC

Pro Se

Plaintiff(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

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11:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01024 Monge v. Iovita

#101.00 Hearing
RE: [11] Motion to Dismiss Adversary Proceeding

FR. 3-23-21

Docket 11

Tentative Ruling:

5/18/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- 1) Monge's claims under § 523(a)(4) (on the ground of fraud or defalcation while acting in a fiduciary capacity), § 523(a)(6), § 727(a)(2) and § 727(a)(4)(A) are sufficiently pleaded, and the Motion to Dismiss is **DENIED** as to such claims.
- 2) Monge's claims under § 523(a)(2), § 523(a)(4) (on the ground of larceny), § 523(a)(4) (on the ground of embezzlement), and § 727(a)(3) are not sufficiently pleaded. The Motion to Dismiss is **GRANTED** as to such claims; however, Monge is given leave to amend. Monge shall file an Amended Complaint no later than **June 2, 2021**.
- 3) Upon the filing of the Amended Complaint, the Clerk of the Court will issue a Scheduling Order setting updated litigation deadlines, including the date of a continued Status Conference.

Pleadings Filed and Reviewed:

- 1) Complaint for (A) Determination of Nondischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2), 523(a)(4), and/or 523(a)(6) and (B) Objection to

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- Discharge [Pursuant to] 11 U.S.C. Sections 727(a)(2), (a)(3), and/or (a)(4) [Doc. No. 1] (the "Complaint")
- 2) Defendant's Notice of Motion and Motion to Dismiss Plaintiff's Complaint [Doc. No. 11] (the "Motion")
 - 3) Opposition to Motion to Dismiss [Doc. No. 13] (the "Opposition")
 - 4) Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss Plaintiff's Complaint [Doc. No. 14] (the "Reply")

I. Facts and Summary of Pleadings

A. Introduction

On October 28, 2020, Titus Emil Iovita (the "Debtor") filed a voluntary Chapter 11 petition. On February 2, 2021, Siboney Monge ("Monge") filed a complaint (a) objecting to the dischargeability of certain alleged indebtedness under § 523 and (b) objecting to the Debtor's discharge under § 727 (the "Complaint").

The Debtor moves to dismiss the Complaint, pursuant to Civil Rule 12(b)(6), for failure to state a claim upon which relief can be granted. Monge opposes the Motion to Dismiss.

When the Complaint was filed, Monge was represented by Paul Brent of Steinberg, Nutter & Brent. After the Motion to Dismiss was fully briefed, the Court approved a stipulated continuance of the hearing on the Motion which was necessitated by Mr. Brent's serious medical issues. Monge is now represented by Arnold Graff of Wright, Finlay & Zak LLP.

B. Summary of the Complaint's Allegations

The material allegations of the Complaint are as follows:

On April 4, 2006, Monge purchased property located at 18604 Newman Avenue, Riverside, CA 92508 (the "Property"). Complaint at ¶¶ 3 and 5. Monge initially had intended to live in the Property but later decided to rent out the Property. *Id.* at ¶ 6. On December 3, 2009, Monge and the Debtor entered into a *Joint Venture Agreement* (the "Agreement") pertaining to the Property. *Id.* at ¶ 10. The material terms of the Agreement were as follows:

- 1) Monge would sell the Property to the Debtor for \$600,000. The sale price consisted of (a) the Debtor's assumption of the existing first mortgage in the amount of \$250,000 and (b) seller carryback financing provided by Monge in

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the amount of \$350,000 (the “Monge Loan”). The Monge Loan was secured by a deed of trust in Monge’s favor (the “Monge DOT”), and the entire balance of the Monge Loan was to be repaid on February 1, 2020. *Id.*

- 2) Monge and Iovita would hold the Property as an investment for ten years. Monge would serve as the property manager and be responsible for locating tenants. After ten years, the Property would be sold. Monge would have complete control of the sale process, and the Debtor would receive \$100,000 of the sale proceeds. (Title was vested in the Debtor’s name so that he could obtain tax benefits from deducting expenses related to the Property. *Id.*)

Pursuant to the Agreement, Monge conveyed title to the Property to the Debtor on December 14, 2009. The Debtor successfully refinanced the existing first mortgage, obtaining a new loan in the amount of \$241,500. In 2017, the Debtor refinanced this loan to obtain a lower interest rate. At the time of the refinance, the balance on the loan was approximately \$200,000. *Id.*

Monge located tenants for the Property and paid the first mortgage (which was in the Debtor’s name) from the Property’s rental income. *Id.* at ¶¶ 13–14. Monge made all mortgage payments from the inception of the Agreement until the fall of 2019. *Id.* at ¶ 14.

In the fall of 2019, the Debtor terminated Monge’s access to the bank account which was used for the deposit of the Property’s rental income and the payment of the Property’s expenses. *Id.* at ¶ 15. Since the fall of 2019, the Debtor has collected all rental from the Property, and has refused to provide Monge an accounting of the Property’s income and expenses. *Id.*

In April 2020, the Debtor was approved for a new first loan against the Property in the amount of \$550,000. *Id.* at ¶ 16. After payoff of the existing loan, the new loan would have been sufficient to repay Monge \$323,748.43 of the \$350,000 owed on the Monge Loan. *Id.* Debtor refused to repay Monge this amount and instead attempt to coerce Monge into accepting less than she was entitled to receive. *Id.*

On May 29, 2020, Monge recorded a Notice of Default under the Monge DOT. *Id.* at ¶ 17. On August 31, 2020, Monge recorded a Notice of Trustee’s Sale. *Id.*

The sale was continued so that the parties could attend mediation. After mediation proved unsuccessful, the Debtor sought bankruptcy protection on October 28, 2020. *Id.*

The Debtor’s schedules failed to list the Debtor’s interest in the Agreement and failed to list the rental income he had received from the Property. *Id.* at ¶¶ 20–32.

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Based upon the foregoing allegations, Monge contends that the indebtedness arising under the Agreement is non-dischargeable pursuant to § 523(a)(2), (a)(4), and (a)(6). (As to the claim for relief under § 523(a)(2), the Complaint does not specify whether the indebtedness is non-dischargeable under § 523(a)(2)(A), (a)(2)(B), or both.) In addition, Monge asserts that the Debtor's alleged failure to schedule his interest in the Agreement warrants denial of his discharge pursuant to § 727(a)(2), (a)(3), and (a)(4).

C. Summary of the Motion to Dismiss

The Debtor moves to dismiss the Complaint for failure to state a claim upon which relief can be granted, pursuant to Civil Rule 12(b)(6). The Debtor makes the following arguments in support of the Motion to Dismiss:

- 1) The § 523 claims are barred by the statute of limitations. Under California law, an action for relief on the grounds of fraud or mistake must be commenced within three years. The Complaint refers to acts that occurred in 2009 when the Agreement was executed. The only events alleged in the complaint occurring subsequent to 2009 are the Debtor's refinancing of the Property in 2017 and Monge's recordation of the Notices of Default and Trustee Sale in 2020. None of these acts are related to any fraudulent conduct that would give rise to a claim under § 523.
- 2) Civil Rule 9(b) requires that allegations of fraud or mistake be pleaded with particularity. The Complaint's allegations regarding fraudulent conduct are too vague to meet the particularity requirements of Civil Rule 9.
- 3) The Complaint fails to state a claim under § 523(a)(2). Monge has failed to allege whether she seeks relief under § 523(a)(2)(A) or (a)(2)(B). In the event Monge is seeking relief under § 523(a)(2)(A), the Complaint is devoid of any allegations regarding a false representation. In the event Monge is seeking relief under § 523(a)(2)(B), the Complaint fails to identify the written statement alleged to be materially false.
- 4) The Complaint fails to state a claim under § 523(a)(4). To the extent the § 523(a)(4) claim is based upon fraud or defalcation while acting in a fiduciary capacity, the Complaint does not allege facts showing the existence of a fiduciary relationship arising from an express or technical trust. To the extent the § 523(a)(4) claim is based upon embezzlement, the Complaint does not allege that the Debtor misappropriated the Monge Loan for any purpose. To the

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extent the § 523(a)(4) claim is based upon larceny, the Complaint does not allege that the Debtor came into possession of the Monge Loan wrongfully. In fact, Monge does not even allege that any funds were transferred in connection with the Monge Loan.

- 5) The Complaint fails to state a claim under § 523(a)(6). At most, the Complaint's allegations support a claim for breach of contract. None of the Complaint's allegations show that the Debtor intentionally committed any wrongful acts that injured Monge.
- 6) The Complaint fails to state a claim under § 727(a)(2), because there are no allegations that the Debtor destroyed, mutilated, or concealed any property of the Debtor or of the estate.
- 7) The Complaint fails to state a claim under § 727(a)(3), because there are no allegations that the Debtor concealed, destroyed, or mutilated any books or records necessary to ascertain the Debtor's financial condition.
- 8) The Complaint fails to state a claim under § 727(a)(4)(A), because there are no allegations that the Debtor "knowingly and fraudulently" made a false oath or account in the course of the bankruptcy proceedings. The allegation that the Debtor failed to disclose his interest in the Agreement fails. By its terms, the Agreement expired on December 3, 2019, unless the Property was sold. The Complaint does not allege that the Property was sold, which means that the Agreement expired on December 3, 2019, prior to the date of the filing of the petition. Therefore, the Debtor was not required to disclose the Agreement in his schedules.

D. Summary of Monge's Opposition to the Motion to Dismiss

Monge makes the following arguments in opposition to the Motion to Dismiss:

- 1) There is no merit to the Debtor's contention that the § 523 claims are barred by the statute of limitations. The Complaint alleges that the Agreement required the Debtor to repay the Monge Loan on February 1, 2020. The Complaint further alleges that in the fall of 2019, the Debtor terminated Monge's access to the bank account into which rental income from the Property was deposited. The earliest that Monge could have discovered that the Debtor never intended to perform under the Agreement was when he terminated her access to the bank account in the fall of 2019.
- 2) The Complaint states a claim under § 523(a)(2). The Complaint alleges that

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from the inception of his relationship with Monge, the Debtor never intended to fulfill his obligations under the Agreement. The Complaint further alleges that Monge justifiably relied upon the representations made by the Debtor through the Agreement.

- 3) The Complaint states a claim under § 523(a)(4) for fraud or defalcation while acting in a fiduciary capacity. The Agreement provides that the “parties create a joint venture.” Agreement at ¶ 3. This provision imposes upon the Debtor fiduciary obligations for purposes of § 523(a)(4).
- 4) The Complaint states a claim under § 523(a)(6). The Complaint alleges that the Debtor terminated Monge’s access to the bank account established to hold the Property’s rental income, refused to provide Monge an accounting of the Property’s earnings and expenses, and refused to repay the Monge Loan even though he had the ability to do so.
- 5) The Complaint states a claim under § 727. The Complaint alleges that the Debtor failed to schedule his interest in the Agreement and failed to disclose the rental income he received from the Property.

E. Summary of the Debtor’s Reply

In his Reply to Monge’s Opposition, the Debtor reiterates the arguments set forth in the Motion to Dismiss regarding the Complaint’s failure to state a claim.

II. Findings and Conclusions

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’ A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citations omitted). To state a plausible claim for relief, a complaint must satisfy two working principles:

First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitations of the elements of a cause of action, supported by mere conclusory statements, do not suffice.... Second, only a complaint that states a plausible claim for relief survives a motion to dismiss. Determining whether a complaint states a plausible claim for relief will ... be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. But

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where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not "show[n]"—"that the pleader is entitled to relief."

Id. (citing Civil Rule 8(a)(2)).

Although the pleading standard Civil Rule 8 announces “does not require ‘detailed factual allegations,’ ... it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.... A pleading that offers ‘labels and conclusions’ or a ‘formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

A. The § 523 Claims Are Not Time-Barred

A dischargeability action involves two distinct issues: "first, the establishment of the debt itself ...; and second, a determination of the nature of that debt"—that is, a determination of whether the debt is non-dischargeable. *Thomas M. Banks v. Gill Distribution Centers, Inc. (In re Gill Distribution Centers)*, 263 F.3d 862, 868 (9th Cir. 2001). A party seeking to have its debt declared non-dischargeable must first establish that debt under the applicable state statute of limitations. *Frontier Homes v. DiBenedetto (In re DiBenedetto)*, 560 B.R. 531, 536 (Bankr. C.D. Cal. 2016).

Under California law, “[a]n action for relief on the grounds of fraud or mistake must be commenced within three years. However, such action is not deemed accrued ‘until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.’ The courts interpret discovery in this context to mean not when the plaintiff became aware of the specific wrong alleged, but when the plaintiff suspected or should have suspected that an injury was caused by wrongdoing. The statute of limitations begins to run when the plaintiff has information which would put a reasonable person on inquiry.” *Kline v. Turner*, 87 Cal. App. 4th 1369, 1373–74, 105 Cal. Rptr. 2d 699 (2001) (internal citation omitted).

Here, the Complaint alleges that at the time the Debtor entered into the Agreement in 2009, he never intended to fulfill his obligation to repay the Monge Loan in 2020. The Complaint alleges that Monge discovered that the Debtor never intended to perform under the Agreement in the fall of 2019, when the Debtor terminated Monge’s access to the bank account into which rental income from the Property was deposited.

Monge’s claims regarding the Debtor’s alleged fraud are not time-barred.

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According to the Complaint, the Debtor's most significant obligation under the Agreement was to repay the \$350,000 Monge Loan. However, the Debtor was not required to repay the Monge Loan until February 1, 2020. Since the Agreement did not impose any significant obligations upon the Debtor aside from repayment of the Monge Loan, Monge could not have reasonably suspected that the Debtor never intended to perform under the Agreement until he terminated her access to the bank account in the fall of 2019. Therefore, the Complaint sufficiently alleges facts showing that Monge's fraud claims were commenced within three years of discovery, as required under applicable California law.

B. The Complaint's Fraud Allegations Are Pleaded with the Particularity Necessary to Satisfy Civil Rule 9(b)

Civil Rule 9(b) requires that when "alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake." The purpose of Civil Rule 9(b) is to "give defendants notice of the particular misconduct which is alleged to constitute the fraud charged so that they can defend against the charge and not just deny that they have done anything wrong." *Neubronner v. Milken*, 6 F.3d 666, 671 (9th Cir. 1993). Allegations of fraud "must be accompanied by 'the who, what, when, where, and how' of the misconduct charged. '[A] plaintiff must set forth *more* than the neutral facts necessary to identify the transaction. The plaintiff must set forth what is false or misleading about a statement, and why it is false.'" *Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1106 (9th Cir. 2003) (internal citations omitted).

The Complaint's fraud allegations are pleaded with the particularity necessary to satisfy Civil Rule 9(b). The Complaint alleges that the Debtor entered into the Agreement even though he never intended to fully repay the Monge Loan. To support the assertion that the Debtor never intended to perform his obligations under the Agreement, the Complaint alleges that the Debtor (a) terminated Monge's access to the bank account into which the Property's rental income was deposited and (b) explicitly refused to repay the Monge Loan in April 2020, even though the Debtor had received approval for new financing sufficient to repay a substantial portion of the Monge Loan.

C. The Complaint Fails to State a Claim Under § 523(a)(2)

With respect to her § 523(a)(2) claim, Monge does not specify in the Complaint whether she seeks relief under § 523(a)(2)(A), under § 523(a)(2)(B), or under both

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subsections. Monge's failure to precisely specify the nature of her § 523(a)(2) claim does not provide the Debtor fair notice of the misconduct alleged. The Motion is **GRANTED** as to Monge's § 523(a)(2) claim; however, Monge is given leave to amend.

Monge's Amended Complaint shall specify whether relief is sought under § 523(a)(2)(A), under § 523(a)(2)(B), or under both subsections. In addition, the Amended Complaint shall allege facts showing that each of the elements of § 523(a)(2)(A) (or § 523(a)(2)(B), if applicable) is satisfied. This means that if Monge seeks relief under § 523(a)(2)(A), the Amended Complaint must allege *specific facts* showing that all of the following elements are satisfied:

- (1) the debtor made the representations;
- (2) that at the time he knew they were false;
- (3) that he made them with the intention and purpose of deceiving the creditor;
- (4) that the creditor relied on such representations; and
- (5) that the creditor sustained the alleged loss and damage as the proximate result of the misrepresentations having been made.

Ghomeshi v. Sabban (In re Sabban), 600 F.3d 1219, 1222 (9th Cir. 2010).

The current structure of the Complaint does not provide the Debtor or the Court sufficient notice of the misconduct alleged. Paragraphs 1–18 contain allegations regarding the Agreement and the Debtor's failure to perform thereunder. Monge's § 523(a)(2) claim is set forth in ¶¶ 33–37; however, this section merely incorporates by reference the allegations set forth in ¶¶ 1–18, while failing to specifically identify (a) the precise representations that the Debtor made which he knew were false or (b) the reasons why Monge relied upon these representations. The Amended Complaint must be drafted in a manner such that specific factual allegations are clearly tied to specific elements of § 523(a)(2)(A).

D. The Complaint Fails to State a Claim Under § 523(a)(4) on the Grounds of Embezzlement or Larceny

The Complaint's claims under § 523(a)(4) suffer from the same deficiencies as the claims under § 523(a)(2). It is clear from the Complaint that Monge seeks relief under § 523(a)(4) on the ground of fraud or defalcation while acting in a fiduciary capacity, but it is *not* clear whether she also seeks relief on the grounds of embezzlement or

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larceny. Two brief sentences in Monge's Opposition suggest that she *is* seeking relief on the grounds of embezzlement or larceny. *See* Opposition at 6 ("As the request by Defendant in the Motion relative to the fraud claim must be denied so to as the request relative to embezzlement and/or larceny. At paragraph 15 the Complaint sets forth numerous and significant detailed allegations reflecting the improper possession and misappropriation of property.").

It is not appropriate for Monge to seek to clarify the relief sought in the Complaint through papers filed in connection with a Motion to Dismiss. The Court will require Monge to amend the Complaint so that each claim for relief under § 523(a)(4) is separately and distinctively identified. The Amended Complaint shall contain separate sections setting forth (1) the allegations supporting the claim for embezzlement and (3) the allegations supporting the claim for larceny. The Amended Complaint shall be structured in a manner such that the specific facts alleged in support of each claim can be clearly identified. It is not sufficient for each section to incorporate by reference prior allegations in an overly-broad manner that requires the Court and the Debtor to guess as to which allegations support which elements of the larceny and embezzlement claims.

E. The Complaint States a Claim Under § 523(a)(4) on the Ground of Fraud or Defalcation While Acting in a Fiduciary Capacity

Section 523(a)(4) excepts from discharge "any debt for fraud or defalcation while acting in a fiduciary capacity." "To prevail on a nondischargeability claim under § 523(a)(4) the plaintiff must prove not only the debtor's fraud or defalcation, but also that the debtor was acting in a fiduciary capacity when the debtor committed the fraud or defalcation." *Honkanen v. Hopper (In re Honkanen)*, 446 B.R. 373, 378 (B.A.P. 9th Cir. 2011).

Federal bankruptcy law determines whether a fiduciary relationship exists within the meaning of §523(a)(4). *Cal-Micro, Inc. v. Cantrell (In re Cantrell)*, 329 F.3d 1119, 1125 (9th Cir. 2003). For purposes of §523(a)(4), the fiduciary relationship "must be one arising from an express or technical trust that was imposed before and without reference to the wrongdoing that caused the debt." *Lewis v. Scott (In re Lewis)*, 97 F.3d 1182, 1185 (9th Cir. 1996). State law determines whether the requisite trust relationship exists. *Mele v. Mele (In re Mele)*, 501 B.R. 357, 363 (B.A.P. 9th Cir. 2013).

The Agreement, which was not drafted by attorneys, does not specify whether it was intended to create a partnership relationship between the Debtor and Monge or

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some other type of business relationship. The most straightforward construction of the Agreement is that a partnership relationship was intended. The Agreement imposes obligations upon both the Debtor and Monge and specifies the manner in which profits from the sale of the Property are to be distributed between the Debtor and Monge.

Under California law, partners have an obligation to "account to the partnership and hold as trustee for it any property, profit, or benefit derived by the partner in the conduct and winding up of the partnership business or derived from a use by the partner of partnership property or information, including the appropriation of a partnership opportunity." Cal. Corp. Code § 16404(b)(1). As a result of this obligation, a fiduciary relationship within the meaning of § 523(a)(4) exists between partners. *See also Ragsdale v. Haller*, 780 F.2d 794, 796–97 (9th Cir. 1986) (holding that "California partners are fiduciaries within the meaning of § 523(a)(4)").

Monge's claims under § 523(a)(4) on the ground of fraud or defalcation in a fiduciary capacity are sufficiently pleaded. As set forth above, the Agreement created a partnership relationship between Monge and the Debtor. Because partners are fiduciaries under California law, the Complaint sufficiently alleges a fiduciary relationship between Monge and the Debtor for purposes of § 523(a)(4).

The Complaint's allegations regarding the Debtor's breach of his fiduciary obligations are also sufficiently pleaded. The Complaint alleges that the Debtor terminated Monge's access to the bank account used in furtherance of the Agreement; that the Debtor refused to provide Monge an accounting of the Property's revenues and expenses; and that the Debtor refused to repay any portion of the Monge Loan as required under the Agreement even though he had obtained approval of a loan against the Property sufficient to repay a substantial portion of the Monge Loan. These allegations state a claim for fraud or defalcation in a fiduciary capacity.

F. The Complaint States a Claim Under § 523(a)(6)

"Section 523(a)(6) excepts from discharge debts arising from a debtor's 'willful and malicious' injury to another person or to the property of another. The 'willful' and 'malicious' requirements are conjunctive and subject to separate analysis." *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 463 (9th Cir. B.A.P. 2015) (internal citations omitted).

An injury is "willful" when "a debtor harbors 'either subjective intent to harm, or a subjective belief that harm is substantially certain.' The injury must be deliberate or intentional, 'not merely a deliberate or intentional act that leads to injury.'" *Id.* at 463

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(internal citations omitted). When determining intent, there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby v. First Am. Title Co. of Nevada (In re Ormsby)*, 591 F.3d 1199, 1206 (9th Cir. 2010). An injury is "malicious" if it "involves '(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse.'" *Carrillo v. Su (In re Su)*, 290 F.3d 1140, 1146–47 (9th Cir. 2002) (internal citations omitted). "Within the plain meaning of this definition, it is the wrongful act that must be committed intentionally rather than the injury itself." *Jett v. Sicroff (In re Sicroff)*, 401 F.3d 1101, 1106 (9th Cir. 2005).

In addition, the injury-producing conduct must be tortious in order to be excepted from discharge under §523(a)(6). *Lockerby v. Sierra*, 535 F.3d 1038, 1040 (9th Cir. 2008). "[C]onduct is not tortious under § 523(a)(6) simply because injury is intended or 'substantially likely to occur,' but rather is only tortious if it constitutes a tort under state law." *Id.* at 1041.

The Complaint states a claim under § 523(a)(6). The Complaint alleges that the Debtor terminated Monge's access to the bank account used in furtherance of the Agreement; that the Debtor refused to provide Monge an accounting of the Property's revenues and expenses; and that the Debtor refused to repay any portion of the Monge Loan as required under the Agreement even though he had obtained approval of a loan against the Property sufficient to repay a substantial portion of the Monge Loan. In view of the presumption that the Debtor knows the natural consequences of his actions, these allegations are sufficient to show that the Debtor either intended to harm Monge, or was substantially certain that Monge would be harmed by his actions. In addition, these allegations are sufficient to state a claim that the Debtor intentionally engaged in an injury-causing wrongful act without just cause or excuse.

G. The Complaint States a Claim Under § 727(a)(2)

Section 727(a)(2) provides that a discharge may be denied if "the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed (A) property of the debtor, within one year before the date of the filing of the petition; or (B) property of the estate, after the date of the filing of the petition."

The Complaint states a claim under § 727(a)(2). The Complaint alleges that the Debtor failed to schedule his interest in the Agreement, failed to disclose his business debts emanating from the Agreement, and failed to disclose the rental income he received from the Property. The Complaint sufficiently alleges that the Debtor

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concealed his property by failing to make the required disclosures in his schedules.

H. The Complaint Fails to State a Claim Under § 727(a)(3)

Section 727(a)(3) provides that a discharge may be denied if "the debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the debtor's financial condition or business transactions might be ascertained, unless such act or failure to act was justified under all the circumstances of the case."

The Complaint fails to state a claim under § 727(a)(3). The Complaint does not allege that the Debtor failed to preserve records relevant to the Agreement or that the Debtor failed to keep such records. The Motion is **GRANTED** as to Monge's § 727(a)(3) claim; however, Monge is given leave to amend.

I. The Complaint States a Claim Under § 727(a)(4)(A)

Section 727(a)(4)(A) provides that a discharge may be denied if "the debtor knowingly and fraudulently, in or in connection with the case made a false oath or account."

The Complaint states a claim under § 727(a)(4)(A). The Complaint alleges that the Debtor failed to disclose (a) his interest in the Agreement and (b) the rental income he received from the Property.

Debtor asserts that Monge's § 727(a)(4)(A) claim is not sufficiently pleaded because he was not required to schedule the Agreement, which according to the Debtor had expired prior to the Petition Date. Whether the Agreement remained in effect as of the Petition Date is an issue of fact that cannot be determined at this stage of the proceedings. The Complaint sufficiently alleges that the Agreement remained in effect as of the Petition Date and therefore should have been disclosed.

III. Conclusion

Based upon the foregoing, the Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- 1) Monge's claims under § 523(a)(4) (on the ground of fraud or defalcation while acting in a fiduciary capacity), § 523(a)(6), § 727(a)(2) and § 727(a)(4)(A) are sufficiently pleaded, and the Motion to Dismiss is **DENIED** as to such claims.
- 2) Monge's claims under § 523(a)(2), § 523(a)(4) (on the ground of larceny), § 523(a)(4) (on the ground of embezzlement), and § 727(a)(3) are not

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sufficiently pleaded. The Motion to Dismiss is **GRANTED** as to such claims; however, Monge is given leave to amend. Monge shall file an Amended Complaint no later than **June 2, 2021**.

- 3) Upon the filing of the Amended Complaint, the Clerk of the Court will issue a Scheduling Order setting updated litigation deadlines, including the date of a continued Status Conference.

The Court will prepare and enter an appropriate order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Plaintiff(s):

Siboney Monge

Represented By
Paul M Brent

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2:21-12775 Guiora, LLC

Chapter 11

#102.00 Hearing
RE: [21] Motion to Dismiss Debtor /Motion for an Order (I) Dismissing the Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. Sec. 1112(a), or, Alternatively, (II) Granting Relief from Automatic Stay Pursuant to 11 U.S.C. Sec. 362 (d)(1) and (4); Memorandum of Points and Authorities; Declaration(s) in Support Thereof, with Proof of Service,

Docket 21

***** VACATED *** REASON: CONTINUED 5-24-21 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guiora, LLC

Represented By
Hamid R Rafatjoo

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2:21-12222 collab9, LLC, a Delaware limited liability company

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#1.00 Hearing
RE: [55] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Debtors Combined Motion For Entry Of Orders: (I)(A) Establishing Bidding And Sale Procedures, (B) Establishing Procedures Relating To The Assumption And Assignment Of Executory Contracts And Unexpired Leases, (C) Scheduling Hearing To Approve The Proposed Sale, And (D) Approving Form And Manner Of Notice Relating Thereto; (II)(A) Approving The Sale Of Assets Free And Clear Of All Liens, Claims, Encumbrances, And Interests, (B) Authorizing The Assumption And Assignment Of Executory Contracts And Unexpired Leases; And (III) Granting Related Relief

fr. 4-8-21

Docket 55

Tentative Ruling:

5/19/21

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Sale Motion is GRANTED.

I. Pleadings Filed and Reviewed

- 1) Debtor's Combined Motion for Entry of Orders: (I)(A) Establishing Bidding and Sale Procedures, (B) Establishing Procedures Relating to the Assumption and Assignment of Executory Contracts and Unexpired Leases, (C) Scheduling Hearing to Approve the Proposed Sale, and (D) Approving Form and Manner of Notice Relating Thereto; (II)(A) Approving the Same of Assets Free and Clear of All Liens, Claims, Encumbrances, and Interests, (B) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (III)

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Granting Related Relief (the "Bidding Procedures Motion;" the "Sale Motion;" collectively the "Combined Bidding Procedures Motion and Sale Motion") [Doc. No. 55]

- 2) Declaration of Kevin B. Schatzle in Support of Debtors Combined Bidding Procedures Motion and Sale Motion [Doc. No. 56]
- 3) Declaration of George Blanco in Support of Debtor's Combined Bidding Procedures Motion and Sale Motion [Doc. No. 57]
- 4) Reservation of Rights of Avaya Inc. Relating to Debtor's Combined Bidding Procedures Motion and Sale Motion [Doc. No. 68]
- 5) Equinix, Inc.'s Limited Objection to Debtor's Sale and Proposed Cure Amount (the "Equinix Objection") [Doc. No. 127]
- 6) Conditional Objection to Debtor's Combined Bidding Procedures Motion and Sale Motion (the "Avaya Objection") [Doc. No. 132]
- 7) Declaration of Scott F. Gautier and Compendium of Exhibits in Support of Avaya's Objection to Debtor's Sale Motion [Doc. No. 133]
- 8) Declaration of Jerry Dotson in Support of Avaya's Objection to Debtor's Sale Motion [Doc. No. 134]
- 9) Reply Brief in Support of Debtor's Sale Motion (the "SecureComm Reply") [Doc. No 139]
- 10) Debtor's Reply Memorandum in Support of Debtor's Sale Motion (the "Debtor's Reply") [Doc. No. 140]
- 11) First Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions (the "First Schatzle Decl.") [Doc. No. 12]
- 12) Declaration of Edward L. Allen, Jr. in Support of Debtor's Reply [Doc. No. 141]
- 13) Declaration of George Blanco in Support of Debtor's Reply (the "Blanco Declaration") [Doc. No. 142]
- 14) Declaration of Victor A. Sahn in Support of the Debtor's Reply [Doc. No. 143]
- 15) Second Declaration of Kevin B. Schatzle in Support of Debtor's Reply (the "Second Schatzle Decl.") [Doc. No. 144]
- 16) Notice of Receipt of Qualified Bid and Cancellation of May 18, 2021 Auction (the "SecureComm Bid") [Doc. No. 145]
- 17) Debtor's Response to Equinix, Inc.'s Limited Objection to Debtor's Sale

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and Proposed Cure Amount (the "Debtor's Reply to Equinix's Objection")
[Doc. No. 146]

II. Relevant Facts

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition. The Debtor is a cloud security service provider for managed voice, collaboration, conferencing, and contact center services primarily for U.S. public sector customers. Bidding Procedures Motion at 11. The Debtor has a special governmental authorization, known as FedRAMP, that certifies that the Debtor's services are highly secure and may be used by government agencies. *Id.* at 13. Some of the Debtor's customers include the United States Customs and Border Protection and the Defense Nuclear Facilities Safety Board. First Schatzle Decl. at ¶ 23.

The Debtor states that its business operations have been severely undermined by Avaya, its largest creditor. The Debtor's relationship with Avaya began in 2017 when it executed an agreement whereby the Debtor would sell its services to Avaya, and Avaya would resell those services to its own customers (the "Master Agreement"). *Id.* at ¶¶ 59 & 61. In May of 2019, Avaya loaned the Debtor \$10,000,000 under a convertible secured note in order to create a system that would streamline the relationship between the Debtor and Avaya/Avaya's customers. *Id.* at ¶ 61. The Debtor avers that during that same time, it was seeking a sale of its assets, but the terms of the convertible note prohibited the Debtor from entering into any relationship with another company. *Id.* Around the same time period, the Debtor asserts that Avaya began to develop a competing software in an effort to drive the Debtor out of business. *Id.* at ¶ 62. The Debtor argues that Avaya unilaterally terminated the Master Agreement in May of 2020 when it ceased business relations with the Debtor. *Id.* at ¶¶ 69 & 70. When the Debtor saw an impending liquidity crisis during 2020, it unsuccessfully reached out to Avaya and others to obtain additional funding. *Id.* at ¶ 77.

On April 1, 2021, the Debtor filed its Combined Bidding Procedures Motion and Sale Motion. The Debtor seeks approval of substantially all of its assets free and clear of all liens, claims, interests, and encumbrances. Sale Motion at 28 & 30. Notably, the Debtor wants to sell its assets free and clear of the Avaya encumbrance. The Debtor argues that there is a strong business justification for the sale because "it has built a valuable business and platform, cultivated important relationships, and

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entered significant contracts." *Id.* at 29. The Debtor also notes that it faces a liquidity crisis and, in order to prevent a shutdown of critical services, a sale must be consummated quickly. *Id.* at 29. The Debtor argues that the Court should approve the sale because the sale price is likely to be greater than its secured debt. On April 9, 2021, the Court approved the bidding procedures portion of the Sale Motion. Doc. No. 76. With respect to the Bidding Procedures Motion, Avaya did not object and merely reserved its rights to object, at a later date, to the Sale Motion. *See* Doc. No. 68.

On May 11, 2021, Equinix, Inc. ("Equinix") filed its objection. Equinix is a "data center and colocation provider." Equinix Objection at 2. Equinix and the Debtor have a master services agreement (the "MSA") whereby the Debtor uses and has access to Equinix's data centers. *Id.* at 2-3. Equinix has two objections: first, because it is party to the MSA with the Debtor, if MSA is assumed by a new buyer the proposed cure must "also include amounts that have come due and are not paid as of the time of the sale closing." *Id.* at 4. Equinix also does not consent to the sale of any physical property that the Debtor uses at Equinix's facility unless the proposed buyer also assumes the MSA. In short, Equinix states that the MSA and the physical property must be sold/assumed together.

On May 12, 2021, Avaya filed its objection. Avaya's objection provides an extensive background about its dealings with the Debtor. Avaya argues that Collab9 is a bad actor that has anticipated bankruptcy for over a year. When the Debtor began to face a liquidity crisis, the Debtor's CEO Kevin Schatzle ("Schatzle"), attempted to "extort" certain of its customers out of \$400,000 per month, or threaten to turn off their customers' service. Avaya Objection at 11. Avaya also alleges that Schatzle made the same threat to Avaya. *Id.* at 14. However, the objection itself is conditional, and Avaya's primary concern surrounds a potential sale to SecureComm or any other insider, if that entity is the only entity to bid. Avaya asserts that the Debtor is using the bankruptcy process to sell its assets to SecureComm for "\$3 to \$5 million" and then emerge from bankruptcy without having to worry about the Avaya hindrance. *Id.* at 19. Avaya claims that the Debtor's owners were at one point prepared to pay \$15 million for the Debtor's assets, so \$3-\$5 million is far too low. *Id.* at 18. Avaya refers to one email where one of the Debtor's owners wrote "In worst case scenario, securecomm[, a] company owned by Bob [Din] and I [w]ill buy the assets for 15m. This has been agreed by Bob [Din] and I." Avaya Objection at 18. In one email between the Debtor's owners, they write: "Bottom line, I believe it is going to be a

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two part process; we buy first and then get [ConvergeOne] to buy at [a] higher price so we can recoup part of our investment. . . . Once we own the company thru BK we should also consider raising funds thru the investment banker and then see what is the best deal; them or [ConvergeOne]." *Id.* at 19. Avaya also states that at a deposition, Schatzle noted that "if Securecomm were to emerge from the bankruptcy as the owner of Debtor's assets, '[o]ne avenue would be to market to the same companies' targeted in this proceeding (albeit with 'some time to, hopefully, get our FedRAMP authorization locked down again')." *Id.* at 21. In essence, Avaya believes that it is the Debtor's plan to sell its assets to SecureComm for a low price and then turn around and, once emerged from bankruptcy, sell the assets for a much higher price.

Avaya argues that, if the Debtor attempts to sell its assets to SecureComm or another insider entity, that transaction ought to be subject to heightened scrutiny. *Id.* at 23. Avaya believes that "the Debtor and the equity holders intentionally created a scheme to benefit the equity holders at the expense of the Debtor's creditors, breaching fiduciary duties and intentionally interfering with contractual relationships." *Id.* Avaya argues that the Debtor's potential sale to SecureComm would essentially amount to a *sub rosa* plan and should not be approved. *Id.* at 23-24. Furthermore, Avaya argues that even if the sale does not amount to a *sub rosa* plan, the sale should still be denied because "without a robust auction involving an independent third party, the Debtor cannot meet this [heightened scrutiny standard] in light of the evidence that the Debtor and its equity holders had a clear intent to manipulate the chapter 11 process and choreograph a purchase that was beneficial to the equity holders, not the Debtor's estate." *Id.* at 26. Avaya also asserts that SecureComm should not be allowed to credit bid or receive § 363(m) protections. *Id.* at 28-29.

On May 16, 2021, SecureComm submitted its reply. SecureComm intends to submit a qualifying bid that consists of: 1) a credit bid for the full amount of its first-priority secured DIP loan (approximately \$1,770,000); 2) approximately \$112,000 in cash to cover accrued vacation benefits; and 3) approximately \$77,000 in cash to cure defaults in executory contracts. SecureComm Reply at 4-5. SecureComm argues that their bid is not an attempt at effectuating a *sub rosa* plan because the auction is court-sanctioned, the Court approved its ability to credit bid, and if SecureComm prevails, the Debtor's secured creditor will obtain its collateral on account of its secured claim. *Id.* at 7-8. SecureComm argues that whatever price it purchases the Debtor's assets at is fair because "the best way to determinate value is exposure to the market." *Id.* at 8

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(quoting *Bank of Am. Nat. Tr. & Sav. Ass'n v. 2003 N. LaSalle St. P'ship*, 526 U.S. 434, 457 (1999)). Therefore, SecureComm argues that it should not be required to present expert testimony as to value. *Id.* "So long as the Debtor followed the procedures approved by the Court and did not discourage interested parties from buying the assets, Avaya cannot complain if SecureComm submits the highest bid." *Id.* at 10. SecureComm believes that it is offering a fair price for the Debtor's assets. In the Avaya Objection, Avaya attaches an email between the Debtor's insiders discussing how they believed a price of \$15 million was appropriate for the Debtor's assets. *Id.* at 16. Avaya then argues that SecureComm's bid of just under \$2 million is inadequate. However, SecureComm argues that the "reference to '\$15 million' in the email was a typographical error and that it was supposed to be '\$1.5 million.'" *Id.* at 17. SecureComm states that this error was made clear to Avaya during a break in the deposition, and Avaya's reliance on such a number is done so in bad faith. SecureComm Reply at 17. In addition, SecureComm notes that the email that discusses the \$15 million figure is riddled with other typos, so it is clear that the number was meant to be \$1.5m. *Id.* Furthermore, SecureComm asserts that Schatzle believes a sale price of \$3-5 million to be a fair price. *Id.* at 16. SecureComm then argues that if Avaya has a problem with a \$15 million bid, then Avaya "should just bid the price up to \$15 million at the auction so that SecureComm will pay enough to satisfy the Avaya note." *Id.* at 19.

On May 16, 2021, the Debtor filed its reply. The Debtor's Reply makes many of the same arguments that the SecureComm Reply makes. The Debtor argues that it did not manufacture exigent circumstances during or leading up to its bankruptcy and SecureComm should be allowed to credit bid because the Court already approved the Bidding Procedures Motion. Debtor's Reply at 6-7. The bulk of the Debtor's Reply discusses the good faith efforts that the Debtor has made in marketing its assets. The Debtor states that "despite the robust and good faith efforts of the Debtor in the marketing and sale process, it is uncertain whether any bids will be received." *Id.* at 7. Furthermore, "two major national carriers engaged in extensive due diligence during this process that was facilitated, supported, and addressed by the Debtor's management on a timely and intense basis." *Id.* at 11. The Debtor cites *In re Chrysler LLC*, 576 F.3d 108 (2d Cir. 2009) for the proposition that "a sale that might otherwise be characterized as a *sub rosa* plan should be approved where there is a 'good business reason' and that there need not be an emergency." *Id.* at 16 (quoting *In re Chrysler LLC*, 576 F.2d at 117). The Second Circuit relied on three factors to approve

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the sale, and the Debtor believes those three factors are present in this case as well: "(1) the relative undesirability of liquidation, (2) the ongoing cash drain on the company during the marketing period and (3) the absence, despite the debtor's robust marketing efforts, of superior alternative offers." *Id.* at 17. The Debtor also argues that the test for an insider transaction is satisfied because "the Debtor's equity holders, their representatives, and affiliates have not in any way interfered or had any involvement with the implementation of the sale process," and "the sale process has been open, fair, and free of any fraud collusion or attempt of any party to gain an advantage." *Id.* at 19.

In support of its contention that the sale process has been fair, and the assets have been adequately marketed, the Debtor filed the Second Schatzle Decl. Schatzle notes the extensive marketing efforts that he has engaged in during the sale process. Prior to the bankruptcy, Schatzle engaged in communications with seven companies, but was unable to come to an agreement with any of them. Schatzle Decl. at ¶¶ 98-99. Schatzle discusses in great detail each company he spoke with, and the extent of discussions he had with each company. For example, Schatzle took over 40 hours exchanging documents with Converge One and exchanged between 25 and 30 emails. However, after speaking with the CEO of Avaya, Converge One lost interest due to the asking price and, presumably, the pending litigation. *Id.* at ¶ 98A(1). Post-petition, Schatzle communicated with eight companies, one of whom (who he cannot list the name of due to an NDA that was signed) he believed was going to submit a bid. *Id.* at ¶ 99E. The Debtor spent over 200 hours working with this potential buyer to come to a deal. *Id.* Another company, MetTel Corporation, was very interested but "could not afford the operating losses that they would have to sustain." *Id.* at ¶ 99D. The Debtor and MetTel exchanged 174 separate documents and six of their people had access to the Debtor's data room. *Id.* Schatzle argues that "if the sale proposed by the Debtor at the hearing on May 20 is not approved, and SecureComm is not willing to continue providing financing past the current expiration dates (or earlier) of the Debtor in Possession Financing Facility that this Court has approved, the consequences . . . could be disastrous and harmful to national security and/or vital government operations." *Id.* at ¶ 100.

The Debtor also submitted a declaration by George Blanco ("Blanco") in support of the sale. Blanco was appointed as an independent director to the Debtor's board of directors in order to help market and guide the Debtor through the sale

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process. Blanco Decl. at ¶ 7. Blanco states that his firm reached out to numerous potential private equity and other financial buyers; however, he consistently received the feedback that "based on the Debtor's size, negative cash flow, stage of development, complications and lack of understanding by potential bidders regarding FedRAMP and the Debtor's technology," no company was interested in purchasing the Debtor's Assets. *Id.* at ¶ 9.

On May 18, 2021, the Debtor filed the SecureComm bid. The Debtor only received one bid for its assets in the amount of a \$1,770,000 credit bid, \$112,000 in cash to satisfy the estimated accrued employee vacation benefits and associated payroll takes, and cure costs in the amount of \$77,111.50. SecureComm Bid at 16.

Also on May 18, 2021, the Debtor filed its reply to the Equinix Objection. The Debtor is not in disagreement with the Equinix Objection, and consents to Equinix's requests. Debtor's Reply to Equinix Objection at 2.

III. Findings of Fact and Conclusions of Law

A. Summary of the Relevant Law

Generally, when a debtor sells an asset, he need only show that there is a sound business justification for the sale. However, if the proposed buyer for a sale is an insider, that is fundamentally different from a sale at arms-length. In an arms-length transaction, the asset's exposure to the marketplace ensures that the price is reasonable. Insider sales, by their very nature, lack this characteristic. Insiders do not have an incentive to aggressively market the assets to obtain the highest price. Their incentive is just the opposite—the less marketing, and the lower the price, the better. For example, in *In re Roussos*, this Court determined that an insider sale of a piece of property did not meet the heightened scrutiny standard. 541 B.R. 721, 731 (Bankr. C.D. Cal. 2015). The debtor in charge of the sale, Theodosios, stated that he did not enter into a listing agreement with any real estate broker, and only engaged in informal contact with real estate brokers and the distribution of fliers. *Id.* This Court found that the lack of specificity in describing his marketing efforts and the lackluster attempt at conferring with real estate brokers (amongst numerous other pitfalls) meant that this Court could not approve the sale in question. *Id.*

However, the court in *In re Latam* upheld a DIP financing agreement between the Debtor and two insiders because the terms were fair, the Debtor evaluated all

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proposals in good faith, and all negotiations were done without the insider board members present. *In re Latam Airlines Grp. S.A.*, 620 B.R. 722, 775 & 778-79 (Bankr. S.D.N.Y. 2020). There, the court noted that deals made between insiders are "inherently suspect" because "they are rife with the possibility of abuse." *Id.* at 769 (quoting *In re Bidermann Indus. U.S.A. Inc.*, 203 B.R. 547, 551 (Bankr. S.D.N.Y. 1997)). There, Latam Airlines needed a DIP loan and chose to accept an offer from two of its insiders – Qatar Airways and Costa Verde Aeronautica ("Costa Verde"). *Id.* at 730. Together, Qatar Airways and Costa Verde held over 32% of the Debtor's stock, and seats on its board. The Court noted that the main question was whether the negotiations were fair. "Fair dealing focuses on the actual conduct of corporate fiduciaries in effecting a transaction, such as its initiation, structure and negotiation." *Id.* at 773-74. Furthermore, fair dealing "can be established by evidence of careful consideration and process, including but not limited to, financial analyses, independent advice and careful deliberation." *Id.* at 774. Even though the transaction involved insiders, the Court approved the loan because the record indicated that the Debtor had carefully reviewed all offers it received and had looked for other lenders extensively before it filed for bankruptcy. *Id.* at 778-79 & 780.

The court in *In re Family Christian, LLC* denied a sale to insiders. There, the sale hearing took place over two days and there was "robust bidding." 533 B.R. 600, 604 (Bankr. W.D. Mich. 2015). The sale hearing involved multiple bidders over the course of two full days. *Id.* at 609-10. Furthermore, the Debtor had hired an investment banker to help market the assets. The Debtor declared the highest bidder the winner, despite it being an insider. The second highest bidder objected, asserting that the entire process was just a scheme to sell the assets to an insider free and clear of liens and encumbrances. The Court denied the sale to the insiders, and was guided by the following factors: "(i) whether adequate and reasonable notice has been provided to parties in interest, including full disclosure of the sale terms and the debtor's relationship with the purchaser, (ii) whether the sale price is fair and reasonable, and (iii) whether the proposed buyer is proceeding in good faith." *Id.* at 626. The Court found that although the Debtor had received multiple offers, it had failed to accurately value each offer, given that no offer was simply straight cash. *Id.* at 628. Therefore, the Court could not determine whether the sale price was fair and reasonable. Furthermore, the court found that the winning bidder's asset purchase agreement contained provisions that were more akin to a chapter 11 plan of liquidation as opposed to a sale, leading the court to question whether the arrangement

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was actually just a *sub rosa* plan. *Id.* at 629. The main concern here is that the debtor did not adequately value the non-cash components of the sale in order to determine which bid was the highest and best.

In support of the contention that the sale to SecureComm is just a *sub rosa* plan of reorganization, Avaya discusses *In re Braniff Airways, Inc.*, 700 F.2d 935 (5th Cir. 1983). There, Braniff Airways had filed for chapter 11 bankruptcy and entered into a post-petition agreement with Pacific Southwest Airlines ("PSA") whereby Braniff would give PSA \$2.5 million and PSA was to give \$7.5 million of scrip entitling the holder to travel on PSA. However, the agreement dictated that the scrip could only be used on a future Braniff-organization flight and only be issued to former employees or shareholders. 700 F.3d at 939. The Fifth Circuit found that this amounted to a *sub rosa* plan of reorganization because "[t]his provision not only changed the composition of Braniff's assets, the contemplated result under § 363(b), it also had the practical effect of dictating some of the terms of any future reorganization plan." *Id.* at 939-40. The court opined that the "debtor and the Bankruptcy Court should not be able to short circuit the requirements of Chapter 11 for confirmation of a reorganization plan by establishing the terms of the plan *sub rosa* in connection with the sale of assets." *Id.* at 940. Rather than going through the proper confirmation process, Braniff and PSA were entering into a transaction in order to gain the benefits of bankruptcy without having to deal with any of the extensive requirements.

B. The Debtor's Sale Motion is Granted

The Debtor is owned 50/50 between Dinco, Inc. (owned by Bob Din ("Din")) and Dollab (owned by Firoz Lalji ("Lalji")). Avaya Objection at 10. On February 22, 2021, Din and Lalji created SecureComm to "finance Collab9 through the bankruptcy process." *Id.* Therefore, it is undisputed that SecureComm is an insider and that the Court must apply "heightened scrutiny to the fairness of the value provided by the sale and the good faith of the parties in executing the transaction." *Ehrenberg v. Roussos (In re Roussos)*, 541 B.R. 721, 730 (Bankr. C.D. Cal. 2015). Applying the requisite heightened scrutiny, the Court finds that the Debtor has thoroughly marketed the assets. Schatzle, the Debtor's CEO, spoke with at least fifteen companies in an attempt to sell the Debtor's assets. Unfortunately, only SecureComm elected to submit a bid. Contrary to what Avaya suggests, this does not mean that the marketing efforts were lackluster or tainted by fraud and collusion. As discussed in Section II.C., below, the lack of interest is the understandable result of (1) the limited universe of potential

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buyers, (2) the Debtor's substantial and continuing operating losses, and (3) the uncertain future of the business.

In finding that the Debtor's assets were thoroughly exposed to the market, the Court places particular significance upon the following:

- 1) The Debtor engaged in extensive discussions with a multi-billion dollar company whose name cannot be disclosed, as discussions were contingent upon the Debtor's execution of a non-disclosure agreement. Schatzle Decl. [Doc. No. 144] at ¶ 99E. Documents uploaded to the Debtor's data room were shared with 97 employees of this potential bidder. *Id.* The Debtor's professionals spent approximately 200 hours responding to 446 questions submitted by this potential bidder and uploaded 322 documents to a shared data room. *Id.* Approximately fifty phone conversations with representatives of the potential bidder took place; some of the calls involved as many as forty employees of the potential bidder. *Id.*
- 2) The Debtor's professionals spent approximately 50–60 hours responding to requests for information from MetTel Corporation ("MetTel"). *Id.* at ¶ 99D. MetTel ultimately advised the Debtor that it would be unable to submit a bid because it could not afford to fund the company's operating losses. *Id.*
- 3) Prior to the filing of the petition, the Debtor spent significant time discussing a potential sale with ConvergeOne. *Id.* at ¶ 98A. The Debtor's CEO exchanged 25–30 e-mails with representatives of ConvergeOne and spent eight hours discussing a sale by telephone. *Id.* ConvergeOne lost interest in a sale after being advised of the Debtor's litigation with Avaya. *Id.*

Avaya's reliance on *In re Latam* and *In re Family Christian* for the proposition that the sale must be disapproved is misplaced. The facts in both cases instead support the Court's decision to approve a sale to SecureComm. The court in *In re Latam* was most concerned with whether the negotiations were fair. It determined that the debtor carefully reviewed all offers and has extensively contacted other lenders to make a loan. *In re Latam*, 620 B.R. at 778-80. Here, the Debtor thoroughly marketed its assets both pre- and post-petition.

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In re Latam is also distinguishable because in that case, the debtor only reached out to DIP financiers pre-petition. 620 B.R. at 785. Here, the Debtor engaged in extensive marketing both pre- and post-petition. Finally, the court in *In re Latam* expressed approval at the debtor's decision to both use independent directors to investigate the DIP financing and be certain that "no party related [to the financing] played a role in approving the transaction" 620 B.R. at 784. Here, the Debtor hired Blanco as an independent director and he stated that he believes that "the sale process has been vigorously pursued in good faith and with *no interference or involvement* of the Debtor's equity holders, representatives of the Debtor's equity holders, or the Debtor's secured lender, SecureComm, or its representatives." Blanco Decl. at ¶ 11. It is evident that Schatzle marketed the assets vigorously and SecureComm played no role in the decision-making process.

Furthermore, with respect to Avaya's discussion of *In re Family Christian*, the debtor's fatal flaw in that case was that it failed to properly value the non-cash consideration in the bids it received. There, the debtors did not value "the insider releases and the avoidance actions being 'sold.'" 533 B.R. at 635. Here, there are no non-cash components to SecureComm's bid. The bid consists of:

- (a) release of Purchaser's secured claim resulting from its Debtor-in-Possession financing to Seller . . . (the value of which is estimated at closing to be approximately \$1,770,000; (b) cash in the amount of \$112,000 to satisfy Seller's estimated accrued employee vacation benefits and associated payroll taxes; and (c) Cure Costs in the sum of \$77,111.50

SecureComm Bid at 15. Therefore, because there are no non-cash components to value, the flaw leading to the court's denial of the sale in *In re Family Christian* is not present.

In addition, Avaya's contention that the SecureComm Bid amounts to a *sub rosa* plan of reorganization is incorrect. As discussed in *Braniff*, the court declined to approve the Debtor's sale because "it had the practical effect of dictating some of the terms of any future reorganization plan." A *sub rosa* plan would provide for distributions that "do not follow ordinary priority rules" of the Bankruptcy Code. *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973, 983 (2017). Here, neither issue is present. Pursuant to the Court's March 26, 2021 DIP Financing Order, SecureComm's

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loan is secured and senior to Avaya's unsecured claim. *See* Doc. No. 46. Because the SecureComm bid will then fully release its lien, the payment scheme does not violate the priority rules of the Bankruptcy Code.

C. The Avaya Objection is an Impermissible Collateral Attack on the Bidding Procedures Order

On April 12, 2021, the Court entered an order establishing bidding procedures governing the auction of the assets. *See* Doc. No. 80 (the "Bidding Procedures Order"). The Bidding Procedures Order found that the bidding procedures "were proposed and presented in good faith" and "are reasonably designed to maximize value for the Estate." Bidding Procedures Order at ¶¶ F and H. Avaya did not object to the Debtor's motion seeking approval of the bidding procedures. *See* Doc. No. 68 at p. 2 ("The Debtor has agreed that Avaya may observe the auction sale (to the extent it goes forward) regardless of whether Avaya is a Qualified Bidder, and on that basis Avaya does not object to the proposed sale procedures."). No party filed a timely appeal of the Bidding Procedures Order.

Avaya does not object to "a proposed sale that is the result of competitive bidding involving at least one unaffiliated third party, even if the ultimate purchaser is an insider." Avaya Objection at 6. Had the Debtor's marketing of the assets, undertaken in accordance with the procedures set forth in the Bidding Procedures Order, resulted in a third-party bidding at the auction, Avaya would have no issue with approval of the sale. Avaya's objection is essentially that the bidding procedures were *not* "reasonably designed to maximize value for the Estate." Bidding Procedures Order at ¶ F. Having failed to object to the Debtor's motion for approval of the Bidding Procedures Order, Avaya is precluded from asserting such an objection at this juncture.

As discussed, the assets were aggressively marketed in accordance with the requirements of the Bidding Procedures Order. Unfortunately, after exposure to the marketplace, SecureComm was the only entity interested in acquiring the assets. Contrary to Avaya's contention, this reality does not show that the Debtor failed to sufficiently market the assets or engaged in any type of fraud or collusion to depress the sale price. It is not surprising that after conducting extensive due diligence, multiple potential buyers passed on the sale. The company is losing over \$518,000 per month, and the monthly losses will increase in May 2021 as the result of the loss of a

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substantial customer. Schatzle Decl. at ¶ 70. One prospective purchaser, MetTel Corporation, "pulled out of consideration during the week of May 3–May 7, 2021 because their President ... told me [the Debtor's CEO] that his company could not afford the operating losses that they would have to sustain." *Id.* at ¶ 99D.

In addition, it is not clear whether the company has the ability to become profitable. The company's customers are state and federal government agencies. The process of acquiring new customers is time-consuming and plagued with uncertainties, as explained by the company's CEO:

Lead time for new business in government can potentially take years for UcaaS services and products. Very slow moving, large federal agencies have a lot of red tape bureaucracy. It takes years to cultivate a relationship and build trust. UcaaS products ... also require capital investment and infrastructure. These sales do not happen overnight. Further, the federal government demands a high level of security due to hacking and spying.

Id. at ¶ 59.

Even if the arduous process of customer acquisition proves successful, substantial revenues are often slow to materialize. The company earns money by selling access to its unified communications ("UC") services. Access to the UC services is provided through a software platform. *Id.* at ¶ 54. Contracts are structured based on the number of employees within a government agency who are licensed to use the software platform that provides access to the UC services. *Id.* In industry parlance, each government employee with access to the UC services is a "seat." For example, a contract authorizing 100 employees of a particular government agency to access the company's UC services would be a contract for 100 seats. *Id.* Revenue is billed at a per-seat rate. *Id.* Government agencies often do not purchase a large number of seats at the outset of their relationship with the company:

The contracts that it [the Debtor] had with customers, as is always the case with the Federal Government and any of its agencies, was in a small number of "seats" and pilot or testing status to start. These are typically "trial" periods where the applicable federal agency or prime contractor ... sees if collab9's services are successful and if a good working relationship or rapport has

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developed, making a long-term commitment appropriate.

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Id. at ¶ 64.

In view of the company's substantial operating losses and its uncertain future, the fact that the Debtor's marketing efforts failed to produce bidders other than SecureComm does not demonstrate that the marketing was insufficient or in any way improper. The absence of bidders is also explained by the fact that the universe of buyers who would be interested in acquiring a highly specialized company such as the Debtor is small. *Id.* at ¶ 90. The CEO testifies that the reasons for this limited number of realistic potential buyers include the following:

- 1) Obtaining new business from federal and governmental entities takes time to accomplish;
- 2) Once these customers are obtained, it takes a significant amount of time to get them "online" with the Debtor's services or hosting capabilities;
- 3) Getting a new customer online is a capital intensive, expensive process;
- 4) The initial number of "seats" typically obtained from new customers starts out very small but oftentimes builds up over time as long as the customer is satisfied with the level and quality of services provided;
- 5) This frequently means that only large companies who can afford to absorb these upfront costs and operating losses can be interested or capable of purchasing the Debtor's assets.

Id. at ¶ 93 (numbering modified by the Court).

Other reasons for the limited universe of potential buyers include (1) the ineligibility of foreign-owned entities given security guidelines, (2) the fact that employees must have appropriate government security clearances, and (3) the difficulties of complying with rigorous security standards. *Id.* at ¶ 90.

"[T]he best way to determine value is exposure to a market." *Bank of Am. Nat. Tr. & Sav. Ass'n v. 203 N. LaSalle St. P'ship*, 526 U.S. 434, 457, 119 S. Ct. 1411, 1423, 143 L. Ed. 2d 607 (1999). The market has spoken. It has said that the Debtor's assets are worth only the amount of SecureComm's bid.

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D. SecureComm Never Offered \$15 Million for the Assets

Another argument that Avaya makes in support of its claim that the assets have not been sufficiently marketed is that Lalji sent Schatzle an email on February 26, 2021 that states that SecureComm would "buy the assets for 15m." Avaya Objection at 18; *see also* Ex. A to the SecureComm Reply. Avaya seems to believe that it was the Debtor's plan all along to, instead of having SecureComm pay \$15 million for the assets, declare bankruptcy, have SecureComm acquire the assets for \$2 million, and then exit bankruptcy and sell the assets to another buyer for \$15 million. Avaya Objection at 18. Avaya's contention has no basis in fact.

During the deposition of Schatzle by Avaya's attorneys, they asked Schatzle point-blank about this alleged \$15 million purchase. Ex. 1 to Declaration of Scott Gautier (the "Schatzle Deposition") [Doc. No 133]. During the deposition, Schatzle states "I'm not aware that there's an agreement for them to buy [the assets]." Schatzle Deposition at 179, lines 19-20. Avaya's attorney noted that Schatzle had previously called \$15 million a "crazy number." *Id.* at 180, lines 19-20. Schatzle agreed and before any further questioning, SecureComm's attorney said: "Jack, if you don't want me to do this, I won't because it's your deposition. But I feel like I can clarify something that's – there's a misunderstanding here." *Id.* at 181, lines 1-4. During a break shortly thereafter, SecureComm's counsel "informed counsel for Avaya that the reference to '\$15 million' in the email was a typographical error and that it was supposed to be '1.5 million.'" SecureComm Reply at 17. SecureComm notes that "the previous portion of the email refers to SecureComm lending the Debtor \$1 million. A purchase price of \$1.5 million is proportional to this proposed loan amount. A purchase price of \$15 million would bear no relation to the other amounts in the email." *Id.* In addition, the email "contains three other examples of periods typed in odd places [and] also lacks dollar signs and some capitalization, suggesting, on its face, that it was typed quickly on a phone." *Id.* at 18. The same email also states that in a "worst case scenario" SecureComm would purchase the assets for "15m." Ex. A. to SecureComm Reply.

There is nothing in the record to indicate that SecureComm was *actually* prepared to pay \$15 million for the assets. The email appears to be quickly drafted, as evidenced by numerous typographical errors. In addition, it is illogical to call a \$15 million sale a "worst case scenario" when Schatzle, during the same deposition, stated that "my opinion is – was that we could sell the company for between \$3 to \$5 million

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and the assets of the company." Schatzle Deposition at 85, lines 6-9. During the break during the Schatzle Deposition, counsel for SecureComm clarified that the "15m" was meant to read "1.5m." SecureComm Reply at 17. In addition, Lalji filed a declaration stating that the number was a "typographical error." The \$1.5 million number was chosen because "the budget that had been presented to me by collab9 at that time showed that the company would need, at most, a \$1.5 million loan from us to make it through a bankruptcy process to sale. (Later, that number was increased to \$1.77 million)." SecureComm Reply at 15. Based upon all of the information presented, there is no reason that SecureComm would have believed the assets to be worth \$15 million. Rather, Lalji's discussion that he chose \$1.5 million and it was later increased to \$1.77 million is supported by this Court's DIP Financing Order where SecureComm agreed to loan the Debtor \$1.77 million. Therefore, Avaya's contention that the Debtor's assets are worth \$15 million is unsupported.

E. Section 363(m) Protections Are Warranted

Section 363(m) protects a good-faith purchaser from the reversal on appeal of a sale order, unless the sale order is stayed pending appeal. "A good faith buyer is one who buys 'in good faith' and 'for value.' '[L]ack of good faith is [typically] shown by fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders.'" *Paulman v. Gateway Venture Partners III (In re Filtercorp, Inc.)*, 163 F.3d 570, 577 (9th Cir. 1998) (internal citations omitted). Distilling Ninth Circuit law, the Bankruptcy Appellate Panel has stated that factors relevant to the good-faith determination include the following:

- 1) compliance with approved sale procedures;
- 2) arms-length negotiations, leading to a sale reflecting a purchase price at or near the market value of the property;
- 3) opportunity for competitive bidding;
- 4) knowledge in advance of the sale of who the proposed purchaser is; and
- 5) the absence of any evidence of fraud, collusion or grossly unfair advantage over other bidders.

In re Keystone Mine Mgmt. II, No. BAPEC151202KUMAJU, 2016 WL 7189824, at *7 (B.A.P. 9th Cir. Dec. 2, 2016), *aff'd sub nom. In re Keystone Mine Mgmt., II*, 739 F. App'x 418 (9th Cir. 2018).

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Here, § 363(m) protections are warranted because the *In re Filtercorp* factors are met. First, the Debtor fully complied with the Bidding Procedures as approved by the Court. *See* Bidding Procedures Order. If an auction had occurred, Avaya would have had the right to observe the auction even if it was not a bidder, per the Bidding Procedures Order. In addition, SecureComm's bid was received by the bid deadline and it was in excess of \$1 million. *See* SecureComm Bid; *see also* Bidding Procedures Order at 11.

While Avaya makes the argument that the Debtor's bankruptcy process was formulated to allow SecureComm the opportunity to purchase its assets at a lower price and then resell them after bankruptcy, there is no evidence that the SecureComm's bid is not a fair price. As discussed above, the Debtor adequately marketed the assets to numerous companies, and the sale price reflects the market value of the assets. *See* Schatzle Decl. at ¶ 98-99. While Avaya is disappointed by the value of the assets, that does not mean that the assets are actually worth the millions more that Avaya seems to think they are. Due to Schatzle's extensive marketing, there was ample opportunity for competitive bidding. Furthermore, as attested to by Blanco, the Debtor's independent director, the negotiations were at arms-length. Blanco Decl. at ¶ 11. Finally, upon review of the Schatzle Decl. and the Blanco Decl., the Court finds no evidence of any fraud or collusion to drive down the sales price. Quite to the contrary, there is ample evidence that SecureComm was not inappropriately involved, and the Debtor attempted to find an unaffiliated buyer. *Id.*

Ultimately, the "purpose of § 363(m) is to discourage bidders from colluding for the purpose of driving down the sales prices at bankruptcy auctions." *In re Gardens Reg'l Hosp. & Med. Ctr., Inc.*, 567 B.R. 820, 833 (Bankr. C.D. Cal. 2017). Here, there is no indication of any collusion in an attempt to prevent other bidders from bidding, or to drive the sale price down.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety. The Court will enter the proposed Sale Order [Doc. No. 147] that has been submitted by the Debtor.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew

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Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

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2:16-25740 QUIGG LA11, LLC

Chapter 7

Adv#: 2:18-01399 Elissa D. Miller, solely in her capacity as chapte v. Old World Precast, Inc., a

#1.00 Trial

RE: [1] Adversary case 2:18-ap-01399. Complaint by Elissa D. Miller, solely in her capacity as chapter 7 trustee against Old World Precast, Inc., a California corporation. (Charge To Estate). Complaint for (1) Avoidance and Recovery of Preferential Transfers, (2) Avoidance and Recovery of Fraudulent Transfers, (3) Preservation of Preferential and Fraudulent Transfers, and (4) Disallowance of Claims Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Lev, Daniel)

fr: 10-15-19; 3-10-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

QUIGG LA11, LLC

Represented By
David M Reeder

Defendant(s):

Old World Precast, Inc., a California

Pro Se

Plaintiff(s):

Elissa D. Miller, solely in her

Represented By
Asa S Hami
Daniel A Lev

Trustee(s):

Elissa Miller (TR)

Represented By
Daniel A Lev
Asa S Hami

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QUIGG LA11, LLC

Jessica Vogel

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9:00 AM

2:17-13016 Sharp Edge Enterprises

Chapter 7

Adv#: 2:18-01163 Leslie v. Reihanian et al

#2.00 Trial Date Set

RE: [10] Amended Complaint by Christian T Kim on behalf of Sam S. Leslie, Sam S Leslie (TR) against Leon Reihanian. (RE: related document(s)1 Adversary case 2:18-ap-01163. Complaint by Sam S. Leslie against Leon Reihanian. (Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) filed by Plaintiff Sam S. Leslie. (Kim, Christian)

fr. 6-11-19; 7-29-19; 1-15-20; 8-24-20; 1-25-21; 2-22-21

Docket 10

***** VACATED *** REASON: JUDGMENT 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharp Edge Enterprises

Represented By
Peter A Davidson

Defendant(s):

Leon Reihanian

Represented By
Raymond H. Aver

DOES 1-20, inclusive

Pro Se

Abraham Reihanian, as Trustee of

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Christian T Kim
James A Dumas Jr

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Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim
James A Dumas Jr

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2:18-11795 Alana Gershfeld

Chapter 7

Adv#: 2:19-01052 Dye v. Khasin et al

#3.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01052. Complaint by Carolyn A Dye against Maria Khasin, Larry A. Khasin, M & L Living Trust. (Charge To Estate).
Complaint: (1) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. §§ 544 And 548; (2) To Recover Avoided Transfers Pursuant To 11 U.S.C. § 550; And,(3) Automatic Preservation Of Avoided Transfer Pursuant To 11 U.S.C. § 551
Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Gonzalez, Rosendo)

FR.1-27-20; 4-27-20; 11-17-20

Docket 1

***** VACATED *** REASON: DISMISSED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alana Gershfeld

Represented By
Alla Tenina

Defendant(s):

Maria Khasin

Pro Se

Larry A. Khasin

Pro Se

M & L Living Trust

Pro Se

Plaintiff(s):

Carolyn A Dye

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

CONT...

Alana Gershfeld

Rosendo Gonzalez

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:19-12402 Ryan James McMillin

Chapter 7

Adv#: 2:19-01137 Elite Optoelectronics Co., Ltd a China Limited Lia v. McMillin et al

#4.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01137. Complaint by G-Sight Solutions, LLC against Ryan James McMillin, G-Sight Solutions, Inc., a California Corporation. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(14 (Recovery of money/property - other)) (Zshornack, Errol)

fr: 1-25-21; 3-29-21

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan James McMillin

Represented By
John A Harbin

Defendant(s):

Ryan James McMillin

Represented By
Steven J Renshaw
Errol J Zshornack
Peter J Tormey

G-Sight Solutions, Inc., a California

Pro Se

Plaintiff(s):

Elite Optoelectronics Co., Ltd a

Represented By
Peter J Tormey
Errol J Zshornack

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

CONT... **Ryan James McMillin**
G-Sight Solutions, LLC, a California

Represented By
Peter J Tormey
Errol J Zshornack

Chapter 7

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:19-17062 Shamim Ahemmed

Chapter 7

Adv#: 2:19-01423 Cruz v. Ahemmed

#5.00 Trial Date Set

RE: [29] **Second Amended** Complaint Objecting to Discharge Pursuant to 11 USC 523 (a)2(A) and (6) by Michael N Berke on behalf of Miguel Hernandez Cruz against Shamim Ahemmed. (Berke, Michael)

FR. 4-13-21; 4-26-21

Docket 29

***** VACATED *** REASON: CONTINUED 9-27-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shamim Ahemmed

Represented By
Julie J Villalobos

Defendant(s):

Shamim Ahemmed

Represented By
Lawrence R Fieselman
Julie J Villalobos

Plaintiff(s):

Miguel Hernandez Cruz

Represented By
Michael N Berke

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:19-24704 Jesus Navarro Jr

Chapter 7

Adv#: 2:20-01153 YOO v. Paralta et al

#6.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01153. Complaint by TIMOTHY YOO against Edwin Paralta. (Charge To Estate). Avoidance of Fraudulent Transfer - 11 U.S.C. §§ 544(b), 550, 551 Nature of Suit: (14 (Recovery of money/property - other)) (McDonald, Kristofer)

Docket 1

***** VACATED *** REASON: DISMISSED 9-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Navarro Jr

Represented By
Daniel King

Defendant(s):

Edwin Paralta

Pro Se

Jane Doe Peralta

Pro Se

Plaintiff(s):

TIMOTHY YOO

Represented By
Kristofer R McDonald

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#7.00 Trial Date Set

RE: [26] Amended Complaint First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

Docket 26

***** VACATED *** REASON: PRETRIAL 8-10-21 AT 11:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01119 Rodriguez v. Arid

#8.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01119. Complaint by Luis Rodriguez against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brown, David)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 10-13-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Luis Rodriguez

Represented By
Brian Center
David W Brown

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:20-11316 Jonathan Andrew Arid

Chapter 7

Adv#: 2:20-01120 Frooza, Inc. v. Arid

#9.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01120. Complaint by Frooza, Inc. against Jonathan Andrew Arid. false pretenses, false representation, actual fraud)) (Malczynski, Matthew) WARNING: Some of the pages of complaint are unreadable/ unviewable. See docket entry #[2] for corrective action; Modified on 5/15/2020 (Evangelista, Maria).

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 10-13-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Andrew Arid

Represented By
Richard G Heston

Defendant(s):

Jonathan Andrew Arid

Pro Se

Plaintiff(s):

Frooza, Inc.

Represented By
Matthew Malczynski

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

9:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01168 Irone v. Mohammed

#10.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01168. Complaint by Munni Alvi Irone against Khurram Mohammed - false pretenses, false representation, actual fraud (Milano, Sonny) Modified on 7/30/2020 (Milano, Sonny).

Docket 1

***** VACATED *** REASON: DEFAULT ENTERED 1-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Khurram Mohammed	Pro Se
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Defendant(s):

Khurram Mohammed	Pro Se
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Plaintiff(s):

Munni Alvi Irone	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 Ernest Robles, Presiding
Courtroom 1668 Calendar**

Monday, May 24, 2021

Hearing Room 1668

10:00 AM

2:21-10842 Michael Blanton Cooper

Chapter 7

#1.00 HearingRE: [20] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7354 Via Amorita, Downey, California 90241 . (Mantovani, Bonni)

Docket 20

Tentative Ruling:

5/21/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Since a chapter 7 case does not contemplate reorganization, the sole issue before the Court when stay relief is sought under 11 U.S.C. § 362(d)(2) is whether the Debtor has equity in the property. See, e.g., Martens v. Countrywide Home Loans (In re Martens), 331 B.R. 395, 398 (B.A.P. 8th Cir. 2005); Ramco Indus. v. Preuss (In re Preuss), 15 B.R. 896, 897 (B.A.P. 9th Cir. 1981).

The subject property has a value of \$717,480 and is encumbered by a perfected deed of trust or mortgage in favor of the Movant. The liens against the property and the expected costs of sale total \$727,177.58. The Court finds there is no equity and there is no evidence that the trustee can administer the subject real property for the benefit of creditors.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1668 Calendar**

Monday, May 24, 2021

Hearing Room 1668

10:00 AM

CONT... Michael Blanton Cooper

Chapter 7

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, finance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Michael Blanton Cooper

Represented By
Charles W Daff

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

10:00 AM

2:21-12560 Victor Antonio Gonzalez

Chapter 7

#2.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Yaris, VIN: VNKKTUD32FA048444 . (Ith, Sheryl)

Docket 9

Tentative Ruling:

5/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

10:00 AM

CONT... Victor Antonio Gonzalez

Chapter 7

day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Victor Antonio Gonzalez

Represented By
Lauren M Foley

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

10:00 AM

2:21-12691 Gary Antonio Fernandez

Chapter 7

#3.00 HearingRE: [16] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Ford Explorer, VIN: 1FM5K7D88KGA96460 . (Ith, Sheryl)

Docket 16

Tentative Ruling:

5/21/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established a *prima facie* case that cause exists, and Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

The Movant has a claim of \$30,494.80 and the subject vehicle is a lease. The Debtor's monthly payments are \$559.65. The last payment was received on December 4, 2020, and the Debtor is currently \$1,720.92 in arrears. There is no evidence that the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

10:00 AM

CONT... Gary Antonio Fernandez

Chapter 7

property is necessary to a reorganization or that the trustee can administer the property for the benefit of creditor. This is cause to terminate the stay under 11 U.S.C. § 362(d) (1).

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Gary Antonio Fernandez	Pro Se
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Trustee(s):

David M Goodrich (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

10:00 AM

2:21-12772 Daniel Barboza

Chapter 7

#4.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: U 2017 DODGE CHARGER; VIN NO. 2C3CDXBG5HH625624 with Exhibits and Proof of Service. (Zahradka, Robert)

Docket 11

Tentative Ruling:

5/21/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

10:00 AM

CONT... Daniel Barboza

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Daniel Barboza

Pro Se

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, May 24, 2021

Hearing Room 1568

11:00 AM

2:21-12775 Guiora, LLC

Chapter 11

#100.00 Hearing

RE: [21] Motion for an Order (I) Dismissing the Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. Sec. 1112(a), or, Alternatively, (II) Granting Relief from Automatic Stay Pursuant to 11 U.S.C. Sec. 362 (d)(1) and (4);

FR. 5-19-21

Docket 21

***** VACATED *** REASON: CONTINUED 6-2-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guiora, LLC

Represented By
Hamid R Rafatjoo

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 25, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

#1.00 Trial Date Set

RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

FR. 1-27-20; 2-24-20; 4-27-20; 5-25-20; 9-28-20; 1-25-21

Docket 13

***** VACATED *** REASON: DISMISSED 3-15-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, May 25, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Sam J Alberts
Shirley Cho
Patrick Maxcy

Defendant(s):

HERITAGE PROVIDER

Pro Se

Plaintiff(s):

VERITY HEALTH SYSTEM OF

Represented By
Steven J Kahn

ST. VINCENT MEDICAL

Represented By
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 26, 2021

Hearing Room 1568

10:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

#1.00 Hearing
RE: [6] FINAL hearing re motion for Entry of Order Authorizing Debtor to Maintain Certain Prepetition Bank Accounts and Other Accounts, Granting Related Relief, and Waiving 14-Day Stay

fr. 3-31-21

Docket 6

*** VACATED *** REASON: Per stipulation entered 5/25/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 26, 2021

Hearing Room 1568

10:00 AM

2:21-12546 **Hoplite Entertainment, Inc.**

Chapter 11

#2.00 Status Hearing

RE: [1] Chapter 11 Subchapter V Voluntary Petition Non-Individual. Inc. List of Equity Security Holders due 04/13/2021. Summary of Assets and Liabilities (Form 106Sum or 206Sum) due 04/13/2021. Schedule A/B: Property (Form 106A/B or 206A/B) due 04/13/2021. Schedule C: The Property You Claim as Exempt (Form 106C) due 04/13/2021. Schedule D: Creditors Who Have Claims Secured by Property (Form 106D or 206D) due 04/13/2021. Schedule E/F: Creditors Who Have Unsecured Claims (Form 106E/F or 206E/F) due 04/13/2021. Schedule G: Executory Contracts and Unexpired Leases (Form 106G or 206G) due 04/13/2021. Schedule H: Your Codebtors (Form 106H or 206H) due 04/13/2021. Schedule I: Your Income (Form 106I) due 04/13/2021. Schedule J: Your Expenses (Form 106J) due 04/13/2021. Declaration About an Individual Debtors Schedules (Form 106Dec) due 04/13/2021. Declaration Under Penalty of Perjury for Non-Individual Debtors (Form 202) due 04/13/2021. Statement of Financial Affairs (Form 107 or 207) due 04/13/2021. Chapter 11 Statement of Your Current Monthly Income (Form 122B) Due: 04/13/2021. Incomplete Filings due by 04/13/2021. Chapter 11 Plan Subchapter V Due by 06/28/2021. (Baum, Richard) WARNING: See entry 2 for corrective action. Chapter 11 case not required to file: Schedule C (Form 106C); Schedule I (Form 106I); Schedule J (Form 106J) ; Decl Re Sched (Form 106Dec); Statement (Form 122B). Corporate Resolution Authorizing Filing of Petition due 4/13/2021. Corporate Ownership Statement (LBR Form F1007-4) due by 4/13/2021. Statement of Related Cases (LBR Form F1015-2) due 4/13/2021. Modified on 3/31/2021 (Lomeli, Lydia R.).

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 4-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hoplite Entertainment, Inc.

Represented By
Richard T Baum

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 26, 2021

Hearing Room 1568

10:00 AM

CONT... Hoplite Entertainment, Inc.

Chapter 11

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 26, 2021

Hearing Room 1568

10:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#3.00 Hearing

RE: [112] Motion Debtors Notice Of Motion And Motion For Entry Of An Order (I) Authorizing Implementation Of A Key Employee Incentive Program, (II) Approving The Terms Of The Debtor's Key Employee Incentive Program, And (III) Granting Related Relief; Memorandum Of Points And Authorities; Declarations Of Kevin B. Schatzle And George Blanco In Support Thereof, with proof of service,

Docket 112

***** VACATED *** REASON: PER ORDER ENTERED 5-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

2:21-13050 Charles Murrey

Chapter 7

#1.00 Hearing
RE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2108 Gibraltar Road, Santa Barbara, CA 93105 Under 11 U.S.C. § 362. (Exnowski, Dane)

Docket 9

Tentative Ruling:

5/27/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to section 362(d)(1). The Debtor is not a borrower, but rather is a transferee of the Property via a deed from the original borrowers recorded on February 5, 2021. The Debtor's involuntary petition was filed on April 14, 2021 - the same day that the Movant's foreclosure sale was set to take place. The petitioning creditor failed to file a proof of service establishing that the summons, notice of status conference, and involuntary petition were served upon the Debtor. In addition, the Debtor did not make any appearance in this matter. Therefore, the Motion is granted pursuant to section (d)(1) based upon the Debtor's bad faith filing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

CONT...

Charles Murrey

Chapter 7

The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Charles Murrey

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

2:21-11958 Sunny Chae

Chapter 7

#2.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 900 S. Figueroa Street #804, Los Angeles, CA 90015 .

Docket 11

Tentative Ruling:

5/27/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The Motion is DENIED without prejudice. Pursuant to Judge Robles' self-calendaring procedures, for an unlawful detainer relief from stay motion heard on shortened notice, the Movant must "serve the motion and supporting documents by: . . . posting or personal service on debtor." *See* Self-Calendaring Instructions for Judge Ernest M. Robles, <https://www.cacb.uscourts.gov/judges/self-calendaring/robles-e> at § III. The Movant's proof of service indicates that the Debtor was not served with this Motion. Doc. No. 11 at 26. Movant may refile the Motion with service upon the Debtor and any other interested party in accordance with applicable local, federal, and Court-specific rules.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

CONT... Sunny Chae

Chapter 7

Party Information

Debtor(s):

Sunny Chae

Represented By
Kelly K Chang

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

2:21-13963 Alice Chakrian

Chapter 7

#3.00 Hearing
RE: [18] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 8527 Hedges Way, Los Angeles, CA 90069

Docket 18

Tentative Ruling:

5/27/2021

Tentative Ruling:

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Motion is **GRANTED**.

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. Oppositions, if any, will be considered at the hearing.

The Court finds that there is sufficient evidence to grant relief pursuant to 11 U.S.C. § 362(d)(4). The filing of the petition was part of a scheme to delay, hinder, and defraud the Movant, which has involved multiple bankruptcy cases affecting the property, the Debtor only filing a few case commencement documents, and Movant being the only creditor listed on the Debtor's schedules. This property has been the subject of three prior bankruptcy proceedings: 1) *In re NAMR 1726, LLC* (2:19-bk-18998); 2) *In re Sargsyan* (1:19-bk-10790); and 3) *In re HAD Trucking Inc.* (1:19-bk-11585). The Movant commenced an unlawful detainer proceeding on March 3, 2020, and on May 7, 2021 summary judgment was granted in favor of the Movant.

For the same reasons, the Motion is GRANTED pursuant to section 362(d)(1)

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

CONT...

Alice Chakrian

Chapter 7

based on Debtor's bad faith filing. This Motion has been filed to allow the Movant to proceed in state court to enforce its remedies to regain possession of the Property. The unlawful detainer proceeding may go forward in state court because summary judgment has been entered in favor of the Movant, and the Movant seeks to regain possession of the property. *In re Butler*, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002). The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

This order shall be binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise as to the Property. This order shall also be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

If recorded in compliance with applicable state laws governing notices of interests or liens in real property, the order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the Court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state, or local governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this order for indexing and recording. Movant may also move to expunge a wrongfully recorded Notice of Pending Action.

The Movant's request for this Court to enter an order modifying Judge Bason's order in Case No. 2:19-bk-18998-NB is DENIED because this Court does not have jurisdiction to modify an order entered by a different bankruptcy judge. However, the abovementioned relief that the Court is otherwise granting will have a similar effect on the property for the Movant.

All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, June 1, 2021

Hearing Room 1568

10:00 AM

CONT... Alice Chakrian

Chapter 7

Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Alice Chakrian

Represented By
Geoffrey G Melkonian

Trustee(s):

John J Menchaca (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

2:16-17965 Guillermo Alvarado

Chapter 7

#1.00 Hearing
RE: [151] Debtor To Show Cause Why The Court
Should Not Deny The Motion To Reopen Chapter 7 Case

Docket 151

*** VACATED *** REASON: DISMISSAL OF MOTION FILED 5-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guillermo Alvarado

Represented By
Giovanni Orantes
Luis A Solorzano
Mark T Young

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

#2.00 HearingRE: [163] Application for Compensation Application for Payment of Final Fees And/Or Expenses for BDO USA LLP, Accountant, Period: 6/10/2019 to 4/3/2021, Fee: \$45,613, Expenses: \$0.00.

Docket 163

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$45,613 [*see* Doc. No. 163]

Expenses: \$0 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

CONT... Raymond Express International,LLC

Chapter 7

Debtor(s):

Raymond Express International,LLC

Represented By
Jose-Manuel A DeCastro
Jonathan N Helfat

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Marsha A Houston
Steven Werth
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

#3.00 HearingRE: [164] Application for Compensation First Interim Application For Compensation And Reimbursement Of Expenses By Counsel For Chapter 7 Trustee; Declarations Of Mark S. Horoupian And Howard M. Ehrenberg In Support Thereof for Mark S Horoupian, Trustee's Attorney, Period: 7/26/2018 to 4/30/2021, Fee: \$177,259.00, Expenses: \$3,905.00.

Docket 164

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$177,259 [see Doc. No. 164]

Expenses: \$3,905.62 [see *id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

CONT... Raymond Express International,LLC

Chapter 7

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By

Jose-Manuel A DeCastro

Jonathan N Helfat

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Marsha A Houston

Steven Werth

Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

2:18-11909 Raymond Express International,LLC

Chapter 7

#4.00 HearingRE: [162] Application for Compensation First And Final Application Of Reed Smith LLP Pursuant To 11 U.S.C. §§ 328, 330, 331 And 503(B)(2); Fed. R. Bankr. P. 2016 And Local Rule 2016-1(A), For Entry Of An Order Allowing And Awarding Payment Of Fees And Reimbursement Of Expenses; Verification Of Christopher O. Rivas for Reed Smith, Special Counsel, Period: 8/10/2018 to 5/10/2021, Fee: \$88327, Expenses: \$775.88.

Docket 162

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$88,327 [*see* Doc. No. 162]

Expenses: \$775.88 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

CONT... Raymond Express International,LLC

Chapter 7

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Raymond Express International,LLC

Represented By
Jose-Manuel A DeCastro
Jonathan N Helfat

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Marsha A Houston
Steven Werth
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

2:18-20374 Jenny Melendez

Chapter 7

#5.00 Hearing

RE: [87] Motion For Sale of Property of the Estate under Section 363(b) located at 1225 West 123rd Street, Los Angeles, CA 90044: (A) Outside the Ordinary Course of Business, and (B) Approving the Form and Manner of Notice and Bid Process; Memorandum of P&A's

Docket 87

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Sale Motion is GRANTED. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchaser: Armando Ramirez
- 2) Property for sale: 1225 West 123rd Street, Los Angeles, CA 90044
- 3) Purchase price: \$540,000
- 4) Overbids: the minimum overbid amount shall be \$545,000. Subsequent overbids shall be in increments of \$5,000.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Order Authorizing Sale of Real Property Located at 1225 West 123rd Street, Los Angeles, CA 90044: (A) Outside the Ordinary Course of Business; and (B) Approving the Form and Manner of Notice and Bid Process; Memorandum of Points and Authorities; Declarations of Wesley H. Avery, and Brian Parsons in Support Thereof (the "Sale

**United States Bankruptcy Court
Central District of California
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Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

CONT...

Jenny Melendez

Chapter 7

Motion") [Doc. No. 87]

- 2) Notice of Sale of Estate Property [Doc. No. 88]
- 3) Notice of Filing and of Hearing on Trustee's Sale Motion [Doc. No. 89]
- 4) Conditional Non-Opposition to Trustee's Sale Motion (the "First Conditional Non-Opposition") [Doc. No. 91]
- 5) Conditional Non-Opposition to Trustee's Sale Motion (the "Second Conditional Non-Opposition;" collectively the "Conditional Non-Oppositions") [Doc. No. 92]

I. Facts and Summary of Pleadings

A. Background

Jenny Melendez (the "Debtor") filed this chapter 7 petition on September 5, 2018. The chapter 7 case trustee (the "Trustee") initiated an adversary proceeding against the Debtor and two other individuals on December 10, 2018. Sale Motion at 11. The Debtor had initially scheduled a 50% interest in 1225 West 123rd Street, Los Angeles, CA 90044 (the "Property") resulting from a divorce proceeding with her ex-husband. *Id.* The Debtor also had an ownership interest in a property located at 1102 South Temple Ave., Compton, CA 90221 (the "Compton Property") that she did not schedule. The Debtor received a discharge, but the Trustee later requested, and the Court granted, the Trustee's request to file a First Amended Complaint (the "FAC") in the adversary proceeding, objecting to the Debtor's discharge. *Id.* On November 25, 2019, the Court dismissed, without prejudice, the Trustee's FAC. *Id.* at 12.

The Trustee obtained a broker's price opinion from a broker on April 6, 2020, that valued the Property at \$485,000, and calculated that there was approximately \$26,000 in equity in the Property that could be administered for the benefit of creditors. *Id.* The Debtor clarified that she actually held a 2/3 interest in the Property, and stipulated to the sale of the Property provided that the other defendant in the adversary proceeding receive her 1/3 interest, and the Debtor receive the benefit of her \$100,000 homestead exemption. *Id.* The Court approved the stipulation and entered a judgment ordering the sale of the Property on May 6, 2020.

Due to the COVID-19 Pandemic, the Debtor requested that the Trustee hold

**United States Bankruptcy Court
Central District of California
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Wednesday, June 2, 2021

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10:00 AM

CONT...

Jenny Melendez

Chapter 7

off on any sale of the Property so she could stay in her home. The Trustee obliged. *Id.* at 13. In September 2020, the Debtor's ex-husband, Elmer Rivas ("Rivas") informed the Trustee that he has a claim of \$25,000 against the Debtor resulting from her non-payment of a Divorce Stipulated Judgement entered on April 8, 2008. The Debtor made no mention of this judgment in any of her bankruptcy schedules, and did not give Rivas notice of the bankruptcy. Rivas did not receive notice of the bankruptcy until after the February 1, 2019 claims bar date, so he was unable to file a timely proof of claim. Rivas filed an unsecured nonpriority proof of claim on November 19, 2020. *Id.* at 13-14.

On February 3, 2021, the Trustee filed an application to employ Keller Williams as the real estate broker to sell the Property. Following a stipulation between the Trustee and the United States Trustee whereby the Trustee agreed to subordinate the administrative expenses of the case to all other claims, the Court approved the application on February 26, 2021. *Id.* at 14.

B. The Proposed Sale

On April 20, 2021, the Trustee filed this Sale Motion. The Trustee seeks: authorization to sell the Property; approval of the overbid procedures; authorization to pay all usual and customary costs of sale; authorization to pay all liens against the property; approval of compensation of the real estate broker; and a waiver of the 14-day stay. Sale Motion at 3-8. The Trustee seeks to sell the Property for \$540,000 to Armando Ramirez (the "Buyer"). The Property is encumbered by two liens: a first lien held by Wells Fargo in the approximate amount of \$235,952.64 and a second lien held by Wells Fargo in the approximate amount of \$16,207.49. The Trustee also believes that there will be a certain amount in property taxes that will be payable for the fiscal year 2020-2021. *Id.* at 15-16. At a sale price of \$540,000, minus the 5% brokers commission, 7% costs of sale, and all mortgage liens, and accounting for the Debtor only holding a 2/3 interest in the Property and receiving a \$100,000 homestead exemption, the Trustee calculates that there will be a net profit of \$66,526.64 to the estate. *Id.* a 17. That amount will be sufficient to pay the three unsecured proofs of claim totaling \$34,901.36 in full.

The proposed sale to the Buyer provides that the initial deposit made by the Buyer is only refundable if the conditions to the sale are not satisfied or the Buyer is not the successful bidder. In addition, the proposed sale is "as is," "where is," with no

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CONT... Jenny Melendez

Chapter 7

warranties, and the transfer of the Property shall be by quitclaim deed.

The Trustee intends to pay all costs, commissions, taxes, and the mortgages at closing. He will pay the three unsecured proofs of claim in full within 10 days of the receipt of sale funds. The Trustee proposes that the remaining equity of approximately \$34,901.36 will be used to pay administrative expenses to the following extent: \$1,000 to the Trustee's accountant; 1/3 to the Trustee; 2/3 to the Trustee's counsel. If the Property sells for greater than \$540,000, then the remaining equity will be split between the Trustee and his counsel in the abovementioned fashion until the Trustee's share reaches \$21,086.83, and then the excess will be paid to his counsel. The Trustee notes that at a sale price of \$540,000, his compensation pursuant to 11 U.S.C. § 326(a) is capped at \$21,086.83. In addition, all administrative expenses will be subject to fee applications and Court approval. *Id.* at 18.

C. The Conditional Non-Oppositions

On May 7, 2021, Wells Fargo submitted its Conditional Non-Oppositions. Wells Fargo does not object to the sale of the Property so long as both of its liens are paid in full. As to the first lien that the Trustee calculates to be \$235,952.64, Wells Fargo states that the approximate amount of payoff as of April 21, 2021 was \$240,066.56. Second Conditional Non-Opposition at 2. As to the second lien that the Trustee calculates to be \$16,207.49, Wells Fargo states that the approximate amount of payoff as of April 22, 2021 was \$17,009.09. Second Conditional Non-Opposition at 2. Wells Fargo plans to speak with the Trustee prior to the sale and give him an updated payoff amount for each lien. If the Trustee disagrees with the amount, then the undisputed amount shall be paid at the close of the sale and Wells Fargo requests that the disputed amount shall be segregated in an interest bearing account with an additional \$3,000 in sale proceeds (for each lien) pending resolution of the lien disputes "to allow for Wells Fargo's potential recovery of any of its reasonable attorneys' fees and costs incurred" to dispute the payoff amount. Conditional Non-Oppositions at 3.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Trustee to sell estate property out of the ordinary course of business, subject to court approval. The Trustee must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988).

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Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, June 2, 2021

Hearing Room 1568

10:00 AM

CONT... Jenny Melendez

Chapter 7

Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Trustee has demonstrated sufficient business justification for the sale. The sale is consistent with the Trustee's obligation to liquidate the Debtor's estate for the benefit of creditors. The sale price of \$540,000 substantially exceeds the Debtor's scheduled value of the Property (\$385,000). Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Trustee needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). The Court approves the Trustee's proposed treatment of the tax encumbrance and the liens against the Property, and finds that the Property may be sold free and clear of such liens and encumbrances. The Trustee is directed to make payments to Wells Fargo consistent with Wells Fargo's payoff demands. Pursuant to § 363(f)(3), the sale is free and clear of the liens and encumbrances because the Property's sale will generate proceeds exceeding the value of the liens and encumbrances. Furthermore, the Trustee is authorized to pay ordinary costs, such as prorated taxes, title fees, escrow fees, and broker commissions.

B. Auction Procedures

In the event that any qualified overbidders emerge, the Trustee will conduct an auction in accordance with the procedures set forth in the Sale Motion. Qualifications to overbid, as laid out in the Sale Motion, include: 1) each overbid must be received by the Trustee no later than two business days prior to the hearing on the Sale Motion;

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CONT... Jenny Melendez

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2) the Trustee shall have the authority to determine whether one bid is better than another bid; 3) the initial overbid is \$545,000, and each subsequent overbid must then be in increments of \$5,000; 4) each overbid must be for the Property "as is," "where is," and shall not contain any financing, due diligence or any other contingency fee, termination fee, or any other similar fee or expense reimbursement; 5) a deposit of at least \$10,000 must be made to the Trustee, as well as proof satisfactory to the Trustee that the overbidder has sufficient funds to complete the sale; and 6) any overbid must be made by a person or entity who has completed due diligence review of the property and is satisfied with the results. Sale Motion at 4-5.

C. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale, mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" *See In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP 1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders." *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985). Having reviewed the declaration of the Trustee, the Court finds that the Trustee is wholly unrelated to the Buyer and all discussions and negotiations were conducted at arms-length, in good faith, and without collusion. Declaration of Wesley Avery (attached to Sale Motion) at ¶ 50. The Court finds that the Buyer is a good faith purchaser entitled to the protections of § 363(m). If an overbidder prevails at the sale hearing, the Court will take testimony from such overbidder to determine whether § 363(m) protections are warranted.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety. Since the 363(f)(3) aspect of the Motion has not been controverted, the Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

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Jenny Melendez

Chapter 7

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jenny Melendez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Zi Chao Lin

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2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#6.00 Status Hearing re [1624] results of mediation

FR. 2-17-21; 4-7-21

Docket 0

***** VACATED *** REASON: Cont'd to 9/14/21 at 10:00am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

#7.00 Hearing
RE: [6475] Motion to Authorize Liquidating Trustee to Undertake Final
Distribution Program for Administrative Claims

Docket 6475

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Distribution Motion is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Motion to Authorize Liquidating Trustee to Undertake Final Distribution Program for Administrative Claimants [Doc. No. 6475] (the "Distribution Motion")
- 2) Limited Objection of AppleCare Medical Group, Inc. and AppleCare Medical Group St. Francis, Inc., and AppleCare Medical Management LLC to [the Motion] [Doc. No. 6486]
 - a) Joinder to Limited Objection of AppleCare Medical Group, Inc. and AppleCare Medical Group St. Francis, Inc., and AppleCare Medical Management LLC to [to Motion] [filed by UnitedHealthcare Insurance Company] [Doc. No. 6487]
- 3) Objection of Retirement Plan for Hospital Employees to Motion [Doc. No. 6488]
 - a) Joinder of Blue Shield to Objection of RPHE to Motion [Doc. No. 6490]
- 4) Conditional Opposition to Motion [filed by Quest Diagnostics, Inc.] [Doc. No. 6489]
- 5) Objection to Motion to Authorize Liquidating Trustee to Undertake Final Distribution Program for Administrative Claims, Request for Accounting and Request Court Direct Plan Compliance [filed by Kforce, Inc.] [Doc. No. 6491]

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- 6) Objection of DaVita Inc. to Motion [Doc. No. 6494]
- 7) Response of GRM Information Management Services to Motion [Doc. No. 6502]
- 8) Limited Objection of Smith & Nephew, Inc. to [Motion] [Doc. No. 6506]
- 9) Omnibus Reply to Oppositions to Motion [Doc. No. 6503]

I. Facts and Summary of Pleadings

On August 14, 2020, the Court entered an order confirming the *Modified Second Amended Joint Chapter 11 Plan (Dated July 2, 2020) of the Debtors, the Committee, and the Prepetition Secured Creditors* [Doc. No. 5468, Ex. A] (the "Plan"). See Doc. No. 5504 (the "Confirmation Order"). Howard Grobstein has been appointed as the Liquidating Trustee responsible for administering the Plan.

Under the Plan, Holders of an Allowed Administrative Claim "based on liabilities incurred by the Debtors in the ordinary course of their business after the Petition Date" are not required to file a Request for Payment with respect to their Allowed Administrative Claim in order to receive payment. Plan at § 2.1. [Note 1] The Plan established an Administrative Claims Reserve from which Allowed Administrative Claims arising in the ordinary course of business ("Ordinary Course Administrative Claims") [Note 2] would be paid.

The amount of asserted Ordinary Course Administrative Claims has been significantly higher than was anticipated. Currently, there is approximately \$5,374,157 available in the Administrative Claims Reserve to pay all remaining Allowed Administrative Claims. Peter Chadwick, the Chief Financial Officer to the Post-Effective Date Debtors, estimates that the funds in the Administrative Claims Reserve will be sufficient to pay only between 15% to 23% of all Administrative Claims that ultimately become allowed. Chadwick Decl. [Doc. No. 6503] at ¶¶ 5–6.

Summary of Papers Filed in Connection with the Distribution Motion

The Liquidating Trustee seeks authorization to implement a Final Distribution Program to pay Administrative Claims. See Doc. No. 6475 (the "Distribution Motion"). The terms of the proposed Final Distribution Program are as follows:

- 1) Administrative creditors will receive an interim payment of approximately 15% of the value of their claims.
- 2) After the final amount of Allowed Administrative Claims has been determined, the Liquidating Trustee will make a final payment to holders of such claims. [Note 3]

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AppleCare Medical Group, Inc. and Apple Care Medical Management LLC (collectively, "AppleCare"), UnitedHealthcare Insurance Company ("United HealthCare"), and Quest Diagnostics, Inc. filed limited objections to the Distribution Motion. These creditors assert that the Distribution Motion lacks the necessary clarity. They assert that before any distributions are made, the Liquidating Trustee (1) should be required to serve on creditors a proposed schedule of distributions identifying the administrative claimant and the amount of the claim on which a pro-rata distribution is proposed, and (2) the administrative claimants should be given a reasonable opportunity to object. In reply, the Liquidating Trustee filed three supplemental schedules in support of the Distribution Motion. Schedule One shows the amounts that the Liquidating Trustee believes should be allowed and paid pursuant to the Final Distribution Program. Schedule Two shows the amounts that would be allowed if he did not dispute any of the remaining asserted Administrative Claims, even though the Liquidating Trustee believes that the amounts of certain of these Administrative Claims are materially overstated. Schedule Three compares the asserted amounts of the remaining Administrative Claims with the amounts that the Liquidating Trustee believes to be the proper amounts for such claims.

The Retirement Plan for Hospital Employees ("RPHE") filed an opposition, in which it asserts that the \$24,404,839.34 that the Liquidating Trust is entitled to receive in connection with a recent settlement with Strategic Global Management, Inc. ("SGM") should be used to satisfy the shortfall in the Administrative Claims Reserve. (The settlement funds are derived from a \$30 million deposit made by SGM (the "SGM Deposit") in connection with an offer to purchase certain of the Debtors' hospitals that was never consummated.) California Physicians' Service dba Blue Shield of California and Blue Shield of California Promise Health Plan fka Care 1st Health Plan (collectively, "Blue Shield") filed a joinder to RPHE's opposition. In reply, the Liquidating Trustee points to language in the Confirmation Order stating that Administrative Claimants shall not have recourse to the SGM Deposit on account of their claims.

DaVita, Inc. ("DaVita") and RPHE assert that their Ordinary Course Administrative Claims should be deemed allowed because the Liquidating Trustee has not filed an objection to such claims by the Plan's April 2, 2021 "Claim Objection Deadline." The Liquidating Trustee disputes this assertion. He argues that the Claim Objection Deadline does not apply to Administrative Claims.

Kforce, Inc. ("Kforce") and RPHE argue that the shortfall in the Administrative

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Claims Reserve results from gross mismanagement by the Liquidating Trustee. The Liquidating Trustee disputes this contention. He contends that the shortfall was caused by Debtors' underestimation of the amount of Ordinary Course Administrative Claims that would ultimately be asserted.

On the day prior to the hearing, Smith & Nephew filed a limited objection seeking clarification as to whether the Liquidating Trustee contests the allowability of its \$180,862.08 Ordinary Course Administrative Claim. Smith & Nephew objects to the Distribution Motion only to the extent that the Liquidating Trustee disputes the allowability of its Ordinary Course Administrative Claim.

II. Findings of Fact and Conclusions of Law

A. The Shortfall in the Administrative Claims Reserve is Not the Result of Mismanagement by the Liquidating Trustee

At the outset, it is important for the Court to address the contention, raised by several parties, that the shortfall in the Administrative Claims Reserve resulted from gross mismanagement by the Liquidating Trustee. There is no merit to this assertion. At the time the Plan was confirmed, the Debtors were required to estimate the amount of Ordinary Course Administrative Claims that would be asserted. The complexity of healthcare finance made accurately estimating such claims difficult. Such complexity is demonstrated by the litigation over the validity of prepetition payment obligations that has arisen in these cases. *See, e.g., St. Vincent Medical Center et al. v. Local Initiative Health Authority for Los Angeles County* [Adv. No. 2:19-ap-01002] (complaint brought by two of the hospitals against a health care plan, alleging that the health care plan had not paid the full amounts owed the hospitals under certain fee for service contracts).

The difficulty of accurate estimation is further underscored by the fact that, more than eight months after the Plan has been confirmed, a significant portion of Ordinary Course Administrative Claims have not yet been submitted. The Liquidating Trustee estimates that it may take another six months or more for all Ordinary Course Administrative Claims to be submitted and reconciled.

It is unfortunate that the total amount of Ordinary Course Administrative Claims exceeds the funds available in the Administrative Claims Reserve, and the desire of certain creditors to identify a party to blame is understandable. The reality is that the Debtors faced an exceptionally difficult task in estimating the appropriate amount of the reserve. Hindsight shows that the estimates made by the Debtors were not correct. This does not mean that the Debtors, the Liquidating Trustee, or their professionals

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acted other than in good faith in estimating the amount of the Administrative Claims Reserve.

Kforce asserts that the Debtors and the Liquidating Trustee failed to comply with the Plan by underfunding the Administrative Claims Reserve by approximately \$21 million. As Kforce characterizes events, on the Effective Date of the Plan, the Debtors paid approximately \$21 million to holders of Administrative Claims, and then deposited approximately \$33 million into the Administrative Claims Reserve. Kforce criticizes the Debtors for characterizing the \$21 million in payments made on the Effective Date as constituting part of the Administrative Claims Reserve. According to Kforce, the Debtors should not have categorized the \$21 million in Effective Date payments as part of the Administrative Claims Reserve. In Kforce's accounting, this means that the Debtors underfunded the Administrative Claims Reserve by \$21 million. Kforce seeks an order requiring the Debtors to deposit an additional \$21 million into the Administrative Claims Reserve.

Kforce's argument is not consistent with the language of the Confirmation Order. The Confirmation Order states that "the amount of the Administrative Claims Reserve is sufficient to satisfy any unpaid Administrative Claims that are Allowed as of the Effective Date and any unpaid Administrative Claims that may become Allowed after the Effective Date." Confirmation Order at ¶ 24. The most straightforward reading of this provisions it that the Administrative Claims Reserve could be used both to (1) make payments on the Effective Date to Holders of Administrative Claims that were Allowed as of the Effective Date and (2) to make payments after the Effective Date to Holders of Administrative Claims that became Allowed after the Effective Date. Therefore, the \$21 million in payments to Holders of Administrative Claims that the Debtors made on the Effective Date are properly attributable to the Administrative Claims Reserve. Accordingly, there is no merit to Kforce's contention that the Debtors failed to fund the Administrative Claims Reserve in the amount required by the Confirmation Order.

B. Funds Received in Connection with the SGM Settlement Are Not Available to Holders of Administrative Claims

The Post-Effective Date Debtors have recently entered into a settlement with SGM, under which approximately \$24 million of the \$30 million SGM Deposit will be distributed to the Liquidating Trust. RPHE and other administrative creditors assert that these funds should be applied to mitigate the shortfall in the Administrative Claims Reserve.

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The Plan does not permit the remedy advocated by RPHE and others. The Confirmation Order states that "[n]o claimant having an Administrative Claim that is currently Allowed or that becomes Allowed shall have any recourse to the [SGM Deposit] to satisfy any portion of such Allowed Administrative Claim." Confirmation Order at ¶ 24. As the \$24 million in settlement funds are derived from the SGM Deposit, such funds are not available to administrative creditors.

C. The Plan's "Claims Objection Deadline" Does Not Apply to Administrative Claims

In an effort to increase their negotiating leverage with the Liquidating Trustee, certain administrative creditors have asserted that their Administrative Claims must now be allowed in the full amounts asserted by those creditors, because the Liquidating Trustee did not object to the Administrative Claims by the Plan's April 2, 2021 "Claims Objection Deadline." This argument is without merit.

The Plan defines "Claim" as having the meaning ascribed to that term in the Bankruptcy Code, but defines "Administrative Claim" more narrowly, as "a Request for Payment of an administrative expense of a kind specified in § 503(b) and entitled to priority pursuant to § 507(a)(2)." Plan at § 1.13. Under the canon of *lex specialis derogat legi generali* ("the specific governs the general"), the Plan's more specific definition of "Administrative Claim" as a "Request for Payment" prevails over the more general definition of "Claims" contained in the "Claims Objection Deadline." *See, e.g., Mich. Dep't of Treasury v. Senczyszyn (In re Senczyszyn)*, 444 B.R. 750, 756 (E.D. Mich. 2011). That is, because the Plan defines "Administrative Claim" more specifically as a "Request for Payment," the more general "Claims Objection Deadline" does not govern Administrative Claims.

The inapplicability of the "Claims Objection Deadline" to Administrative Claims is further reinforced by Section 15.3 of the Plan, which sets forth the process for objecting to Administrative Claims but contains no deadline. Section 15.3 states in relevant part: "In the event that the Debtors, the Liquidating Trustee or the Master Trustee objects to an Administrative Claim, the Bankruptcy Court shall determine the Allowed amount of such Administrative Claim."

D. The Distribution Motion is Granted

The Plan contemplated the possibility that the Administrative Claims Reserve might prove inadequate to satisfy all asserted Administrative Claims:

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All Administrative Claims that become Allowed after the Effective Date shall be paid solely from the Administrative Claims Reserve, and shall not constitute a claim against the Liquidating Trust, the Liquidating Trustee, or any of the Liquidating Trust Assets. No Holder of an Administrative Claim shall have recourse for any deficiency in the payment of its Administrative Claim against any of the Released Parties, the Post-Effective Date Debtors, the Post-Effective Date Board of Directors, the Liquidating Trustee, the Post-Effective Date Committee, or the Liquidating Trust.

Plan at § 15.3.

The Confirmation Order is now final. Holders of Administrative Claims could have appealed the Confirmation Order on the ground that the Administrative Claims Reserve was inadequate. Having elected not to pursue such appeals, administrative creditors are now bound by the terms of the Plan—including the provisions fixing the amount of the Administrative Claims Reserve and barring administrative creditors from obtaining any recovery other than from the Administrative Claims Reserve.

At this juncture, the Court cannot modify the Plan to provide for the disbursement of the SGM Deposit to administrative creditors, as requested by RPHE and other creditors. Under the Plan, 95% of the proceeds that the Liquidating Trustee will receive in connection with the recent settlement with SGM are earmarked for secured creditors. These secured creditors have priority over administrative claimants, and voted for the Plan based upon the fact that they would be entitled to receive 95% of any portion of the SGM Deposit recovered by the Liquidating Trustee.

The Court agrees with AppleCare and UnitedHealthcare that the Final Distribution Program should not be initiated until creditors holding sizable Administrative Claims have been provided an opportunity to object to the Liquidating Trustee's calculation of the amount of their claims. Absent the opportunity to object, such creditors could suffer additional prejudice if the allowed amount of their Administrative Claim was ultimately determined to be materially higher than the amount reserved by the Liquidating Trustee. In that situation, these administrative creditors would not receive the *pro rata* distribution that is the objective of the Final Distribution Program, because the Administrative Claims Reserve would be further depleted by the time the amount of their Administrative Claim had been established.

Therefore, the Liquidating Trustee shall not commence the Final Distribution Program until the Administrative Claims of AppleCare, UnitedHealthcare, RPHE, Blue Shield, Smith and Nephew, and DaVita have been liquidated. The Court expects

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that its intervention will not be required in connection with the liquidation of the majority of these claims. To ensure that distributions to administrative creditors can be commenced timely, the following deadlines shall apply with respect to each Administrative Claim that cannot be resolved consensually [**Note 4**]:

- 1) A hearing to liquidate the Administrative Claim shall take place on **July 14, 2021 at 10:00 a.m.**
- 2) No later than **June 23, 2021**, the administrative creditor shall file papers setting forth the asserted amount of its Administrative Claim.
- 3) The Liquidating Trustee's opposition to the amount of the Administrative Claim shall be filed no later than **June 30, 2021**.
- 4) The administrative creditor's reply shall be filed no later than **July 7, 2021**.

III. Conclusion

Based upon the foregoing, the Distribution Motion is **GRANTED**. Within seven days of the hearing, the Liquidating Trustee shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

Unless otherwise indicated, capitalized terms have the meaning set forth in the Plan.

Note 2

"Ordinary Course Administrative Claims" is not a term that appears in the Plan.

Note 3

The one exception to the Final Distribution Program is for payments to GRM

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Information Management Services of California, LLC ("GRM"). The Debtors, the Liquidating Trust, and GRM have entered into a master service agreement, under which GRM has agreed to provide document storage, vault storage, document scanning, data hosting, and related services to implement the Debtors' Document Retention Policy, which requires the retention of certain documents until 2041. To ensure that former patients retain access to their medical records and that the Liquidating Trust retains access to records necessary to enable it to implement the Plan, GRM will be paid 100% of its Administrative Claim.

Note 4

These deadlines apply only to AppleCare, UnitedHealthcare, RPHE, Blue Shield, and DaVita. By failing to object to the Distribution Motion, all other administrative creditors have waived their right to dispute the allowed amount of their Administrative Claims.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

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Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

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2:19-25205 Roger Iraj Shadgou

Chapter 11

#8.00 HearingRE: [58] Application for Compensation First Interim Application by Resnik Hayes Moradi LLP, General Bankruptcy Counsel for the Debtor, for Allowance of Fees and Reimbursement of Costs for the Period December 31, 2019 Through April 14, 2021; Declarations of Roger Iraj Shadgou and Roksana D. Moradi-Brovia in Support Thereof, with Proof of Service for Roksana D. Moradi-Brovia, Debtor's Attorney, Period: 12/31/2019 to 4/14/2021, Fee: \$14,962.50, Expenses: \$1,756.30.

Docket 58

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$14,962.50 (Applicant seeks an award of \$14,962.50 less an \$8,374.50 retainer already received, for a total fee payment at this time of \$6,588 [see Doc. No. 58])

Expenses: \$1,756.30 [see *id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the

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CONT... **Roger Iraj Shadgou**
hearing.

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The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Roger Iraj Shadgou

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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2:20-20772 FDZ Homes, Inc.

Chapter 11

#9.00 HearingRE: [80] Motion For Sale of Property of the Estate under Section 363(b) - No Fee

Docket 80

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Sale Motion is GRANTED. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchaser: Eric Mann
- 2) Property for sale: 821 E. Mel Ave., Palm Springs, CA 92262
- 3) Purchase price: \$1,550,000
- 4) Overbids: the minimum overbid amount shall be \$1,555,000. Subsequent overbids shall be in increments of \$2,500

Pleadings Filed and Reviewed:

- 1) Debtor's Motion for Order: (1) Authorizing Debtor to Sell Real Property (821 E. Mel Ave., Palm Springs, CA 92262); (2) Approving Overbid Procedures; (3) Approving Compensation of Real Estate Broker; (4) Authorizing Distribution of Sale Proceeds; (5) Waiving 14-Day Stay Imposed By Federal Rules of Bankruptcy Procedure 6004(h); Declarations of Salva[d]or Fernandez and Jose Arana in Support Thereof (the "Sale Motion") [Doc. No. 80]
- 2) Notice of Debtor's Sale Motion [Doc. No. 81]
- 3) Status Conference Report [Doc. No. 18]

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FDZ Homes, Inc.

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- 4) [Limited] Notice of Non-Opposition (the "Limited Opposition") [Doc. No 83]
- 5) Debtor's Reply to Limited Opposition (the "Debtor's Reply") [Doc. No. 84]

I. Facts and Summary of Pleadings

Debtor and Debtor-in-Possession FDZ, Homes, Inc. (the "Debtor") filed a chapter 11 petition on December 7, 2020. The Debtor is a California corporation owned by Salvador Fernandez. The Debtor's business is to identify properties for investment, purchase those properties, make repairs, and market them for a profit. The Debtor's financial problems arose when it experienced cash flow problems and could not complete improvements on certain properties. It was therefore unable to market the properties and fell behind on mortgage payments. Prior to filing for bankruptcy, the Debtor lost seven of its properties. At the time it filed for bankruptcy, the Debtor owned the following:

1. 647 W. 92nd St., Los Angeles, CA 90062 (the "92nd St. Property")
2. 426 Clifton St., Los Angeles, CA 90031
3. 3401 Greensward Road, Los Angeles, CA 90039 (the "Greensward Property")
4. 821 E. Mel Ave., Palm Springs, CA 92262 (the "Mel Property")
5. 4311 & 4315 Portola Ave., Los Angeles, CA 90032 (the "Portola Properties")

On December 8, 2020, a foreclosure sale was planned by Anchor Loans on the 92nd St. Property, which is what led the Debtor to file its bankruptcy petition. Status Conference Report at 1-2. On February 17, 2021, the Court entered orders granting the Debtor's motions to sell the Greensward Property and the Portola Properties. The 92nd St. Property and the Mel Property have significant equity.

On May 4, 2021, the Debtor filed this Sale Motion. The Debtor seeks: authorization to sell the Mel Property pursuant to 11 U.S.C. § 363(b) & (f) free and clear of all liens and encumbrances; approval of overbid procedures; approval of compensation of the real estate broker; authorization of the distribution of sale proceeds; and a waiver of the 14-day stay. Sale Motion at 1. The Debtor seeks to sell the Mel Property for \$1,550,000 to Eric Mann (the "Buyer"). The Mel Property is encumbered by two liens: a first lien held by MOR Financial in the amount of \$764,151, and a second lien held by Javier Galvan in the amount of \$100,000

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(collectively, the "Secured Creditors"). In addition, the Debtor estimates that there are approximately \$7,006 in past due real estate taxes. After estimated costs of sale (3%), brokerage fees (6%), payment of the past due property taxes for the fiscal year 2020-2021, and payment of both liens in full, the Debtor anticipates that the estate will realize net proceeds of \$519,343. *Id.* at 6. The Debtor believes that \$1,550,000 is the fair market value for this property because the real estate broker, Jose Arana (the "Broker"), reviewed comparable sales in the area and performed an inspection of the property. *Id.* at 3. The \$1,550,000 offer was the best offer received by the Debtor.

The purchase agreement between the Debtor and the Buyer provides, in pertinent part, that the property is "as is" without any express or implied warranties. The sale is contingent upon approval of this Court, and there are to be no contingencies in the transaction. In the case of an approved and accepted overbidder (*see* § II(B), below, for a discussion of overbid procedures), that successful overbidder is to reimburse the Buyers up to \$2,000 for costs incurred. *Id.*

On May 13, 2021, MOR Financial filed its Limited Opposition. It does not oppose the sale of the Property, but says that its non-opposition is "conditioned on [MOR Financial] receiving payment in full of its secured lien through escrow, including default interest at the reduced rate amount of 15% as agreed by the parties." Also on May 13, 2021, the Debtor filed its Reply. The Debtor agrees to MOR Financial receiving payment in full through escrow and default interest at 15%.

II. Findings and Conclusions

A. The Proposed Sale is Approved

Section 363(b) permits the Debtor to sell estate property out of the ordinary course of business, subject to court approval. The Debtor must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Debtor has demonstrated sufficient business justification for the sale. The sale is consistent with the Debtor's obligation to liquidate certain of the estate's assets in order to effect a successful reorganization. Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

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- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Debtor needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). The Court approves the Debtor's proposed treatment of the tax encumbrance and the Secured Creditors' liens against the Mel Property, and finds that the Mel Property may be sold free and clear of such liens and encumbrances as requested by the Debtor. Pursuant to § 363(f)(3), the sale is free and clear of the liens and encumbrances because the Mel Property's sale will generate proceeds exceeding the value of the liens and encumbrances. Furthermore, the Debtor is authorized to pay ordinary costs, such as prorated taxes, title fees, escrow fees, and broker commissions.

B. Auction Procedures

In the event that any qualified overbidders emerge, the Debtor will conduct an auction in accordance with the procedures set forth in the Sale Motion. Qualifications to overbid, as laid out in the Sale Motion, include: 1) an overbidder must provide financial statements and business references sufficient to assure the Debtor of the overbidder's ability to consummate purchase of the Portola Properties; 2) each overbid must be received by the Debtor and the Debtor's counsel no later than three business days prior to the hearing on the Sale Motion; 3) the initial overbid is \$1,555,000, and each subsequent overbid must then be in increments of \$2,500; 4) each overbid shall be all cash, non-contingent, and on the same terms as the original sale; 5) an earnest money deposit of at least \$45,000 must be made and received by the Debtor no later than three business days prior to the hearing on the Sale Motion; 6) should an overbidder fail to qualify for financing or timely close escrow, the \$45,000 deposit is non-refundable. Sale Motion at 4-5.

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C. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale, mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" See *In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP 1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders." *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985). Having reviewed the declaration of the Debtor's principal, the court finds that the Debtor is wholly unrelated to the Buyer and all discussions and negotiations were conducted at arms-length, in good faith, and without collusion. Declaration of Salvador E. Fernandez at ¶¶ 14-15. The court finds that the Buyer is a good faith purchaser entitled to the protections of § 363(m). If an overbidder prevails at the sale hearing, the Court will take testimony from such overbidder to determine whether § 363(m) protections are warranted.

III. Conclusion

Based upon the foregoing, the Sale Motion is GRANTED in its entirety. Since the 363(f)(3) aspect of the Motion has not been controverted, the Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate the conclusion of this case within the timeframe contemplated by the Court.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Chapter 11

Party Information

Debtor(s):

FDZ Homes, Inc.

Represented By
Andrew S Bisom

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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10:00 AM

2:21-12663 Hoplite, Inc.

Chapter 11

#10.00 Hearing
RE: [39] Motion to Convert Case From Chapter 11 to 7

Docket 39

***** VACATED *** REASON: Cont'd to 6/30/2021 at 10:00am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hoplite, Inc.

Represented By
Richard T Baum

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10:00 AM

2:21-12775 Guiora, LLC

Chapter 11

#11.00 Hearing

RE: [21] Motion for an Order (I) Dismissing the Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. Sec. 1112(a), or, Alternatively, (II) Granting Relief from Automatic Stay Pursuant to 11 U.S.C. Sec. 362 (d)(1) and (4);

FR. 5-19-21; 5-24-21

Docket 21

Tentative Ruling:

6/1/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion to Dismiss is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Motion for an Order (I) Dismissing the Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. § 1112(a), or, Alternatively, (II) Granting Relief from Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1) and (4) [Doc. No. 21] (the "Motion")
 - a) Notice of Motion [Doc. No. 22]
 - b) Declaration of Steve Miller in Support of [Motion] [Doc. No. 23]
- 2) Opposition to [Motion] [Doc. No. 38] (the "Opposition")
 - a) Declaration of Haim Revah in Support of [Opposition] [Doc. No. 39]
 - b) Declaration of David Hayward in Support of [Opposition] [Doc. No. 40]
 - c) Declaration of Hamid R. Rafatjoo in Support of [Opposition] [Doc. No. 41]
- 3) Reply to Opposition to Motion [Doc. No. 52]
- 4) Wells Fargo Bank, N.A.'s Joinder in Motion [Doc. No. 56]
 - a) Wells Fargo Bank, N.A.'s Request for Judicial Notice in Support of Joinder [Doc. No. 57]

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- 5) Debtor's Motion to Strike (A) Wells Fargo Bank, N.A.'s Joinder in Motion for an Order Dismissing Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. § 1112(a) and (B) Wells Fargo Bank, N.A.'s Request for Judicial Notice in Support of Joinder in Motion for an Order Dismissing Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. § 1112(a)
- 6) Order: (1) Continuing Hearing on Motion to Dismiss from May 24, 2021 at 11:00 a.m. to June 2, 2021 at 10:00 a.m. to Provide the Debtor an Opportunity to Respond to Wells Fargo's Joinder to the Motion to Dismiss and (2) Denying as Moot the Debtor's Motion to Strike Wells Fargo's Joinder to the Motion to Dismiss [Doc. No. 60]
- 7) Opposition to Wells Fargo Bank, N.A.'s Joinder in Motion for an Order Dismissing Chapter 11 Case with Prejudice Pursuant to 11 U.S.C. § 1112(a) [Doc. No. 69]
 - a) Declaration of Haim Revah in Support of Opposition [Doc. No. 70]

I. Facts and Summary of Pleadings

On March 10, 2021 (the "Petition Date"), Guiora, LLC (the "Debtor") filed a voluntary Chapter 11 petition in the United States Bankruptcy Court for the District of Delaware. The Debtor's sole asset is residential property located at 705 N. Alta Drive, Beverly Hills, CA 90210 (the "Property"). According to an appraisal submitted by the Debtor, the Property is worth \$25,775,000. *See* Declaration of David Hayward [Doc. No. 40] (authenticating appraisal report valuing the Property as of April 6, 2021). Haim and Lucinda Revah (the "Revahs") live in the Property.

On the same date that the petition was filed, the Property was transferred from the Revah's irrevocable trust to the Debtor for no consideration. *See* Doc. No. 23, Ex. 4 (Grant Deed transferring the Property).

National Mortgage Resources, Inc. ("NMR") asserts a secured claim against the Property of no less than \$5,884,200.09. The Debtor disputes the validity of NMR's claim. Prior to the Petition Date, the Revahs commenced an action against NMR in the Los Angeles Superior Court (the "NMR Action"). In the NMR Action, the Revahs assert that NMR made material misrepresentations in connection with a loan secured by the Property that NMR extended to a company managed by Mr. Revah. *See* Doc. No. 23, Ex. 3 (order issued by the State Court summarizing the claims asserted in the NMR Action). On March 4, 2021—six days prior to the Petition Date—the State Court presiding over the NMR Action denied the Revah's motion for issuance of a preliminary injunction preventing NMR from foreclosing on the Property. *See* Doc.

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No. 23, Ex. 3 (Order Denying Plaintiffs Haim and Lucinda Revah’s Request for a Preliminary Injunction). On March 10, 2021—one day prior to the date of the foreclosure sale scheduled by NMR—the Revahs executed a grant deed transferring the Property from their irrevocable trust to the Debtor, and Mr. Revah, in his capacity as the Debtor’s designated officer, caused the Debtor to seek bankruptcy protection.

Wells Fargo Bank, N.A. (“Wells Fargo”) asserts a secured claim against the Property of no less than \$3,133,232.53, which the Debtor also disputes. Wells Fargo’s claim arises from a judgment that it obtained against Mr. Revah and a company in which Mr. Revah holds an interest. Wells Fargo asserts that its judgment attaches to the Property. On January 2, 2020, the Revahs commenced an action against Wells Fargo in the Los Angeles Superior Court (the “Wells Fargo Action”). The Wells Fargo Action asserts that Wells Fargo’s judgment does not attach to the Property because Wells Fargo does not hold a judgment against the Revah’s irrevocable trust, and at the time Wells Fargo recorded its judgment, title to the Property was vested in the irrevocable trust.

Summary of Papers Filed in Connection with the Motion to Dismiss

NMR moves to dismiss the case with prejudice, pursuant to § 1112(b). In the alternative, NMR seeks relief from the automatic stay, pursuant to § 362(d)(1) and (d)(4). NMR asserts that the Debtor filed the Chapter 11 case in bad faith, for the purpose of forestalling NMR’s rights to foreclose upon the Property. As evidence of bad faith, NMR points out that the Debtor’s only asset is the Property, which it acquired one day prior to the Petition Date; that the Debtor is not operating a business; that the only creditors are the three lienholders on the Property; that the Revahs are involved in litigation with two of the three lienholders; that the Debtor sought bankruptcy protection in Delaware even though the Property is located in California; that the case is a two-party dispute capable of resolution in State Court; and that the Debtor sought bankruptcy protection one day prior to NMR’s foreclosure sale.

The Debtor denies NMR’s allegations that it sought bankruptcy protection in bad faith. According to the Debtor, the case was filed in good faith for the following reasons:

- 1) The petition was filed so that the Debtor could either refinance or sell the Property. The Debtor could not obtain refinancing outside of bankruptcy because of the disputed judgment lien that Wells Fargo recorded. The Debtor intends to use the bankruptcy process to resolve the issue of whether Wells

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Fargo's lien should attach to the Property, and has filed an adversary action to invalidate Wells Fargo's lien.

- 2) The Debtor also intends to use the bankruptcy process to liquidate the amount of NMR's claim.
- 3) The Debtor has contacted six prospective lenders and is working with a loan broker in an attempt to refinance the Property. The Debtor has also discussed listing the Property for sale with real estate brokers.
- 4) The Property is worth \$25,775,000 and is encumbered by approximately \$13,528,440 in liens. There is more than sufficient equity in the Property to protect the interests of NMR and Wells Fargo.

In reply to the Debtor's opposition, NMR contends that it is irrelevant that there is equity in the Property. NMR re-emphasizes its allegations that the case was filed in bad faith to forestall NMR's attempts to exercise its remedies against the Property.

Wells Fargo filed a joinder to the Motion. Because the joinder was not filed timely, the Court continued the hearing to provide the Debtor an opportunity to respond. Wells Fargo argues that the case should be dismissed because the Debtor has no source of income, and thus the value of the estate is diminishing. Wells Fargo accuses the Debtor of tactically using the filing of the petition to further delay a hearing on an anti-SLAPP motion that Wells Fargo filed against the Revahs in the Wells Fargo Action.

In reply to Wells Fargo's joinder, the Debtor repeats his assertion that the bankruptcy petition is a legitimate means for the Debtor to liquidate NMR's claim and adjudicate whether Wells Fargo's judgment should attach to the Property.

II. Findings of Fact and Conclusions of Law

"Under § 1112(b)(1), a court may dismiss a Chapter 11 bankruptcy case 'for cause,' based on a finding that the petition was filed in bad faith." *Prometheus Health Imaging, Inc. v. United States Trustee (In re Prometheus Health Imaging, Inc.)*, 705 F. App'x 626, 627 (9th Cir. 2017) (citing *In re Marshall*, 721 F.3d 1032, 1047 (9th Cir. 2013)); see also *Marsch v. Marsch (In re Marsch)*, 36 F.3d 825, 828 (9th Cir. 1994) ("Although section 1112(b) does not explicitly require that cases be filed in 'good faith,' courts have overwhelmingly held that a lack of good faith in filing a Chapter 11 petition establishes cause for dismissal"). "While § 1112(b)(4) provides a list of what circumstances may constitute 'cause' for dismissal, the list is non-exhaustive, and 'courts may consider any factors which evidence an intent to abuse the judicial

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process and the purposes of the reorganization provisions,' to make the bad faith determinations." *In re Prometheus Health Imaging, Inc.*, 705 F. App'x at 627. The existence of good faith "does not depend on one factor alone, but . . . is to be judged by looking at the totality of the circumstances surrounding the case." *In re WLB-RSK Venture*, 296 B.R. 509, 514 (Bankr. C.D. Cal. 2003). The Debtor "bears the burden of proving that the petition was filed in good faith." *Marshall v. Marshall (In re Marshall)*, 721 F.3d 1032, 1048 (9th Cir. 2013).

The Ninth Circuit has expanded on this concept as follows:

To determine whether a debtor has filed a petition in bad faith, courts weigh a variety of circumstantial factors such as whether:

- 1) the debtor has only one asset;
- 2) the debtor has an ongoing business to reorganize;
- 3) there are any unsecured creditors;
- 4) the debtor has any cash flow or sources of income to sustain a plan of reorganization or to make adequate protection payments; and
- 5) the case is essentially a two party dispute capable of prompt adjudication in state court.

In re St. Paul Self Storage Ltd. P'ship, 185 B.R. 580, 582–83 (B.A.P. 9th Cir. 1995).

All five of the factors indicating bad faith are present in this case. With respect to the first factor, the Debtor has only one asset, the Property. *See* Doc. No. 28 at p. 3 ("The Debtor's sole asset consists of a single-family residence valued at \$25,775,000.00 and encumbered by approximately \$11,997,877.64 in liens."). With respect to the second and fourth factors, the Debtor has no ongoing business to reorganize and no cash flow or sources of income to sustain a plan. For example, although the Revahs live in the Property, they do not pay the Debtor any rent for this privilege. With respect to the third factor, the Debtor has minimal unsecured debt relative to the value of the Debtor's sole asset. The Debtor's only unsecured creditor is Safe Care International, LLC, the entity that loaned the Debtor \$100,000 that was used to pay a retainer to the Debtor's general bankruptcy counsel. With respect to the fifth factor, the case is essentially a two-party dispute between the Debtor, on the one hand, and Wells Fargo and NMR, on the other hand, with respect to Wells Fargo's and NMR's claims against the Property.

Other indicia of bad faith not discussed in *St. Paul* are also present in this case. "In finding a lack of good faith, courts have emphasized an intent to abuse the judicial

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process and the purposes of the reorganization provisions ... [p]articularly when there is no realistic possibility of an effective reorganization and it is evident that the debtor seeks merely to delay or frustrate the legitimate efforts of secured creditors to enforce their rights.” *In re Mense*, 509 B.R. 269, 277 (Bankr. C.D. Cal. 2014). Here, the Revahs transferred the Property to the Debtor, and Mr. Revah caused the Debtor to seek bankruptcy protection, approximately five days after the State Court in the NMR Action denied the Revah’s motion for issuance of a preliminary injunction preventing NMR from foreclosing on the Property. The Debtor asserts that it sought bankruptcy protection to liquidate the amount of NMR’s claim against the Property. That explanation rings hollow, given that an action to determine NMR’s claim against the Property was proceeding in the State Court prior to the Petition Date. Mr. Revah caused the Property to be transferred to the Debtor, and caused the Debtor to seek bankruptcy protection, only after the State Court found that the Revahs were unlikely to prevail upon their claims against NMR and declined to issue a preliminary injunction. The Debtor makes much of its assertion that NMR’s claim against the Property is disputed, and that the Bankruptcy Court is the appropriate forum for the Debtor to liquidate NMR’s claim. This argument overlooks the fact that by denying the Revah’s motion for issuance of a preliminary injunction preventing the foreclosure, the State Court has already determined that the Revahs were not likely to prevail in their action attacking the validity of NMR’s claim against the Property. By orchestrating the transfer of the Property to the Debtor and causing the Debtor to seek bankruptcy protection shortly after the State Court refused to issue the preliminary injunction, the Revahs are attempting to use the Debtor to relitigate issues already decided by the State Court. The filing of the petition was an exercise in forum shopping, not an attempt to accomplish legitimate bankruptcy objectives.

To support the contention that the petition was filed in good faith, the Debtor places substantial weight upon its asserted need to obtain a judgment regarding the validity of Wells Fargo’s judgment lien against the Property. The Court notes that the Debtor has commenced in the Bankruptcy Court a declaratory relief action against Wells Fargo, which seeks a determination that Wells Fargo’s judgment lien does not attach to the Property (the “Declaratory Relief Action”).

The filing of the Declaratory Relief Action cannot support a finding that the petition was filed in good faith because the allegations in the Declaratory Relief Action are expressly contradicted by actions taken by the Revahs prior to the Petition Date. The Declaratory Relief Action alleges that an abstract of judgment that Wells Fargo recorded against Mr. Revah did not attach to the Property, because at the time

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the abstract was recorded, the Property was held in the Revah's irrevocable trust. The Declaratory Relief Action relies upon *Laycock v. Hammer*, 141 Cal.App. 4th 25, 31 (Cal. 2006) for the proposition that "[b]y expressly giving settlors' creditors the right to reach *only* the assets of revocable trusts, the Legislature has clearly indicated an intention that creditors are to be bound by the terms of an irrevocable trust to the same extent settlors, beneficiaries, and other claimants are bound by such an instrument." Declaratory Relief Action at ¶ 14.e.

By filing the petition shortly after the Property was transferred from the Revah's trust to the Debtor, while simultaneously pursuing the allegations set forth in the Declaratory Relief Action, the Debtor has asserted contradictory positions. If it is true, as alleged in the Declaratory Relief Action, that the Revah's trust is irrevocable, then it would have been a violation of the trust instrument for Mr. Revah to cause the Property to be transferred from the trust to the Debtor for no consideration. On the other hand, if the transfer of the Property from the trust to the Debtor did not violate the trust instrument, then the trust could not have been irrevocable, and the Declaratory Relief Action would be doomed to fail.

Regardless of which of these scenarios is correct, the Debtor is not acting in good faith. If the trust was revocable and the prepetition transfer of the Property to the Debtor was authorized, the Declaratory Relief Action would have been filed in bad faith because it incorrectly alleges the irrevocability of the trust. In the alternative, if the allegations of the Declaratory Relief Action are correct and the trust is irrevocable, then the transfer of the Property from the trust to the Debtor would have been in violation of the trust instrument, meaning that the petition could not have been filed in good faith.

In addition, this case is also a paradigmatic example of "new debtor syndrome," which is a term that "identifies a pattern of conduct which exemplifies bad faith cases." *Duvar Apt., Inc. v. FDIC (In re Duvar Apt., Inc.)*, 205 B.R. 196, 200 (B.A.P. 9th Cir. 1996). Indicia of new debtor syndrome include:

- 1) transfer of distressed property into a newly created corporation;
- 2) transfer occurring within a close proximity to the bankruptcy filing;
- 3) transfer for no consideration;
- 4) the debtor has no assets other than the recently transferred property;
- 5) the debtor has no or minimal unsecured debt;
- 6) the debtor has no employees and no ongoing business; and
- 7) the debtor has no means, other than the transferred property, to service the debt

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on the property.

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Duvar Apt., 205 B.R. at 200.

All seven of the indicia of new debtor syndrome are present here. First, the Debtor is a newly-created corporation, having been registered in Delaware on March 9, 2021, one day prior to the Petition Date. Second, the Property was transferred to the Debtor on the same day that the petition was filed. Third, the transfer was for no consideration. Fourth, the Property is the Debtor's only asset. Fifth, the Debtor has minimal unsecured debt relative to the value of the Property. Sixth, the Debtor has no employees and no ongoing business. Seventh, the Debtor has no means other than the Property itself to service the debt against it.

III. Conclusion

Because multiple indicia of bad faith are present, the Court will dismiss the case pursuant to § 1112(b), and will impose a 180-day bar against refiling. The order of dismissal shall take effect immediately upon entry. The Court will prepare and enter an order dismissing the case.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Guiora, LLC

Represented By
Hamid R Rafatjoo

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11:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

#100.00 Hearing

RE: [13] Debtor's Motion for Authority to: (A) Use Cash Collateral on an Interim Basis; and (B) Grant Replacement Liens

Docket 13

***** VACATED *** REASON: Cont'd to 6/9/21 at 11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

**United States Bankruptcy Court
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Monday, June 7, 2021

Hearing Room 1568

10:00 AM

2:21-11702 Alyssa Katherine Valdez

Chapter 7

#1.00 HearingRE: [14] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1940 Henderson Avenue, Long Beach, CA 90805 .

Docket 14

Tentative Ruling:

6/3/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Court finds that there is sufficient evidence to grant relief pursuant to 11 U.S.C. § 362(d)(4). The filing of the petition was part of a scheme to delay, hinder, and defraud creditors, which involved the transfer of the property multiple times to thwart the Movant's attempt at a foreclosure sale and multiple bankruptcy cases affecting the property (2:21-bk-11876-SK, 1:19-bk-12776-VK, and 8:19-bk-12116-ES). See Motion at 10 & 13.

For the same reasons, the Motion is GRANTED pursuant to section 362(d)(1) based on Debtor's bad faith filing. The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion

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of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, the order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the Court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this order for indexing and recording.

This order shall also be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law. In addition, this order shall be binding and effective in any future bankruptcy case no matter who the debtor may be, upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the property. Finally Movant, or its agents, may offer, provide, and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

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Party Information

Debtor(s):

Alyssa Katherine Valdez

Pro Se

Trustee(s):

Timothy Yoo (TR)

Pro Se

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2:21-13035 Maria Isabel Pizzano

Chapter 7

#2.00 Hearing
RE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Traverse, VIN: 1GNERGKW3JJ224534 . (lth, Sheryl)

Docket 10

Tentative Ruling:

6/3/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant has established that the fair market value of the subject vehicle is declining and that Debtor is making insufficient payments to protect Movant against this decline. In addition, the lease has matured and the Debtor has neither surrendered the vehicle nor exercised her option to buy the vehicle.

This order shall be binding and effective despite any conversion of the bankruptcy

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case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Maria Isabel Pizzano

Represented By
Rex Tran

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:21-13460 Juan Antonio Molina

Chapter 7

#3.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota Corolla . (Martinez, Kirsten)

Docket 9

Tentative Ruling:

6/3/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy

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case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Juan Antonio Molina

Represented By
A Mina Tran

Trustee(s):

Timothy Yoo (TR)

Pro Se

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2:21-10365 Robert L. Ross

Chapter 7

#1.00 Hearing
RE: [10] Motion to Convert Case from Chapter 7 to Chapter 11 pursuant to 11 U.S.C. Sec. 706(b) and Contingent Motion to Extend Bar Date for Filing a Complaint under Sec. 727

Docket 10

Tentative Ruling:

6/7/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below the Conversion Motion is **GRANTED IN PART**. The Debtor may elect to dismiss his case or convert it to one under chapter 11.

Pleadings Filed and Reviewed:

- 1) United States Trustee's Notice of Motion and Motion to Convert Case from Chapter 7 to Chapter 11 Pursuant to 11 U.S.C. 706(b) and Contingent Motion to Extend Bar Date for Filing a Complaint Under § 727; Memorandum of Points and Authorities; Declaration of Yolanda Cannon in Support (the "Conversion Motion") [Doc. No. 10]
- 2) Request for Judicial Notice in Support of United States Trustee's Conversion Motion [Doc. No. 11]
- 3) Opposition to Motion to Convert and Contingent Motion to Extend Bar Date for Filing a Complaint Under Section 727; Memorandum of Points and Authorities (the "Opposition") [Doc. No. 21]
- 4) Reply of United States Trustee to Opposition to United States Trustee's Conversion Motion (the "Reply") [Doc. No. 22]
- 5) Request for Judicial Notice in Support of United States Trustee's Reply [Doc. No. 23]

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I. Facts and Summary of Pleadings

A. Background

Debtor Robert L. Ross (the "Debtor") filed this voluntary chapter 7 petition on January 19, 2021. The Debtor's bankruptcy filing was precipitated by his investment in a burger franchise known as BurgerIM. Opposition at 2. After seeing an advertisement to open a franchise, the Debtor and his spouse spend hundreds of thousands of dollars on franchise fees and construction of a building. *Id.* at 3. The Debtor had anticipated that monthly revenues from the franchise would be \$85,000. By the time the Debtor had opened the doors to the franchise, he had spent over \$400,000. *Id.* BurgerIM's financing plan relied heavily upon and encouraged the use of credit cards and liquidating them. The Debtor also liquidated a portion of his and his spouse's 401k, and received \$200,000 in loans from his mother. *Id.* After forming "Delou Enterprises, LLC" to operate the franchise, the Debtor opened the doors in September of 2018. *Id.*

After opening his franchise, the Debtor discovered that BurgerIM had failed to disclose that the Debtor's parcel was separate from the surrounding parcel in the same lot. The Debtor believes that this was a material non-disclosure because there was another burger restaurant, The Habit, located directly across from the Debtor's franchise. *Id.* In addition, shortly after opening his franchise, the Debtor's rent increased 17% - another cost overrun that the Debtor did not anticipate. The Debtor was unable to afford the increased rent and argues that BurgerIM's failure to help its franchisees "led to many franchisees losing their businesses and livelihoods due to what was described as one of the worst cases of fraud by a Franchisor in the history of the United States as outlined in pending litigation against the Franchisor and its former CEO who has fled the country." *Id.* at 3-4. By May 8, 2019, the Debtor's revenues were just \$37,000 per month and he had to close the doors to his franchise. After the Debtor was unable to service the payments on his monthly debt, he filed this chapter 7 petition.

B. The UST's Conversion Motion

On April 10, 2021, the United States Trustee (the "UST") filed his Conversion Motion. The UST seeks conversion of this case to one under chapter 11 of the Bankruptcy Code, pursuant to § 706(b). The UST argues that § 706(b) only has three limitations: it only applies to chapter 7 cases, conversion must be requested by a party

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in interest, and notice and a hearing are required before the case can be converted. Conversion Motion at 8. The UST avers that there is no restriction on the kinds of cases to which § 706(b) applies, even those with primarily business debts. *Id.* at 9. Furthermore, § 706(b) does not require any findings such as fraud, abuse, or cause. *Id.* The UST also believes that § 706(b) does not require the Court to balance the interests of the parties in interest. *Id.* at 10. The UST does not believe that an involuntary conversion to chapter 11 runs afoul of Congressional intent in enacting the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA") because Congress expressly granted the debtor veto power over conversion in § 707(b), but failed grant the debtor such power in § 706(b). *Id.* at 11.

In addition, the UST notes that the Debtor has significant income that can be used to repay his creditors. The UST argues that, after accounting for the Debtor's income, his spouse's income, retirement contributions, and monthly expenses, the Debtor's monthly net household income would be \$10,334.16. *Id.* at 12-13. Over a period of 60 months, this could result in a repayment to creditors amounting to \$620,049.60, which equates to a 99.9% repayment. *Id.* at 13. Furthermore, the UST asserts that there is no immediate cause for reconversion because the Debtor has complied with all Bankruptcy Code requirements, and it appears that the Debtor would be able to confirm a chapter 11 plan. *Id.* Finally, the UST states that conversion of this case to chapter 11 is in the best interest of the parties because reorganization would benefit creditors and allow the Debtor to rehabilitate his financial affairs. *Id.* at 14.

In the alternative, the UST requests that if this Court does not convert the case under § 706(b), that the Court enter an order extending the bar date for the UST to file a complaint for denial of discharge under § 727. *Id.* at 15. The UST states that its request to extend the bar date is both timely and appropriate because it has been diligently investigating the Debtor's affairs with respect to potential violations of §§ 707(b)(2) & (3) and § 727. *Id.*

C. The Debtor's Opposition

On May 25, 2021, the Debtor filed his Opposition. The Debtor argues that his ability to repay is greatly overstated by the UST because his spouse's income is not a

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part of the bankruptcy estate. Opposition at 6. The Debtor argues that § 1115 of the Bankruptcy Code, which reads "in a case in which the debtor is an individual, property of the estate includes . . . earnings from services performed by the debtor after the commencement of the case . . .," means that the Debtor's spouse's income is not a part of his bankruptcy estate. If only the Debtor's income were to be used, he would have \$1,987 available to pay creditors, which would result in a repayment of just 19%. In addition, the Debtor argues that reconversion to chapter 7 could be likely if the Debtor's income decreases or he experiences an unexpected expense. *Id.* The Debtor also argues that the administrative expenses of a chapter 11 case would severely hamper his ability to repay and pay his expenses. *Id.* at 7. The Debtor asserts that because his own income is not so substantial, the likelihood of a successful confirmation of a chapter 11 plan is low. Furthermore, the Debtor states that conversion to chapter 11 would not be in his best interests because if he were to get his unsecured business debt's discharged, he would be in a better place to repay his non-dischargeable tax and student loan debts. *Id.*

The Debtor's next argument is that allowing involuntary conversion to chapter 11 was not Congress' intent. *Id.* at 8. The Debtor points to the omission in § 706(b) of language conditioning conversion to chapter 11 only upon a debtor's consent. *Id.* The Debtor states that this is clearly an oversight of Congress because when a debtor's debts are business debts, he is exempt from the means test in § 707, and conversion to chapter 11 may only happen with his consent. However, read in conjunction with § 706, that debtor would then be subject to forced conversion under § 706. The UST, the Debtor believes, should not be able to use § 706 as a workaround for the same result in § 707 when this Debtor is clearly ineligible for § 707. *Id.* The Debtor posits that "[e]ven if this Court were to side with the U.S. Trustee and find that there is a statutory basis for conversion to Chapter 11, such an interpretation coupled with exercise of the Court's discretion in ordering a conversion, has serious constitutional concerns." *Id.* at 9.

The Debtor's final argument is that involuntary conversion to chapter 11 is in violation of the Thirteenth Amendment to the United States Constitution. *Id.* at 11. If a debtor's case is involuntarily converted to chapter 11, then the Debtor argues that there is no right to dismiss or convert the case back to chapter 7, and if creditors do not vote to confirm a plan, then the debtor "could be forced to lose all of his property under the absolute priority rule in order to confirm a plan." *Id.* at 13. Furthermore, the

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Debtor argues that because the debtor's pre- and postpetition wages are a part of the chapter 11 estate, he is "an involuntary fiduciary working not for him or herself but for the estate, and thus the creditors, before confirmation, makes the matter one of involuntary servitude." *Id.* The Debtor argues that "bankruptcy cannot be used as a tool by creditors to force debtors to choose between work and wage slavery." *Id.* at 14. He avers that the constitutional concerns are evident when comparing a chapter 11 case to a chapter 13. Although postpetition wages are property of the estate in a chapter 13, a debtor cannot be forced into a chapter 13, and so the Thirteenth Amendment issues are not present. *Id.* In addition, a debtor has a right to dismiss his or her case under chapter 13, only a chapter 13 debtor may file a plan, only a chapter 13 debtor may modify a chapter 13 plan prior to confirmation, and a chapter 13 plan may not last longer than five years. *Id.* at 16. Because none of the foregoing are present in an involuntary chapter 11, the Debtor believes that conversion to chapter 11 would be in violation of the Thirteenth Amendment.

D. The UST's Reply

On June 1, 2021, the UST filed his Reply. The UST first asserts that this Court should not determine the constitutional issues surrounding § 706(b) because the Debtor does not have standing and the issue is not ripe. Reply at 6. To meet the requirements of standing, the Debtor must show that 1) he has suffered an injury in fact that is concrete and particularized, and actual or imminent, not conjectural or hypothetical, 2) the injury must be fairly traceable to the actions of the defendant, and 3) that it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision of the court. Here, the UST avers that the Debtor has not suffered an injury yet and his harm is merely speculative. The UST believes that the Debtor will not have actually suffered a cognizable harm until after his case is converted, a non-debtor files an objection to a plan that would impose a hardship on the debtor, the Court approves an allegedly unconstitutional plan, and the Court enters an order compelling the Debtor's compliance with the plan. *Id.* at 8. The UST also notes that, even if the Debtor meets the constitutional standing requirements, he does not meet the prudential standing requirements because he has not shown that "an individual debtor with primarily non-consumer debts seeking bankruptcy relief is within the class of persons intended to be benefited by the Thirteenth Amendment." *Id.* at 10. Because the Thirteenth Amendment was not intended to protect the interests of debtors who have their case involuntarily converted to chapter 11, the Debtor here does not meet the requirements of prudential standing. *Id.* The UST also asserts that

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the doctrine of ripeness prevents the Debtor from asserting his constitutional challenge. The UST states that "the injury complained of by the Debtor is contingent in nature" and the harm to the Debtor is dependent upon numerous things happening in the future that have yet to occur. *Id.* at 11-12.

In the alternative, the UST argues that § 706(b) is constitutional. The UST asserts that even if the Debtor were to confirm a plan, the protections of chapter 11 would be such that his continuing to work to support plan payments does not amount to "involuntary servitude" as the Thirteenth Amendment envisioned. In addition, the Debtor "will have the choice to either comply with the Hypothetical Plan and obtain a discharge, or ignore it and not receive a discharge . . . the consequences of not complying with the Hypothetical Plan (no discharge and dismissal of the case) would not subject the Debtor to involuntary servitude." Reply at 14. The UST argues that, if the case were to be involuntarily converted, the Debtor's post-petition wages would be property of the estate and it does not amount to involuntary servitude because the Debtor voluntarily sought bankruptcy relief, albeit under a different chapter. If this Court were to determine that an involuntary conversion to chapter 11 was in violation of the Thirteenth Amendment, then a debtor would be guaranteed a discharge "anytime a debtor declines to use his post-petition earnings to repay creditors." *Id.* at 17.

The UST asserts that the Debtor's remaining arguments are unavailing. First, even if the Debtor's spouse's income were not to be included in a repayment calculation, using just the Debtor's income, he would be able to pay approximately 28% of his debts – a substantial amount. *Id.* at 19-20. Furthermore, the UST believes that the Debtor's interest in conversion should not be factored into the Court's decision. *Id.* at 20. Section 706(b) does not have a balancing test, and so his interest is not relevant. Finally, even if § 706(b) did have a balancing test, it would weigh in favor of the creditors since the Debtor had an obligation to pay them. *Id.* at 21.

II. Findings of Fact and Conclusions of Law

A. The Court May Convert Under § 706(b)

Section 706 of the United States Bankruptcy Code reads, in pertinent part: "on request of a party in interest and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 11 of this title at any time." 11 U.S.C. § 706(b). The Debtor's arguments that the Court cannot convert this case under § 706(b)

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because 1) this would amount to a workaround from § 707 to effectuate the same result against the Debtor, and 2) Congress's intent could not have been to allow such a workaround, are both incorrect and antiquated.

First, the Debtor contends that because a business debtor with disposable income is exempt from means testing rules in § 707, he should not be forced to convert to chapter 11 under § 706 even if he has disposable income. However, there is nothing to prevent the Court from looking at a debtor's disposable income under § 706 to determine whether conversion is appropriate (*see* § II.B.i., below). "The ability to pay, by itself, is not determinative under § 706(b), but there is nothing within the statute that precludes its consideration. It is an exceedingly relevant, if not necessary, factor and the obvious starting point for any analysis under § 706(b)." *In re Decker*, 535 B.R. 828, 839 (Bankr. D. Alaska), *aff'd sub nom. Decker v. Off. of the United States Tr.*, 548 B.R. 813 (D. Alaska 2015). The court in *In re Decker* allowed a forced conversion to chapter 11 under § 706(b) where the debtors had an ability to repay a substantial amount to their creditors. *Id.* at 840. Courts frequently use the debtor's ability to repay as a factor for determination of conversion under § 706(b). *See In re Hardigan*, 490 B.R. 473, 477 (Bankr. S.D. Ga. 2013) ("Courts have relied on various factors to determine whether conversion under § 706(b) is appropriate . . . [including] the debtor's ability to repay debt"); *see also In re Lobera*, 454 B.R. 824 (Bankr. D.N.M. 2011) ("Section 706(b) does not identify any specific grounds to order conversion. Therefore, a Court should consider anything relevant that would further the goals of the Bankruptcy Code"); *In re Gordon*, 465 B.R. 683, 692 (Bankr. N.D. Ga 2012).

In addition, the Debtor's contention that failure to bar involuntary conversion under § 706(b) for business debtors was merely a Congressional oversight is without merit. Had Congress wished to address the issue, it could have, but it chose not to. Where the language of a statute is unambiguous, a court must apply the statute as written. *See Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1737 (2020) ("[w]hen the express terms of a statute give us one answer and extratextual considerations suggest another, it's no contest. Only the written word is the law . . ."; *see also United States v. Ron Pair Enters.*, 489 U.S. 235, 241 (1989) ("where, as here, the statute's language is plain, the sole function of the courts is to enforce it according to its own terms."); *Rusello v. United States*, 464 U.S. 16, 23 (1983) ("[W]here Congress includes particular language in one section of a statute but omits it in another section

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of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion."); The language of § 706(b) allows this Court to grant a motion to involuntarily convert a case to one under chapter 11.

B. The Court Has Discretion in Deciding Whether to Convert Under § 706(b)

Courts have broad discretion in determining whether to convert a case under § 706. "The decision whether to convert [under § 706(b)] is left in the sound discretion of the court, based on what will insure to the benefit of all parties in interest." *In re Schlehuber*, 489 B.R. 570, 573 (BAP 8th Cir. 2013) (quoting *In re Willis*, 345 B.R. 647, 654 (BAP 8th Cir. 2006)). The UST argues that § 706(b) does not require the Court to use any sort of balancing test. Conversion Motion at 8-10. It is true that the language of § 706(b) contains no requirements or any factor or element test. It is also true that courts have broad discretion under § 706(b) and can consider "anything relevant that would further the goals of the Bankruptcy Code." *In re Gordon*, 465 B.R. at 692. The court in *In re Hardigan* did extensive research to determine which factors were most common in consideration of an involuntary conversion, and came up with a four-factor test: "(1) the debtor's ability to repay debt; (2) the absence of immediate grounds for reconversion pursuant to § 1112; (3) the likelihood that the debtor can confirm a Chapter 11 plan; and (4) whether parties in interest, including the debtor, would benefit from converting the case to Chapter 11." *In re Hardigan*, 490 B.R. 437, 447 (Bankr. S.D. Ga. 2013). Therefore, while the Court is not *required* to look at any factors, it will do so in the interest of a complete and thorough analysis. In reviewing each of the factors, the Court finds that the case ought to be converted to one under chapter 11.

i. The Debtor's Ability to Repay

The first consideration is the Debtor's ability to repay his creditors. "Courts have generally recognized that the debtor's ability to repay his creditors is typically the first consideration." *In re Parvin*, 549 B.R. 268, 272 (W.D. Wash. 2016). The Debtor's gross income is \$10,306 per month. Petition at 36. His petition states \$7,188 as his net monthly income. The UST, in his calculation, adds the Debtor's voluntary retirement contributions back in, which amounts to total net monthly income of \$8,086. Reply at 20. His expenses per month are \$5,201. Petition at 39. Even assuming that the Debtor's spouse were to not contribute any amount to monthly

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expenses, the Debtor would still have \$2,885 per month to repay his creditors. Reply at 20. Over the course of a five-year plan, the Debtor could repay \$173,000, or approximately 28% of his unsecured debts of \$620,727. *Id.* In an involuntary conversion from chapter 7 to 11, courts have found that this factor weighs in favor of conversion where a debtor can repay a substantial amount of his unsecured debts to his creditors. *See In re Gordon*, 465 B.R. at 693; *see also In re Decker*, 535 B.R. at 841. Therefore, given the Debtor's ability to repay a substantial amount to his unsecured creditors, this factor weighs in favor of conversion.

ii. The Absence of Immediate Grounds for Reconversion

The next factor many courts consider is whether, upon conversion to chapter 11, there will be immediate grounds for reconversion. The Debtor states that "[i]mmediate grounds for reconversion to Chapter 7 are most likely in the event of a drop in the Debtor's income or an unexpected expense." Opposition at 6. He goes on to state that his wife is on a year to year at will contract, but admits that his income "has been relatively stable over the past several years and Debtor and his spouse have been with their employers for at least twelve years." *Id.* at 7. As discussed in greater detail in § II.C., below, the Debtor's spouse's wages are not a part of the Debtor's estate and are therefore not pertinent to the instant motion. The Debtor argues that his net income of \$7,188 would not be sufficient to repay creditors because of "additional administrative costs associated with the case" and his "reasonable and necessary expenses." *Id.* The Debtor's arguments belie the facts that 1) \$7,188 net monthly income is a substantial amount of money, and 2) his \$898 per month contributions to his retirement fund are voluntary. His net income is sufficiently high, and his income is sufficiently stable, to pay for a chapter 11 plan. The Debtor's final argument is that he will "seek to immediately reconvert to a Chapter 7 for cause based on the fact that application of the provisions of Chapter 11 of the Bankruptcy Code to him as an individual wage earner violates the Thirteenth Amendment of the Constitution" *Id.* Because this Court is giving the Debtor the option to either convert to chapter 11 or to dismiss his case, the Thirteenth Amendment is not implicated. This factor weighs in favor of conversion.

iii. The Likelihood that the Debtor Can Confirm a Chapter 11 Plan

The third factor to consider is the likelihood that the Debtor can confirm a chapter 11 plan. Certain courts have used the likelihood that a debtor can confirm a chapter 11 plan as a factor. *See In re Home Network Builders, Inc.*, No. 06-3355, 2006

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WL 3419791, at *3 (D.N.J. Nov. 22, 2006) (using the likelihood of confirmation of a chapter 11 plan as a factor in whether the court should convert the case to chapter 11); *see also In re Wet-Jet Intern., Inc.*, 235 B.R. 142, 153 (Bankr. D. Mass. 1999) (same).

The Debtor avers that his income is "not so substantial that confirmation of a Chapter 11 Plan would be likely or certain." Opposition at 21. The UST argues that the Debtor's net income after deducting household expenses of \$2,885 is substantial and sees no reason why a plan could not be confirmed. Reply at 20. Based upon the UST's calculations, the Debtor could repay 28% over the course of five years. *Id.* As discussed above, a 28% repayment is substantial and would amount to a meaningful repayment to creditors. *See In re Gordon*, 465 B.R. at 693; *see also In re Decker*, 535 B.R. at 841. In addition, the Debtor argues that the administrative fees and attorneys' fees would further deplete the amount he could use to repay his creditors. Opposition at 21. The Court finds these arguments unavailing for two reasons. First, the Debtor will not be required to formulate a chapter 11 plan; he can choose to dismiss his case if he believes the administrative costs will be too high. Second, if he would like to formulate a plan but keep costs low, this Bankruptcy Court for the Central District of California has created a form chapter 11 plan that is easy to use and simply requires a debtor to fill in the blanks. *See UNITED STATES BANKRUPTCY COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, Chapter 11 Plan*, <https://www.cacb.uscourts.gov/forms/chapter-11-plan>.

iv. Whether Parties in Interest Would Benefit from Conversion

The final factor to consider is whether parties in interest would benefit from conversion of this case to chapter 11. The UST argues that the Debtor would benefit from the conversion because he would be able to pay off certain non-dischargeable debts, such as student loans. Conversion Motion at 14. The Debtor argues that he would be in a better position to repay those non-dischargeable debts if he were to first be able to discharge all of his dischargeable debts in a chapter 7, and then repay the rest on his own terms. Opposition at 21. While the UST discusses this issue briefly in his Reply, both parties appear to gloss over the fact that the factor in this test is whether "*parties in interest* would benefit." The Debtor is but one party in interest. In *In re Gordon*, the court determined that conversion to chapter 11 was "in the best interest of all the creditors, as it [would] maximize the Debtor's estate." *In re Gordon*, 465 B.R. at 692. There, the court compared the debtor's ability to repay in a chapter 11 with his ability to provide value to his creditors in a chapter 7, and determined that

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a chapter 11 maximized the value to creditors. Here, the Debtor lists 29 unsecured creditors on his Schedule E/F, totaling \$620,747. Petition at 22-33. It is evident that the creditors would benefit greatly from conversion because they would at least receive a percentage payout. In addition, the UST is correct that if the Debtor elects to convert this case to chapter 11 rather than dismiss, it will offer him an opportunity to also repay his non-dischargeable debts. Although the Debtor may not like it, "[t]here is no constitutional right to obtain a discharge of one's debts in bankruptcy." *United States v. Kras*, 409 U.S. 434, 449 (1973). Therefore, the parties in interest, on the whole, would benefit from conversion to chapter 11.

After weighing all factors, the Court shall give the Debtor two options on how he wishes to proceed: 1) the Debtor may elect to convert this case to one under chapter 11 and proceed through to plan confirmation, or 2) the Debtor may elect to dismiss his case. By allowing the Debtor the opportunity to determine how he wishes to proceed, the Court is not requiring the Debtor to continue working against his will – the Thirteenth Amendment is not implicated.

C. The Debtor's Spouse's Wages Are Not Property of the Estate

The UST argues that the Debtor's spouse's wages are property of the estate, and therefore the Debtor and his spouse can pay off 99.9% of their debt. As of the date of the Debtor's bankruptcy filing, an estate was created. Section 541 defines property of the estate:

Such estate is comprised of all of the following property, wherever located and by whomever held: . . . All interests of the debtor and the debtor's spouse in community property as of the commencement of the case that is— under the sole, equal, or joint management and control of the debtor; or liability for an allowable claim against the debtor, or for both an allowable claim against the debtor and an allowable claim against the debtor's spouse, to the extent that such interest is so liable. However, § 1115 reads, in pertinent part:

11 U.S.C. § 541(a)(2)(A) & (B). While certain portions of a debtor's spouse's property are included in the debtor's estate, § 541(a)(2) explicitly states that it is only those interests that are "as of the commencement of the estate." Notably, § 541 makes no mention of a debtor's spouse's post-petition earnings. Furthermore, § 1115 reads, in pertinent part:

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In a case in which the debtor is an individual, property of the estate includes, in addition to the property specified in section 541 — . . . earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.

11 U.S.C. § 1115(a)(2). While a debtor's post-petition wages are property of the estate in a chapter 11 case, nothing in § 1115(a)(2) makes any mention of a debtor's spouse's wages. Finally, while § 1115(a)(1) notes that property the debtor acquires post-petition is property of the estate in a chapter 11 case, that code section is explicitly limited to "all property of the kind specified in section 541 that *the debtor* acquires after the commencement of the case" 11 U.S.C. § 1115(a)(1) (emphasis added). Neither subsection makes any mention of a debtor's spouse's post-petition wages being a part of the estate. Therefore, reading § 541(a)(2) in conjunction with § 1115(a)(1) & (2), the statutes' plain language makes clear that the Debtor's spouse's post-petition wages are not property of the Debtor's estate, and he cannot be forced to use those wages to repay his creditors.

D. The Constitutional Issues Are Rendered Moot

"Prior to reaching any constitutional questions, federal courts must consider non-constitutional grounds for decision." *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 99 (1981)

"By the settled canons of constitutional adjudication[, a] constitutional issue should [be] reached only if, after decision of [the] non-constitutional questions, decision was compelled." *Clay v. Sun Ins. Off. Ltd.*, 363 U.S. 207, 209 (1960). Here, because the Court is not forcing the Debtor to convert his case to chapter 11 and instead offering him the opportunity to dismiss his case, the Court need not reach the constitutionality of § 706(b). The Thirteenth Amendment is not implicated here because the Debtor has a choice on how he wishes to proceed in the case, and there is thus no issue of involuntary servitude.

Even if this Court were inclined to reach the constitutional issues, however, it would not be able to because the Debtor does not have standing and the issues are ripe for consideration. "To satisfy Article III's standing requirements, a plaintiff must show (1) it has suffered an 'injury in fact' that is (a) concrete and particularized and (b)

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actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and 3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)). As the UST's Reply sufficiently discussed, the Debtor has not suffered any harm as of yet. Reply at 7-10. Any harm that the Debtor is currently asserting is mere "speculative future harm" which is insufficient to confer standing. *See City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983). Finally, the Debtor's constitutional challenges are not ripe for review. A claim is not ripe "if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all." *Lyon v. Gila River Indian Cmty.*, 626 F.3d 1059, 1079 (9th Cir. 2010). No plan has been confirmed and the Debtor has not been forced to repay creditors. Indeed, the Debtor, if he chooses, may dismiss his own case and thus there would be no constitutional question to answer.

III. Conclusion

Based upon the foregoing, the Conversion Motion is **GRANTED IN PART**. The Debtor may elect to dismiss his case or convert it to one under chapter 11.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Robert L. Ross

Represented By
Andy Nguyen

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#2.00 Hearing
RE: [1644] Motion RE: Objection to Claim Number 31 by Claimant Accountable
Health Care IPA.

FR. 5-5-21

Docket 1644

Tentative Ruling:

6/7/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Claim Objection is SUSTAINED and Claim No. 31-1 is DISALLOWED in its entirety.

Pleadings Filed and Reviewed:

- 1) Trustee's Motion to Disallow Claim No. 31-1 Filed by Michael R. Lane (Bisconti, Anthony) Against Claimant Accountable Health Care, IPA (the "Claim Objection")
- 2) No opposition to the Claim Objection is on file

I. Facts and Summary of Pleadings

On June 6, 2016 (the "Petition Date"), Garden Regional Hospital and Medical Center, Inc. (the "Debtor") filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. On August 9, 2018, the Debtor and the Official Committee of Unsecured Creditors filed the *Joint Chapter 11 Plan of Liquidation* (the "Plan"). See Doc. No. 1274. On September 18, 2018, the Court approved the Plan. See Doc. No. 1327. Michael R. Lane (the "Liquidating Trustee") was appointed under the Plan as the Liquidating Trustee of the Trust. The Plan went effective on October 10, 2018. As

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CONT... Gardens Regional Hospital and Medical Center, Inc. Chapter 11

of the Petition Date, the Debtor leased a 137-bed acute care hospital (the "Hospital").

Claim No. 31-1, Asserted by Accountable Health Care, IPA

On July 8, 2016, Accountable Health Care, IPA ("Accountable") filed Proof of Claim No. 31-1 (the "Accountable Claim"). The Accountable Claim seeks a recovery of \$681,987.63 against the Debtor. The Accountable Claim attaches an "Interest Calculation on Billings to Date" spreadsheet, identifying purported invoices, amounts, and accrued interest. The Accountable Claim also includes various invoices and correspondence purportedly supporting the basis and amount of the Claim.

Claim No. 32-1, Asserted by Signal Health Solutions, Inc.

Also on July 8, 2016, Signal Health Solutions, Inc. ("SHS") filed Proof of Claim No. 32-1 (the "SHS Claim"). The Accountable Claim is identical to the SHS Claim, except that the Accountable Claim (1) uses a higher interest rate and (2) includes one invoice in the amount of \$89,432.02 not included in the Accountable Claim. However, the SHS Claim attaches a letter indicating that the Hospital issued a check for the \$89,432.02 invoice.

Summary of the Trustee's Objection to the Accountable Claim

The Liquidating Trustee objects to the allowability of the Accountable Claim. No opposition to the Claim Objection is on file. The Liquidating Trustee makes the following argument in support of the Claim Objection:

The Claim should be disallowed because the Accountable Claim is duplicative of the SHS Claim. *See Fine Organics Corp. v. Hexcel Corp. (In re Hexcel Corp.)*, 174 B.R. 807, 811 (Bankr. N.D. Cal. 1994) (stating that the Bankruptcy Code is "intended to protect the limited assets of the estate from duplicative claims"). Accountable presents no basis explaining why the Estate should be liable to different creditors—here, Accountable and SHS—for what appears to be a single alleged debt. Additionally, the Accountable Claim presents no basis for the asserted interest rate and charges.

II. Findings and Conclusions

Under Bankruptcy Rule 3001(f), a proof of claim executed and filed in accordance with the Bankruptcy Rules constitutes prima facie evidence of the validity and amount of the claim. To overcome the presumption of validity created by a timely-filed proof

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of claim, an objecting party must do one of the following: (1) object based on legal grounds and provide a memorandum of points and authorities setting forth the legal basis for the objection; or (2) object based on a factual ground and provide sufficient evidence (usually in the form of declarations under penalty of perjury) to create triable issues of fact. *Durkin v. Bendor Corp. (In re G.I. Indus., Inc.)*, 204 F.3d 1276, 1280 (9th Cir. BAP 2000); *United States v. Offord Finance, Inc. (In re Medina)*, 205 B.R. 216, 222 (9th Cir. BAP 1996); *Hemingway Transport, Inc. v. Kahn (In re Hemingway Transport, Inc.)*, 993 F.2d 915, 925 (1st Cir. 1993). Upon objection, a proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." See *Lundell v. Anchor Constr. Spec., Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000) (citing *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991)). An objecting party bears the burden and must "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Holm*, 931 F.2d at 623. When the objector has shown enough evidence to negate one or more facts in the proof of claim, the burden shifts back to the claimant to prove the validity of the claim by a preponderance of evidence. See *Lundell*, 223 F.3d at 1039 (citation omitted).

Section 502 requires the Court to disallow a claim that "is unenforceable against the debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured."

The Accountable Claim is disallowed because it is duplicative of the SHS Claim. *In re Rodriguez*, 555 B.R. 871, 873 (Bankr. S.D. Fla. 2016) (sustaining a claim objection based on duplicative claims); *In re Budd Co., Inc.*, No. 14 B 11873, 2015 WL 9264684, at *4 (Bankr. N.D. Ill. Dec. 16, 2015) (sustaining a claim objection "because the objected claim duplicates a prior claim"). Allowance of the Accountable Claim would result in a double recovery on account of the same obligation, diminishing the pool of assets available to other creditors. See *In re N. Bay Gen. Hosp., Inc.*, 404 B.R. 443, 466 (Bankr. S.D. Tex. 2009) (prohibiting a claim because it risks double recovery to certain creditors "while at the same time diminishing the pool of assets available to unsecured creditors").

Accountable has failed to respond to the Claim Objection. Therefore, Accountable has failed to carry its ultimate burden in support of the validity of the Accountable Claim.

Based upon the foregoing, the Claim Objection is SUSTAINED and the Accountable Claim is DISALLOWED in its entirety. The Liquidating Trustee shall submit a conforming order, incorporating this tentative ruling by reference, within

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CONT... **Gardens Regional Hospital and Medical Center, Inc.**
seven days of the hearing.

Chapter 11

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II
Anthony Bisconti
Steven J. Katzman
Anne A Uyeda

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

#3.00 Hearing
RE: [6469] Motion By NTT Data Services Holding Corporation For Order
Directing Payment Of Post Confirmation Administrative Expenses

Docket 6469

***** VACATED *** REASON: 6/7/21 - withdrawal filed**

Tentative Ruling:

6/7/2021

Motion withdrawn. Hearing VACATED.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01209 Verity Health System of California, Inc. v. 360 Management Group, LLC

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01209. Complaint by Verity Health System of California, Inc. against 360 Management Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

360 Management Group, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01212 St. Vincent Medical Center v. A B C Aguerro's Builders Company, Inc.

#5.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01212. Complaint by St. Vincent Medical Center against A B C Aguerro's Builders Company, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 4-6-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A B C Aguerro's Builders Company,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

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Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01215 St. Vincent Medical Center v. Advanced Bionics, LLC

#6.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01215. Complaint by St. Vincent Medical Center against Advanced Bionics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: Default judgment entered 4/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Advanced Bionics, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01218 Verity Medical Foundation v. Ramirez, MD

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01218. Complaint by Verity Medical Foundation against Alfredo F. Ramirez, MD. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-2-20; 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: Default judgment entered 4/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alfredo F. Ramirez, MD

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01248 Verity Business Services v. Collecto, Inc.

#8.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01248. Complaint by Verity Business Services against Collecto, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Collecto, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01250 Verity Business Services v. Computer Credit, Inc.

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01250. Complaint by Verity Business Services against Computer Credit, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/14/21 at 10am in view of settlement**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Computer Credit, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

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Verity Health System of California, Inc.

Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01251 St. Francis Medical Center v. Cope Health Solutions

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01251. Complaint by St. Francis Medical Center against Cope Health Solutions. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cope Health Solutions

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01256 St. Francis Medical Center v. Lemay, M.D., Ph.D., Inc.

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01256. Complaint by St. Francis Medical Center against Daniel R. Lemay, M.D., Ph.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20;

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Daniel R. Lemay, M.D., Ph.D., Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01260 St. Francis Medical Center v. Friedberg, M.D., Inc.

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01260. Complaint by St. Francis Medical Center against David Friedberg, M.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

David Friedberg, M.D., Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01261 Verity Health System of California, Inc. v. Delta Dental of California

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01261. Complaint by Verity Health System of California, Inc. against Delta Dental of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Delta Dental of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01262 Seton Medical Center v. Diagnostica Stago Inc.

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01262. Complaint by Seton Medical Center against Diagnostica Stago Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Diagnostica Stago Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01265 Verity Health System of California, Inc. v. Discovery Economics, Inc.

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01265. Complaint by Verity Health System of California, Inc. against Discovery Economics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/4/21 at 10:00am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Discovery Economics, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01267 St. Vincent Medical Center v. Dynamics Orthotics & Prosthetics, Inc.

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01267. Complaint by St. Vincent Medical Center against Dynamics Orthotics & Prosthetics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 1-5-21; 4-20-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/14/21 at 10am in view of settlement**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Dynamics Orthotics & Prosthetics,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01272 Verity Medical Foundation v. Omron

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01272. Complaint by Verity Medical Foundation against Edward Omron. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Edward Omron

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01274 Grobstein v. MediClean Linen&Laundry Inc.

#18.00 Status Hearing
RE: [5] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against MediClean Linen&Laundry Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01274. Complaint by St. Vincent Medical Center against Emerald Textiles, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Underdahl, Gary)

FR. 1-5-21; 2-16-21

Docket 5

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

MediClean Linen&Laundry Inc.

Pro Se

Plaintiff(s):

Howard Grobstein

Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01275 Verity Health System of California, Inc. v. Emmi Solutions LLC

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01275. Complaint by Verity Health System of California, Inc. against Emmi Solutions LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Emmi Solutions LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01276 Verity Holdings, LLC v. Environmental Service Partners, Inc.

#20.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01276. Complaint by Verity Holdings, LLC against Environmental Service Partners, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Environmental Service Partners, Inc.

Pro Se

Plaintiff(s):

Verity Holdings, LLC

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01278 Verity Health System of California, Inc. v. Equinix, Inc.

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01278. Complaint by Verity Health System of California, Inc. against Equinix, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Equinix, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01279 O'Connor Hospital v. ER Express, LLC

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01279. Complaint by O'Connor Hospital against ER Express, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20;2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ER Express, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01285 O'Connor Hospital v. FS Medical Technology

#23.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01285. Complaint by O'Connor Hospital against FS Medical Technology. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

FS Medical Technology

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01294 Verity Health System of California, Inc. v. Grant Thornton LLP

#24.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01294. Complaint by Verity Health System of California, Inc. against Grant Thornton LLP. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Grant Thornton LLP

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01295 St. Francis Medical Center v. Greg Owens Construction, Inc

#25.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01295. Complaint by St. Francis Medical Center against Greg Owens Construction, Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Greg Owens Construction, Inc

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01298 Verity Business Services v. Healthcare Cost Solutions, Inc.

#26.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01298. Complaint by Verity Business Services against Healthcare Cost Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr: 11-10-20; 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Healthcare Cost Solutions, Inc.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01314 St. Francis Medical Center v. J.A. Neurodiagnostics Medical Services, Inc.

#27.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01314. Complaint by St. Francis Medical Center against J.A. Neurodiagnostics Medical Services, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 8/17/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

J.A. Neurodiagnostics Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01339 Saint Louise Regional Hospital v. MedSource, L.L.C.

#28.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01339. Complaint by Saint Louise Regional Hospital Foundation against MedSource, L.L.C.. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 3-23-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

MedSource, L.L.C.

Pro Se

Plaintiff(s):

Saint Louise Regional Hospital

Represented By
Tania M Moyron
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.
Adv#: 2:20-01352 Verity Medical Foundation v. Alhasan

Chapter 11

#29.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01352. Complaint by Verity Medical Foundation against Mohammad S. Alhasan. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 2-16-21

Docket 1

***** VACATED *** REASON: Cont'd to 10/12/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Mohammad S. Alhasan

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01358 Verity Medical Foundation v. Neuroscience Institute of Northern California

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01358. Complaint by Verity Medical Foundation against Neuroscience Institute of Northern California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 2-16-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/14/21 at 10am in view of settlement**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Neuroscience Institute of Northern

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01364 Verity Health System of California, Inc. v. Opsgenie, Inc.

#31.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01364. Complaint by Verity Health System of California, Inc. against Opsgenie, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 2-16-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Opsgenie, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, June 8, 2021

Hearing Room 1639

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01365 Verity Medical Foundation v. Orthosport Inc.

#32.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01365. Complaint by Verity Medical Foundation against Orthosport Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 2-16-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Orthosport Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01398 Verity Medical Foundation v. Retina-Vitreous Associates, Inc.

#33.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01398. Complaint by Verity Medical Foundation against Retina-Vitreous Associates, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 2-16-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Retina-Vitreous Associates, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01419 St. Francis Medical Center et al v. Bayer Healthcare LLC

#34.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01419. Complaint by St. Francis Medical Center, O'Connor Hospital, Saint Louise Regional Hospital against Bayer Healthcare LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bayer Healthcare LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01445 St. Vincent Medical Center v. South Fork Healthcare, LLC

#35.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against South Fork Healthcare, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01445. Complaint by St. Vincent Medical Center against South Fork Healthcare, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 12-22-20; 2-16-21

Docket 2

***** VACATED *** REASON: Cont'd to 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

South Fork Healthcare, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01447 O'Connor Hospital v. Spinal USA, Inc.

#36.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Spinal USA, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01447. Complaint by O'Connor Hospital against Spinal USA, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 12-22-20; 2-16-21

Docket 2

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Spinal USA, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01451 Verity Medical Foundation v. Stanford University Medical Center

#37.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against Stanford University Medical Center. (RE: related document(s)1 Adversary case 2:20-ap-01451. Complaint by Verity Medical Foundation against Stanford University Medical Center. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 2-16-21

Docket 2

***** VACATED *** REASON: DISMISSED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stanford University Medical Center

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, June 8, 2021

Hearing Room 1639

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01456 St. Vincent Medical Center v. Sync Hospitalist Medical Group, APC

#38.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Sync Hospitalist Medical Group, APC. (RE: related document(s)1 Adversary case 2:20-ap-01456. Complaint by St. Vincent Medical Center against Sync Hospitalist Medical Group, APC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 2-16-21

Docket 2

***** VACATED *** REASON: Cont'd to 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sync Hospitalist Medical Group,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Tuesday, June 8, 2021

Hearing Room 1639

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01459 Verity Health System of California, Inc. v. The Cirius Group, Inc.

#39.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against The Cirius Group, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01459. Complaint by Verity Health System of California, Inc. against The Cirius Group, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 2-16-21

Docket 2

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

The Cirius Group, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01474 Verity Medical Foundation v. United Medical Imaging Healthcare, Inc.

#40.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against United Medical Imaging Healthcare, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01474. Complaint by Verity Medical Foundation against United Medical Imaging Healthcare, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 2-16-21

Docket 2

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

United Medical Imaging Healthcare,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01476 St. Francis Medical Center v. Universal Air Flow Consultants, LLC

#41.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Universal Air Flow Consultants, LLC. (RE: related document(s)1 Adversary case 2:20-ap-01476. Complaint by St. Francis Medical Center against Universal Air Flow Consultants, LLC. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 2-16-21

Docket 2

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Universal Air Flow Consultants,

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01481 St. Francis Medical Center v. Vista Paint Corporation

#42.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01481. Complaint by St. Francis Medical Center against Vista Paint Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Vista Paint Corporation

Represented By

Rachelle Singer

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01496 St. Francis Medical Center et al v. Altsearch Recruitment Consultants

#43.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01496. Complaint by St. Francis Medical Center, Verity Health System of California, Inc. against Altsearch Recruitment Consultants Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-16-21

Docket 1

*** VACATED *** REASON: DISMISSED 2-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Altsearch Recruitment Consultants

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01607 St. Francis Medical Center et al v. Stryker Sales Corporation

#44.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01607. Complaint by St. Francis Medical Center, O'Connor Hospital, Saint Louise Regional Hospital, St. Vincent Medical Center, Seton Medical Center against Stryker Sales Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stryker Sales Corporation

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01609 O'Connor Hospital et al v. Cardinal Health Pharmacy Service, LLC

#45.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01609. Complaint by O'Connor Hospital, Seton Medical Center, St. Francis Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital, Verity Health System of California, Inc. against Cardinal Health Pharmacy Service, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health Pharmacy Service,

Represented By

Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01610 O'Connor Hospital et al v. Cardinal Health, Inc.

#46.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01610. Complaint by O'Connor Hospital, St. Francis Medical Center, Seton Medical Center, St. Vincent Medical Center, Saint Louise Regional Hospital, Verity Health System of California, Inc. against Cardinal Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health, Inc.

Represented By

Lei Lei Wang Ekvall

Plaintiff(s):

O'Connor Hospital

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01612 Verity Business Services et al v. MModal Services, Ltd.

#47.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01612. Complaint by Verity Business Services, St. Vincent Medical Center, Seton Medical Center, St. Francis Medical Center, Verity Health System of California, Inc., O'Connor Hospital against MModal Services, Ltd.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: DISMISSED 3-31-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

MModal Services, Ltd.

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01613 Verity Medical Foundation et al v. Stericycle, Inc.

#48.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01613. Complaint by Verity Medical Foundation, Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center, St. Francis Medical Center, Saint Louise Regional Hospital against Stericycle, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 11/16/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Stericycle, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01614 St. Francis Medical Center et al v. Office Depot, Inc.

#49.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01614. Complaint by St. Francis Medical Center, St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital, Verity Medical Foundation, Verity Business Services, Verity Health System of California, Inc. against Office Depot, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21

Docket 1

***** VACATED *** REASON: Cont'd to 9/14/21 at 10am in view of settlement**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Office Depot, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:18-22985 Daniel Sanchez Camarena

Chapter 7

#50.00 Hearing re [21] Motion By Ecology Auto Parts, Inc. Objecting To The Debtor's Claimed Exemption In A Pending Civil Lawsuit

Docket 0

Tentative Ruling:

6/7/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **DENIED** and Ecology's objection is **OVERRULED**.

Pleadings Filed and Reviewed

- 1) Motion by Ecology Auto Parts, Inc. Objecting to the Debtor's Claimed Exemption in a Pending Civil Lawsuit; Memorandum of Points and Authorities; Declaration of Christine M. Fitzgerald in Support (the "Motion") [Doc. No. 21]
- 2) Notice of Hearing on Motion by Ecology Auto Parts, Inc. Objecting to the Debtor's Claimed Exemption in a Pending Civil Suit [Doc. No. 22]
- 3) Interested Party Ecology Auto Parts, Inc.'s Notice of Errata Regarding Ecology Auto Parts, Inc.'s Motion [Doc. No. 24]
- 4) Debtor's Opposition to Ecology Auto Parts, Inc.'s Motion (the "Opposition") [Doc. No. 30]
- 5) Notice of Errata Re: Debtor's Opposition [Doc. No. 31]
- 6) Interested Party Ecology Auto Parts, Inc.'s Reply to Debtor's Opposition (the "Reply") [Doc. No. 32]

I. Facts and Summary of Pleadings

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT...

Daniel Sanchez Camarena

Chapter 7

A. Background

On November 2, 2018, Debtor Daniel Sanchez Camarena (the "Debtor") filed his voluntary chapter 7 petition. On December 5, 2018, the case trustee filed his *Report of No Distribution* and the Debtor received his order of discharge on February 11, 2019. The case was closed on February 12, 2019. On April 9, 2021, the Debtor filed his *Motion to Reopen Chapter 7 Case* to allow him to amend his schedules. The case was reopened on April 12, 2021, and the Debtor filed his Amended Schedule A/B on April 13, 2021. *See* Doc. No. 18. On his original Schedule A/B, the Debtor listed a lawsuit that he may have an interest in. The description read:

Labor Commission
Wage Earnings
Chami Law PC
Pouya B Chami, Attorney at Law
11845 W. Olympci [*sic*] Blvd. Suite 1000
Los Angeles, CA 90064
Email: pchami@Chamilaw.com

Petition at 15. The Debtor listed the value of the lawsuit at \$10,000. On his Amended Schedule A/B, the Debtor amended the lawsuit to read the following:

Debtor has a claim against Ecology Auto Parts, Inc., specifically:
(1) Wrongful Termination in Violation of Public Policy; (2) Retaliation (labor Code § 1102.5 et eq); (3) Unpaid Wages (Labor Code § 201); (4) Unpaid Overtime Wages (Labor Code §§ 510, 1194); (5) Failure to Pay Minimum Wage (Labor Code §§ 1194, 1194.2, 1197); (6) Failure to Provide Rest Periods (Labor Code § 226.7); (7) Failure to Provide Meal Periods (Labor Code § 226.7); (8) Waiting Time Penalties (Labor Code § 203); (9) Unfair Business Practices (Business and Professions Code § 17200) in the Superior Court of the State of California for the County of Los Angeles as case Number 19STCV44711. Value = \$30,000.

Amended Schedule A/B at 6.

B. Ecology's Motion

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT...

Daniel Sanchez Camarena

Chapter 7

On May 13, 2021, Ecology Auto Parts, Inc. ("Ecology") filed its Motion. Ecology argues that the Debtor should not be allowed to claim his amended exemption amount of \$30,000 because the Debtor knew of the claims he had against Ecology when he originally filed his Petition, and yet did not accurately state them on his Petition. Motion at 2. Ecology states that the same day the Debtor filed his chapter 7 petition, his state court counsel, Pouya Chami ("Chami") received the Debtor's right to sue from the Department of Fair Employment and Housing. *Id.* On December 11, 2019, the Debtor filed a civil action in Los Angeles Superior Court against Ecology. The Debtor made an offer to compromise with Ecology in the amount of "more than triple \$30,000." *Id.* at 3. Ecology argued that because the Debtor did not accurately list the lawsuit on his Schedule A/B, he had no standing to bring the Superior Court lawsuit. *Id.*

As a preliminary matter, Ecology believes that it is a "party in interest" as courts have come to define that term because it "has a significant legal state in the resolution of the Civil Lawsuit." *Id.* at 4. Next, Ecology argues that the Debtor cannot claim his amended \$30,000 exemption because he is equitably estopped from doing so. *Id.* Ecology avers that the Debtor misrepresented or concealed a material fact when he filed his chapter 7 petition by not properly disclosing the party against whom he had a claim and not listing the correct value. *Id.* at 5. Next, Ecology argues that the Debtor did so with knowledge of the fact because he received his right to sue Ecology on the same day he filed his petition. Ecology also argues that because the Debtor made a written statement under penalty of perjury as to his Original Schedule A/B, the case trustee had no knowledge of the civil lawsuit. Next, Ecology states that the Debtor intended for the trustee to act upon his misrepresentation. Finally, Ecology asserts that the Trustee acted in reliance upon the Debtor's misrepresentation, resulting in detriment to both the Trustee and the estate. *Id.* at 6-7.

C. The Debtor's Objection

On May 24, 2021, the Debtor filed his Opposition. The Debtor states that his Original Schedule A/B is accurate because the state court lawsuit against Ecology was not filed until about one year after his bankruptcy case was closed. Opposition at 3. The Debtor argues that, at the time he filed his petition, his description of "Labor Commission Wage Earnings" was as accurate as it could be because he did not know all nine causes of action he would later assert against Ecology in the state court action.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Daniel Sanchez Camarena

Chapter 7

Id. The Debtor's state court attorney, Chami, stated that he and the Debtor did not decide upon the causes of action until about one week before the state court complaint was filed. *Id.* Furthermore, the Debtor states that his valuation of the lawsuit at \$10,000 was accurate at the time it was made. *Id.* at 4. The amended value of \$30,000 came from a settlement offer that the Debtor made just prior to filing his motion to reopen this case (well after the Debtor had filed his Original Schedule A/B). *Id.* The Debtor notes that Ecology could have countered for a lesser sum or accepted the settlement offer, but just because the Debtor increased his value of the claim to \$30,000 does not mean he was being misleading when he originally filed his schedules. Finally, the Debtor argues that if Ecology truly believed the asset was improperly scheduled, it could have informed the case trustee or US Trustee. *Id.*

D. Ecology's Reply

On June 1, 2021, Ecology filed its Reply. Ecology argues that the Debtor was aware of his claims against Ecology but purposefully omitted them on his petition. Reply at 2. Ecology argues that since the Debtor received his notice to sue Ecology on November 2, 2018, and he filed his petition that same day, the Debtor had knowledge of the claims. *Id.* Ecology believes that all elements of equitable estoppel are satisfied because the trustee relied upon the Debtor's misrepresentations. *Id.* at 3. Finally, Ecology avers that the Debtor was negotiating with Ecology in bad faith because the Debtor knew that he did not have standing to resolve the civil suit. *Id.*

II. Findings of Fact and Conclusions of Law

A. Ecology Does Not Have Standing to Object

The term "party in interest" is not defined in the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, but courts have held that standing in a bankruptcy context requires an "aggrieved person" who is directly and adversely affected pecuniarily by an order of the bankruptcy court. *In re Lona*, 393 B.R. 1, 3 (Bankr. N.D. Cal. 2008) (citing *Fondiller v. Robertson (In re Fondiller)*, 707 F.2d 441, 442-43 (9th Cir. 1983)).

Here, Ecology has no pecuniary interest in the outcome of the bankruptcy proceeding. In fact, Ecology has not even filed a proof of claim. The Debtor's lawsuit and exemption are property of the bankruptcy estate. Should a case trustee determine that the civil suit have value for the benefit of creditors, then the trustee will prosecute the lawsuit against Ecology. Similar to how a chapter 7 debtor does not have an

**United States Bankruptcy Court
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Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Daniel Sanchez Camarena

Chapter 7

interest in the distribution of his or her assets during the pendency of the bankruptcy, Ecology does not have an interest in the outcome of this exemption Motion. When a bankruptcy court's order does not "directly and adversely" affect a party's interest, that party cannot have standing. *In re Adams*, 424 B.R. 434, 435 (Bankr. N.D. Ill. 2010) (quoting *Depoister V. Mary M. Holloway Found.*, 36 F.3d 582, 585 (7th Cir. 1994)). Whether the Debtor is not be able to amend his schedules and only list a \$10,000 value, or whether he is able to amend his schedules and list a \$30,000 exemption is of no consequence to Ecology during the bankruptcy proceeding. It would only affect Ecology in the state court proceeding, which is not germane to the disposition of the instant motion.

B. The Debtor is Not Equitably Estopped from Amending His Schedule

A/B

Even if Ecology had standing to object, the Court would still overrule the objection. To prevail on a claim of equitable estoppel, a party must prove five elements:

- (a) a representation or concealment of material facts; (b) made with knowledge, actual or virtual, of the facts; (c) to a party ignorant, actually and permissibly, of the truth; (d) with the intention, actual or virtual, that the ignorant party act on it; and (e) that party was induced to act on it.

Simmons v. Ghaderi, 44 Cal. 4th 570, 584 (2008).

Ecology appears to be asserting an argument that is better left to the United States Trustee. Even assuming, *arguendo*, that the Debtor did knowingly misrepresent a material fact, Ecology was not induced to act on the Debtor's misrepresentation. Nor has Ecology been harmed by the Debtor's alleged misrepresentation. The court in *In re Bleu Room Experience, Inc.* found that where a debtor's conduct did not harm a creditor, the doctrine of equitable estoppel did not apply. 304 B.R. 309, 317 (Bankr. E.D. Mich. 2004). Here, Ecology is not even a creditor, so its claim of equitable estoppel applies with even less force. The only party who would have been induced to act on the Debtor's alleged misrepresentations is the case trustee, but he is not objecting to the Debtor's amended schedules.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

CONT... Daniel Sanchez Camarena

Chapter 7

III. Conclusion

For the reasons set forth above, the Motion is **DENIED** and Ecology's objection is **OVERRULED**.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Daniel Sanchez Camarena

Represented By
Francis Guilardi
Leon D Bayer

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 8, 2021

Hearing Room 1568

10:00 AM

2:21-11639 GIA REDEVELOPMENT, LLC

Chapter 7

#51.00 Chapter 7 Trustee's notice of proposed abandonment of property of the estate

Docket 33

***** VACATED *** REASON: PER ORDER ENTERED 5-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

GIA REDEVELOPMENT, LLC

Represented By
Robert S Altagen

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

10:00 AM

2:19-14528 Allen Joseph MacQuarrie

Chapter 7

Adv#: 2:19-01144 Borish et al v. Tabingo et al

#1.00 Show Cause Hearing
re [56] show cause, if any there be, why the above-captioned adversary proceeding should not be dismissed for failure to prosecute, pursuant to Civil Rule 41(b). RE: [1] Adversary case 2:19-ap-01144. Complaint by Stephen & Ami Borish against Allen Joseph MacQuarrie. (d),(e)),(14 (Recovery of money/property - other)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (Bonar, Roxanne)

Docket 1

***** VACATED *** REASON: DISMISSED 6-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Joseph MacQuarrie

Represented By
Shawn P Huston

Defendant(s):

Celgine Tabingo	Pro Se
Clarke Miller	Pro Se
KarmaBox Vending	Pro Se
MyKarmabox.com	Pro Se
Urban Vendor, Inc	Pro Se
Does 1 Through 20, Inclusive	Pro Se
Allan J Macquarrie	Pro Se

Plaintiff(s):

Stephen Borish

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

10:00 AM

CONT... Allen Joseph MacQuarrie

Chapter 7

Roxanne Bonar

Ami Borish

Represented By
Roxanne Bonar

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

10:00 AM

2:21-13523 Urban Commons LLC

Chapter 7

#2.00 Status Hearing re involuntary petition

Docket 0

***** VACATED *** REASON: CONTINUED 6-22-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urban Commons LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

#100.00 Hearing re: [360] Third And Final Application By Counsel For The Committee Of Unsecured Creditors For The Allowance Of Compensation And Reimbursement Of Expenses

Docket 360

Tentative Ruling:

6/8/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis are now deemed final):

Fees: \$250,601.43 (consisting of \$145,858.50 awarded on a first interim basis on October 22, 2020 [*See* Doc. No. 239], \$51,618 paid on a second interim basis on March 11, 2021 [*See* Doc. No. 329] and \$25,882.50 sought in connection with this application) [*see* Doc. No. 360]

Expenses: \$278.88 (consisting of \$219.03 awarded on a first interim basis on October 22, 2020 [*See* Doc. No. 239], \$26.25 paid on a second interim basis on March 11, 2021 [*See* Doc. No. 329] and \$33.60 sought in connection with this application) [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

CONT... 450 S. Western, LLC, a California limited liability Chapter 11

determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liability

Chapter 11

#101.00 HearingRE: [366] Application for Compensation -- Application For Payment Of: Final Fees And/Or Expenses (11 U.S.C. § 330), With Proof Of Service for Law Offices of Daniel M Shapiro, Special Counsel, Period: 1/10/2020 to 4/30/2021, Fee: \$28,794.50, Expenses: \$1,146.68.

Docket 366

Tentative Ruling:

6/8/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis are now deemed final):

Fees: \$28,794.50 (consisting of \$28,794.50 awarded on an interim basis on October 22, 2020 [*See* Doc. No. 239] and \$0 sought in connection with this application) [*see* Doc. No. 366]

Expenses: \$1,146.68 (consisting of \$1,146.68 awarded on an interim basis on October 22, 2020 [*See* Doc. No. 239] and \$0 sought in connection with this application) [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

CONT... 450 S. Western, LLC, a California limited liability Chapter 11

appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

2:20-10264 450 S. Western, LLC, a California limited liabilit

Chapter 11

#102.00 HearingRE: [365] Application for Compensation -- Third And Final Fee Application Of Arent Fox LLP, General Bankruptcy And Restructuring Counsel To Debtor, For Allowance Of Compensation And Reimbursement Of Expenses For The Period From January 10, 2020 Through April 30, 2021; Declaration Of Aram Ordubegian In Support Thereof, With Proof Of Service for Arent Fox LLP, General Counsel, Period: 1/10/2020 to 4/30/2021, Fee: \$1,009,032.00, Expenses: \$38,069.69.

Docket 365

Tentative Ruling:

6/8/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below (amounts previously paid on an interim basis are now deemed final):

Fees: \$1,009,032 (consisting of \$367,027.50 awarded on a first interim basis on October 22, 2020 [See Doc. No. 239], \$403,196.50 paid on a second interim basis on March 11, 2021 [See Doc. No. 329] and \$238,808 sought in connection with this application) [see Doc. No. 365]

Expenses: \$38,069.69 (consisting of \$18,843.45 awarded on a first interim basis on October 22, 2020 [See Doc. No. 239], \$8,398.48 paid on a second interim basis on March 11, 2021 [See Doc. No. 329] and \$10,069.69 sought in connection with this application) [see *id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

CONT... 450 S. Western, LLC, a California limited liability Chapter 11

213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#103.00 Hearing

RE: [148] Motion of Avaya Inc. for Entry of Order Pursuant to 11 U.S.C. 1112(b):
(i) Dismissing the Case; (ii) Converting the Case to a Chapter 7 Liquidation; or
(iii) Appointing a Chapter 11 Trustee

Docket 148

***** VACATED *** REASON: PER ORDER ENTERED 6-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

#104.00 Hearing
RE: [13] Debtor's Motion for Authority to: (A) Use Cash Collateral on an Interim Basis; and (B) Grant Replacement Liens

fr. 6-2-21

Docket 13

Tentative Ruling:

6/8/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed

- 1) Debtor's Motion for Authority to: (A) Use Cash Collateral on an Interim Basis; and (B) Grant Replacement Liens; Memorandum of Points and Authorities; Declaration of Jonathan Goodman in Support Thereof (the "Motion") [Doc. No. 13]
- 2) Statement Regarding Cash Collateral [Doc. No. 14]
- 3) Notice of Motion for: Authority to: (A) Use Cash collateral on an Interim Basis; and (B) Grant Replacement Liens [Doc. No. 15]
- 4) Notice of Continuance of Debtor's Motion [Doc. No. 17]
- 5) Conditional Non-Objection of Creditor and Landlord 530 6th Street, LLC to Debtor's Motion (the "Conditional Non-Objection") [Doc. No. 28]
- 6) Reply to Conditional Non-Objection of Creditor and Landlord 530 6th Street, LLC (the "Reply") [Doc. No. 33]

I. Facts and Summary of Pleadings

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 9, 2021

Hearing Room 1568

11:00 AM

CONT...

Corporate Colocation Inc

Chapter 11

A. Background

Debtor and Debtor-in-Possession Corporate Colocation, Inc. (the "Debtor") filed its voluntary chapter 11 petition on April 7, 2021. Doc. No. 1. The Debtor owns and operates a large server farm that provides website services to about 25 subtenants. Motion at 5. The Debtor's subtenants rely on the Debtor to provide fast access to the internet, and all of the necessary power, cooling, and other support for their businesses. *Id.* at 6. The Debtor's business currently resides at 530 6th St., Los Angeles, CA 90014 (the "Property"). The Debtor and its creditor/landlord 530 6th Street, LLC (the "Landlord") entered into a lease on November 11, 2009. Conditional Non-Objection at 3. The parties amended the lease four times and the current lease gives the Debtor the right to occupy several suites within the Property, including suites 501, 503, 510, and 701/710.

B. The Debtor's Motion

On April 26, 2021, the Debtor filed the instant Motion requesting use of cash collateral to pay the Debtor's ordinary and necessary expenses retroactive to the date of the filing for a period of 120 days through August 10, 2021. Motion at 5. The Debtor avers that if the Motion is not granted, the Debtor would suffer irreparable harm. The Debtor believes that the Landlord has breached the leases by restricting the amount of power and water cooling that the Debtor needs. *Id.* at 6. The Debtor and the Landlord have been involved in numerous lawsuits in recent years, but are currently negotiating with the Landlord to see if those disputes can be resolved. *Id.* at 10. The Debtor is also negotiating with the Landlord to agree upon the amount of administrative rent payments. *Id.*

The Debtor's only cash collateral is the Debtor's accounts receivable in the face amount of \$250,000 of which only \$5,000 is considered collectable. *Id.* at 7. The Debtor states that the accounts receivable falls within the meaning of "cash collateral" of 11 U.S.C. § 363(a). The Debtor does not own any real property. The Debtor proposes that it pay \$62,657.33 per month as a form of administrative rent without waiving any claims for damages from either side, until such time that all of its subtenants can move out of the Property. *Id.* The Debtor attached a proposed budget to its Motion (the "Proposed Budget;" Exhibit 1) setting forth expected revenues and expenses. The budget anticipates that the Debtor will have a total income of \$235,763.83, which, after administrative rent payments, will leave the Debtor with a net monthly income of approximately \$26,453.25. In addition, the Debtor requests

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CONT... Corporate Colocation Inc

Chapter 11

that the Court approve the Proposed Budget and grant the Debtor the authority to deviate from said budget by no more than 15% on a line by line basis, since the needs of the business tend to fluctuate. *Id.* at 11.

The Debtor argues that in order to maintain its business and provide services to its subtenants, it must be able to use cash collateral. *Id.* at 12-13. In addition, the Debtor states that the alleged secured creditors are adequately protected and its use of cash collateral is in the best interests of the alleged secured creditors because if the Debtor were to cease operations, it would be unable to pay anything to those creditors. *Id.* at 14. The Debtor believes that the total amount of the alleged secured claimants is less than \$100,000, so their interests are adequately protected because the Debtor's accounts receivable fully secures the alleged secured creditors' claims. *Id.* at 7. In addition, the Debtor requests that it be able to provide the alleged secured creditors that are determined to have an actual security interest with replacement liens against the Debtor's post-petition assets with the same validity, priority, and scope as the respective creditors have against the Debtor's pre-petition assets. *Id.* at 15.

C. The Landlord's Conditional Non-Opposition

On May 26, 2021, the Landlord filed its Conditional Non-Opposition. The Landlord agrees that it is in all parties' best interest for the Debtor to use cash collateral to continue to fund its business operations. Conditional Non-Opposition at 1. The Landlord and the Debtor are continuing to negotiate, however, about how much in administrative rent payments should be made per month to the Landlord. The Landlord notes that the Debtor is currently behind on monthly payments by approximately \$2,730,000. *Id.* at 2. The amount of rent due under the current lease is \$105,379.22 per month, plus utilities. The Landlord requests that the Debtor provide it further information with respect to certain categories in the Debtor's Proposed Budget, including, *inter alia*: "automobile," "data center supplies," and "utilities." *Id.* at 4.

D. The Debtor's Reply

On June 2, 2021, the Debtor filed its Reply. The Debtor requests that the Court approve its Proposed Budget as is. Reply at 2. The Debtor also contends that the Landlord's computation of rent is different from the Debtor's because they are currently in a dispute over a suite previously occupied by the Debtor. *Id.* The Debtor notes that it and the Landlord have preliminarily agreed to exchanging information

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CONT... **Corporate Colocation Inc**

Chapter 11

with respect to the difference in rent amounts, as well as having preliminarily agreed to exchanging information with respect to the utility bills. *Id.* The Debtor notes that its first monthly operating report showed a profit of approximately \$60,000; however, the Debtor contends that this number is higher than normal, likely because certain debtor-in-possession bills did not arrive in time to be included in the report. *Id.* at 3.

II. Findings of Fact and Conclusions of Law

Section 363(c)(2) requires court authorization for use of cash collateral unless "each entity that has an interest in such cash collateral consents." In the Ninth Circuit, satisfaction of § 363(c)(2)(A) requires the "affirmative express consent" of the secured creditor; "implied consent," resulting from the failure of the secured creditor to object to use of cash collateral, does not satisfy the requirements of the statute. *Freightliner Market Dev. Corp. v. Silver Wheel Freightlines, Inc.*, 823 F.2d 362, 368-69 (9th Cir. 1987). Absent affirmative express consent, the Debtor "may not use" cash collateral absent the Court's determination that the use is "in accordance with the provisions" of § 363 – that is, that the secured creditor's interest in the cash collateral is adequately protected. 11 U.S.C. §§ 363(c)(2)(B), 363(e).

A secured creditor's interest is adequately protected if the value of its collateral is not declining; the secured creditor is not entitled to payment to compensate for its inability to foreclose upon the collateral during bankruptcy proceedings. *United Savings Association of Texas v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 382 (1988).

The alleged secured creditors' interests are adequately protected because the Debtor has stated that its secured claims could be as high as \$100,000 and it has \$250,000 in its accounts receivable. With the Debtor's monthly profit, there is no indication that the value of the collateral is declining. The secured creditors, who would have an interest in the cash collateral motion, have not opposed it. In addition, the Court will grant the Debtor's use of the Proposed Budget because it finds that the expenses are appropriate for the Debtor's business purposes. If the Debtor is not authorized to use cash collateral, it will suffer irreparable harm due to its inability to maintain its server farm. However, the question of administrative rent payments is not germane to a cash collateral motion, so the Court will not make a finding with respect to administrative rent payments. This ruling is without prejudice to the Landlord filing a separate motion to assert that it is not receiving adequate administrative rent

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CONT... Corporate Colocation Inc
payments.

Chapter 11

III. Conclusion

For the reasons set forth above, the Motion is **GRANTED**. The Debtor is authorized to use cash collateral though and including August 10, 2021.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

**United States Bankruptcy Court
Central District of California
Los Angeles
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Monday, June 14, 2021

Hearing Room 1568

10:00 AM

2:21-13273 Maria De Lourdes Barrera

Chapter 7

#1.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota RAV4 . (Nagel, Austin)

Docket 10

Tentative Ruling:

6/10/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy

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10:00 AM

CONT... Maria De Lourdes Barrera

Chapter 7

case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Maria De Lourdes Barrera

Represented By
Omar Zambrano

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, June 14, 2021

Hearing Room 1568

10:00 AM

2:21-13460 Juan Antonio Molina

Chapter 7

#2.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Volkswagen Jetta . (Nagel, Austin)

Docket 11

Tentative Ruling:

6/10/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy

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10:00 AM

CONT... Juan Antonio Molina

Chapter 7

case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Juan Antonio Molina

Represented By
A Mina Tran

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 14, 2021

Hearing Room 1568

10:00 AM

2:21-13817 DTLA Hookah, LLC

Chapter 11

#3.00 Hearing:
Re: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER
RE: 630-32 St. Vincent St, Los Angeles, CA 90014

Docket 10

Tentative Ruling:

6/10/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court also finds that this case was filed in bad faith because the Debtor has failed to file all of its case commencement documents and Movant is the only creditor listed on its Official Form 204. See Petition at 6.

The Movant filed an unlawful detainer action on February 11, 2021 and a judgment was entered in favor of the Movant on April 19, 2021.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward

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CONT... DTLA Hookah, LLC

Chapter 11

because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. This order shall be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable non bankruptcy law. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

DTLA Hookah, LLC

Represented By
Joel S Farkas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 14, 2021

Hearing Room 1568

10:00 AM

2:21-11234 Urban Commons Gramercy, LLC

Chapter 11

#4.00 Hearing
RE: [32] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY
RE: 3377 West Olympic Boulevard and 974 South Gramercy Drive, Los Angeles, CA 90019

Docket 32

Tentative Ruling:

6/10/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **DENIED**, subject to the qualifications outlined below.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Real Property) (the "Motion") [Doc. No. 32]
- 2) Submission of Unreported Decision in Support of Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Real Property) [Doc. No. 33]
- 3) Response to Motion Regarding the Automatic Stay and Declarations in Support (the "Opposition") [Doc. No. 35]
- 4) Reply of Movant 77 West, LLC to Debtor's Response to Motion Regarding the Automatic Stay; Declaration in Support (the "Reply") [Doc. No. 36]

I. Facts and Summary of Pleadings

A. Background

Debtor and Debtor-in-Possession Urban Commons Gramercy LLC (the "Debtor") filed its voluntary chapter 11 petition (the "Petition") on February 16, 2021.

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CONT...

Urban Commons Gramercy, LLC

Chapter 11

Doc. No. 1. The Debtor is a single asset real estate company as defined by 11 U.S.C. § 101(51B). The Debtor's asset consists of a parcel of property located at 3377 W. Olympic Blvd., Los Angeles, CA 90019 and 974 S. Gramercy Dr., Los Angeles, CA 90019 (the "Property"), which the Debtor valued at \$13.5 million. Petition at 13. The Debtor filed its Petition to stop an imminent foreclosure proceeding by its largest creditor. The Debtor has scheduled two creditors: 77 West, LLC ("77 West"), which holds a first priority lien in the amount of between \$7 million and \$8.3 million, and the Franchise Tax Board which has a secured claim of \$183,825. *Id.* at 16. On May 17, 2021, the Debtor filed a Chapter 11 Plan of Reorganization (the "Plan") and Disclosure Statement wherein it asserts that it will sell the Property and pay off all liens in full. *See* Doc. Nos. 29 & 30.

B. 77 West's Motion

On May 21, 2021, 77 West filed its Motion. 77 West argues that its note matured on May 1, 2020 and the entire balance of the note has been due since then. 77 West further asserts that this Court should grant relief from stay with respect to the Property under 11 U.S.C. § 362(d)(1) because 77 West's equity cushion is insufficient, and under § 362(d)(3) because the Debtor has not complied with the requirements of that subsection. 77 West asserts that it has a total claim against the Property, as of April 30, 2021, of \$7,990,783.98. Motion at 7. 77 West submitted an appraisal from a certified California appraiser who valued the Property at \$10,630,000. Motion at 8; *see also* Ex. F to Motion. This valuation takes into account that there was recently a serious fire at the Property.

Based upon 77 West's calculation of its lien and the value of the Property, it is protected by an equity cushion of 20.4%. However, when taking into account 10% costs of sale and the Franchise Tax Board claim, 77 West asserts that its equity cushion is much lower, at approximately 10.9%. Motion at 15. 77 West argues that the Debtor is not paying its taxes and has left the Property unprotected. *Id.* at 19. Furthermore, the Debtor's equity in the Property is decreasing because statutory interest is accumulating in the amount of \$2,057.71 per day. *Id.* at 15.

In support of its contention that the Court grant stay relief under § 362(d)(3), 77 West avers that, although the Debtor has timely filed its plan, § 362(d)(3)(A) states that the Debtor must's plan must "have a reasonable possibility of being confirmed within a reasonable time." 77 West believes that the Debtor's plan is done on a form

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CONT... Urban Commons Gramercy, LLC

Chapter 11

template and only provides a skeletal outline of its intentions, and thus it is not reasonably possible that it will be confirmed within a reasonable time. Furthermore, 77 West argues that the Debtor has a history of delay, including failure to make any payments to 77 West for over a year, filing this Petition on the eve of a foreclosure sale, and failure to respond to 77 West's payoff demands. *Id.* at 17-18. In addition, 77 West was not provided evidence that the Property was insured until after the chapter 11 petition was filed, and that was only to a liability policy effective March 4, 2021. *Id.* at 15. The Debtor asserts that it has obtained an offer to sell the Property; however, 77 West is skeptical of the claim that the offer is high enough to pay off all claims. Motion at 13. The Debtor has had more than a year to refinance or sell the Property, but has not done so.

C. The Debtor's Objection

On May 28, 2021, the Debtor filed its Objection. The Debtor asserts that it has refused to pay off 77 West's loan because 77 West has not provided a proper payoff demand. Objection at 4. The Property recently suffered a serious fire and is now considered to be a tear-down. The Property produces no income. The Debtor avers that, in mid-2020, 77 West began delivering inconsistent payoff demands. *Id.* at 5. The Debtor was unable to calculate the proper payoff amount before 77 West scheduled a foreclosure sale, and had to file this Petition to prevent the foreclosure. *Id.* The Debtor states that, leading up to the filing of its Petition, 77 West's payoff demands fluctuated from \$7,370,786 to \$8,131,923. In a prior lift stay motion that was voluntarily dismissed in this case, 77 West claimed its payoff amount as of March 3, 2021 was \$8,175,135. In the present Motion, 77 West asserts that the payoff amount is \$7,990,783.98. *Id.*

Both pre- and post-petition, the Debtor engaged with potential lenders for refinancing of 77 West's claim in full. It received offers between \$7.6 million and \$8.15 million before the petition date. *Id.* at 6. However, the Debtor asserts that it was unable to finalize a refinancing due to 77 West's inconsistent payoff demands. The Debtor believes that, with 77 West's new counsel, it is in a position to determine the correct amount of the lien. In addition, the Debtor states that it has secured a buyer to purchase the Property in an amount that will pay all claims in full, with the exclusive option for the Debtor to repurchase the Property back from the lender thereafter. *Id.* The Debtor had an offer in place at the time it filed its Plan and Disclosure Statement, but was attempting to negotiate a higher purchase price, which is why it did not attach

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CONT... **Urban Commons Gramercy, LLC**
any purchase agreement.

Chapter 11

The Debtor argues that its Property is worth \$12.5 million and supports this valuation with an "opinion of value from a licensed real estate broker familiar with commercial property sales in the area" *Id.* at 7. With this valuation, 77 West's equity cushion is approximately 36% - well above the 20% number that the Ninth Circuit has expressed approval of. In addition, the Debtor has obtained general liability insurance. *Id.* at 7. The Debtor also claims that it has filed a reasonable Plan. Even with 77 West's inconsistent payoff demands, the Debtor claims that it has an offer of \$8.5 million from The Money Mortgage to purchase the Property, which would allow the Debtor to pay off 77 West's claim in full. The Debtor is still actively engaging in negotiations to further increase the purchase price.

D. 77 West's Reply

On June 7, 2021, 77 West filed its Reply. 77 West reiterates that its loan has been overdue since May 1, 2020 and has been accruing interest since then. Reply at 2. 77 West believes that if refinancing or a sale were truly feasible, the Debtor has had over a year to do so. 77 West reiterates that the Debtor has still not produced a sale agreement and its Plan is "not a qualifying plan." Even if the Debtor sells the property for \$8.5 million, that would not be enough to cover 77 West's claim, the tax claim, and costs of sale. *Id.* at 2-3. Furthermore, it is undisputed that the Debtor is only approximately a 1/3 owner of the Property, and the Debtor "fails to discuss what that position of the other owners of the Property is concerning a sale or refinance of the Property . . . It is not clear that the Debtor can do anything with the Property without the cooperation of the other owners" *Id.* at 3. **[Note 1]**

II. Findings of Fact and Conclusions of Law

A. Value of the Property

The Court must first determine the value of the Property. The movant bears the initial burden to show there is either an inadequate equity cushion or that the Debtor has no equity in the Property, which is in turn dependent upon the fair market value of the Property. *See* 11 U.S.C. § 362(g). The Debtor claims that the Property is worth \$12.5 million, and 77 West claims the Property is worth \$10,630,000. In support of the Debtor's valuation, it submitted a broker's price opinion ("BPO") done by a licensed real estate broker familiar with commercial property sales in the area. Ex. A to Objection. In support of 77 West's valuation, it submitted an appraisal by a

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CONT... Urban Commons Gramercy, LLC

Chapter 11

certified California appraiser. Ex. F to Motion.

"[A]n assessment of the fair market value of a real estate parcel by an appraiser carries greater weight than that of a real estate broker who does not have the same rigorous, specialized training." *In re Pichado*, 2013 WL 1352308, *4 (Bankr. D.R.I. Apr. 3, 2013). Furthermore:

As the owner of real estate, the debtor is entitled to render his opinion as to the fair market value of the property. With that one exception, only the testimony of a qualified expert, such as an experienced appraiser, would be admissible on the issue. Real estate brokers and agents without specialized training in real estate appraising are not qualified to testify as to their opinions regarding fair market value.

In re Donoway, 139 B.R. 156, 158 (Bankr. D. Md. 1992). Real estate brokers are not trained appraisers – they are salespeople. For this reason, BPOs carry far less weight than an appraisal. In addition, 77 West’s appraisal is remarkably thorough. Through 65 pages, the appraiser, who has been appraising properties for 24 years, details a description of the property market in Los Angeles, the effect of COVID-19 on the property market, a detailed description of the Property, the highest and best use of the Property, and his valuation methodology. Finally, the PBO refers to the Property as "under construction," though there is no indication that this is the case. Therefore, because the Court has a choice between an appraisal and a "drive-by Brokers Price Opinion," the BPO is thus afforded little weight, and the Court adopts 77 West’s value of the Property of \$10,630,000. *In re Thomas*, 344 B.R. 386, 392 (Bankr. W.D. Pa. 2006).

B. Determination Under 11 U.S.C. § 362(d)(1)

Having determined that the value of the Property for the purposes of this Motion is \$10,630,000, the Court next turns to 77 West’s equity cushion. 77 West asserts that its claim is approximately \$7,990,783.98 [Note 2]. Reply at 3. In addition, there is a Franchise Tax Board claim of \$183,825. Petition at 16. The Los Angeles County Treasurer and Tax Collector also filed a proof of claim in the amount of \$465,571.25, though the Debtor did not schedule this claim and it is potentially disputed. See Proof of Claim No. 3. Factoring in costs of sale of 4% (\$425,500) [Note 3], the amount of liens against the property totals \$9,065,680.50. This results in an

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CONT... Urban Commons Gramercy, LLC

Chapter 11

equity cushion of 14.72%. While it is true that the Ninth Circuit has held that an equity cushion of 20% is adequate, it did not hold that 20% was the minimum. *Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1401 (9th Cir. 1984); see *Downey Sav. & Loan Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.)*, 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral). In fact, the court in *In re Mellor* cited cases allowing for an equity cushion as low as 10%. See *In re McGowan*, 6 B.R. 241, 243 (Bankr. E.D. Pa. 1980) (finding that a 10% equity cushion is sufficient to constitute adequate protection); see also *In re Rogers Dev. Corp.*, 2 B.R. 679, 685 (Bankr. E.D. Va. 1980) (finding that an equity cushion of between 15% and 20% was sufficient). Therefore, 77 West's equity cushion of 14.72% falls squarely within courts' holdings.

In addition, 77 West presents no evidence that the property is declining in value. Motion at 9. Simply because 77 West asserts that its claim is accruing interest each day does not prove that the Property is declining in value because 77 West is not entitled to compensation for the delay of the bankruptcy proceeding. See *United Sav. Ass'n of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 379 & 382 (1988). Furthermore, while 77 West contends that the Property is not insured, the Debtor states that it has obtained property insurance and attached proof. Reply at 7; see also Ex. C to Reply. Therefore, 77 West's request for relief from stay under § 362(d)(1) is denied.

C. Determination Under 11 U.S.C. § 362(d)(3)

Section 362(d)(3) requires the Court to grant relief from stay in a single asset real estate case unless one of the following two conditions apply:

- A) The debtor has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or
- B) The debtor has commenced monthly payments that may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before, on, or after the date of the commencement of the case by or from the property to each creditor whose claim is secured by such real estate ...; and are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate.

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CONT... Urban Commons Gramercy, LLC

Chapter 11

11 U.S.C. § 362(d)(3). It is undisputed that this is a single asset real estate case and that the Debtor has not complied with § 362(d)(3)(B). The only question, then, is whether the Debtor has complied with § 362(d)(3)(A): 1) the Debtor has filed a plan of reorganization that 2) has a reasonable possibility of being confirmed within a reasonable time.

The Debtor has filed its Plan. *See* Doc. No. 19. While 77 West takes issue with the Plan and Disclosure Statement being filed on the last possible day before the 90-day deadline expired and asserts that the Plan is a mere form plan, those arguments are better reserved for the second prong of the test. Therefore, the Debtor timely filed its Plan.

The Debtor's Plan proposes to sell the Property and pay all of its claimants 100%. *See* Plan at 8-9. The Debtor claims that it currently has an offer to sell the Property for \$8.5 million which, according to its calculations, would pay all claimants in full. Objection at 8. The main dispute is the value of 77 West's claim. In the Debtor's Plan it states that the claim is \$7,055,000, and 77 West asserts that the claim is \$7,990,783.98, and increasing. At 77 West's valuation of its claim, 77 West believes that the Debtor will be unable to consummate a sale at a high enough price to pay all claimants in full. Motion at 13.

Whether a Plan has a "reasonable possibility of being confirmed within a reasonable time" is an amorphous standard. Granting stay relief under § 362(d)(3) "requires more than a showing that the confirmation of a proposed plan is questionable." *In re Harmony Holdings, LLC*, 393 B.R. 409, 421 (Bankr. D.S.C. 2008). "At a minimum the debtor must show that (1) it is proceeding to propose a plan of reorganization, (2) the proposed or contemplated plan has a realistic chance of being confirmed and (3) the proposed or contemplated plan is not patently unconfirmable." *In re Windwood Heights, Inc.*, 385 B.R. 832, 838 (Bankr. N.D.W. Va. 2008) (quoting *In re National/Northway Ltd. P'ship*, 279 B.R. 17, 24 (Bankr. D. Mass. 2002)). The determination of whether a plan has a reasonable possibility of being confirmed within a reasonable time is not to be a "mini confirmation hearing." *In re Windwood Heights, Inc.*, 385 B.R. at 838. An example of a plan that did not have a reasonable possibility of confirmation with respect to a valuation issue and liens against the property, is that discussed in *In re Carlsbad Dev. I, LLC*. There, the court determined that the value of the subject property was \$20 million and the total secured

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CONT... Urban Commons Gramercy, LLC

Chapter 11

debt on the property was no less than \$35.6 million. 2009 WL 588662, at *1 (Bankr. D. Utah Mar. 6, 2009). Given that the secured debt outweighed the value of the property, the court determined that the plan was "both unconfirmable and ha[d] no realistic chance of being confirmed within a reasonable time" *Id.* at *3

Although the Debtor's current highest offer on the Property appears to be \$8.5 million, 77 West admits that the Property is worth \$10,630,000. 77 West appears to be arguing for the Debtor's sale offer to be the valuation, but submitted an appraisal contradicting it. In addition, the Property has not yet sold, and the Debtor claims that it is working to increase the purchase price. Even at 77 West's highest calculation of its lien, and including all other liens and costs of sale, it seems that a sale of just over \$9 million would be able to pay all claimants in full, pending resolution of any disputed claims and/or lien amounts. If 77 West's claim is less than it argues, then it is possible an \$8.5 million sale would be sufficient to pay all claims. At this juncture, the Debtor has proposed a Plan, the Plan appears to have a realistic chance of being confirmed, and the Court cannot say that the plan is "patently unconfirmable."

In addition, 77 West's reliance on *In re Leeward Subdivision Partners, LLC* is misplaced for two reasons. First, there, the debtor owed the secured creditor approximately \$5.7 million and argued that the value of the property was \$17 million, while the creditor argued that that the property was worth just \$3.3 million. 2010 WL 6259983, at *1 (9th Cir. BAP 2010). Here, 77 West's own valuation asserts that the Property is worth more than all of the secured claims against it. Second, the procedural posture of *In re Leeward* is entirely different. There, the debtor had already solicited and received ballots, had no accepting class of impaired creditors, and received one objection. *Id.* at *2. Here, the Disclosure Statement has not been approved, no ballots have been received, and no objections have been filed. The Debtor still has time to raise its sale price and confirm the Plan. Therefore, 77 West's request for relief from stay under § 362(d)(3) is denied.

With all of that being said, the Court acknowledges that the Debtor has had a significant amount of time to market and sell the Property, but has not yet consummated an adequate sale. In order to assuage the concerns of 77 West and the other secured creditors, the Debtor is required to have received entry of an order by this Court approving the sale of the Property by no later than September 30, 2021. If the Debtor does not do so and 77 West states that it is not receiving monthly payments

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CONT... Urban Commons Gramercy, LLC Chapter 11

at the then applicable nondefault contract rate of interest in compliance with § 362(d)(3)(B), 77 West may file a declaration to that effect and relief from stay will be granted without further notice or hearing.

III. Conclusion

Based upon the foregoing, the Motion is **DENIED**, subject to the qualifications outlined above.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven (7) days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: Both parties note that the Debtor is only approximately a 1/3 owner of the Property, and 77 West vaguely states that it is unclear whether the Debtor can do anything with the Property without the other owners. However, 77 West makes no substantial argument to this effect and cites no law to support its contentions. Therefore, the Court treats this as a non-issue.

Note 2: The Court asserts that the value of 77 West's claim *for purposes of this Motion only* is \$7,990,783.98. The Court makes no final determination of the value of 77 West's claim, and acknowledges that the amount may be disputed.

Note 3: 77 West claims that costs of sale will be 10%. Generally speaking, costs of sale for an average home range from 6% to 8%. In addition, for a sale of this magnitude, costs of sale would be less than average. Therefore, a 10% cost of sale is far too high, and the Court estimates it to be approximately 4%. In addition, even when using costs of sale of 10%, 77 West states that its equity cushion is 10.9%, which would still fall in the allowable range of equity cushion percentages.

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CONT... Urban Commons Gramercy, LLC

Chapter 11

Party Information

Debtor(s):

Urban Commons Gramercy, LLC

Represented By
Yi S Kim

**United States Bankruptcy Court
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:16-23176 Kevin Thomas Roy

Chapter 7

Adv#: 2:17-01008 Schrauwers et al v. Roy

#1.00 Status Hearing

RE: [1] Adversary case 2:17-ap-01008. Complaint by Jennifer Schrauwers ,
Laura Twors , Cintia Kumalo against Kevin Thomas Roy . willful and malicious
injury))

fr: 4-11-17; 7-11-17; 6-6-18; 9-11-18; 1-15-19; 6-11-19; 12-10-19; 6-16-20;
3-9-21

Docket 1

***** VACATED *** REASON: CONTINUED 9-14-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Thomas Roy

Represented By
Robert Reganyan

Defendant(s):

Kevin Thomas Roy

Pro Se

Plaintiff(s):

Jennifer Schrauwers

Represented By
Eric V Traut

Laura Twors

Represented By
Eric V Traut

Cintia Kumalo

Represented By
Eric V Traut

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:17-21275 Tbetty, Inc.

Chapter 7

Adv#: 2:19-01372 Mastan, Chapter 7 Trustee v. Romex Textiles, Inc.

#2.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01372. Complaint by Peter J. Mastan, Chapter 7 Trustee against Romex Textiles, Inc.. (Charge To Estate). Trustee's Complaint to Avoid and Recover Preferential Transfers (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Triplett, Meghann)

FR. 11-19-19; 1-14-20; 3-17-20; 5-19-20; 7-14-20; 10-13-20; 1-12-21; 4-13-21

Docket 1

***** VACATED *** REASON: Cont'd to 11/9/21 at 10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tbetty, Inc.

Represented By
Christian T Kim

Defendant(s):

Romex Textiles, Inc.

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
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:19-13660 Michelle Claudia Mathis

Chapter 7

Adv#: 2:20-01619 Mathis v. United States Department of Education

#3.00 Status Hearing

RE: [21] Amended Complaint (SECOND AMENDED) by Michelle C Mathis against Michelle C Mathis . (RE: related document(s)1 Adversary case 2:20-ap-01619. Complaint by Michelle C Mathis against United States Department of Education - (\$350.00 Fee Not Required) - Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)) filed by Plaintiff Michelle C Mathis).

fr. 2-9-21

Docket 21

***** VACATED *** REASON: PER ORDER ENTERED 6-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Claudia Mathis

Pro Se

Defendant(s):

United States Department of

Represented By
Elan S Levey

Plaintiff(s):

Michelle C Mathis

Pro Se

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:19-14464 Kevin Garnier

Chapter 7

Adv#: 2:19-01234 Li v. Garnier

#4.00 Status Conference RE: [1] Adversary case 2:19-ap-01234. Complaint by Qi Li against Kevin Garnier. false pretenses, false representation, actual fraud)) (Wolk, Sarah)

fr. 10-15-19; 11-19-19; 4-14-20; 10-13-20

Docket 1

***** VACATED *** REASON: CONTNUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

4/13/2020

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. The cost for persons representing themselves has been waived.

On November 15, 2019, the Court stayed this action pending resolution of the state court action giving rise to the indebtedness alleged to be non-dischargeable (the "State Court Action"). Trial in the State Court Action is set for August 24, 2020.

Based upon the foregoing, the Court **HEREBY ORDERS AS FOLLOWS:**

- 1) A continued Status Conference is set for **October 13, 2020, at 10:00 a.m.****
- 2) A Joint Status Report, which shall discuss the status of the State Court Action, shall be submitted by no later than fourteen days prior to the hearing.**

The Court will prepare and enter an order setting the continued Status Conference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Carlos Nevarez or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.**

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CONT... Kevin Garnier

Chapter 7

Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Kevin Garnier

Represented By
Misty Wilks

Defendant(s):

Kevin Garnier

Pro Se

Plaintiff(s):

Qi Li

Represented By
Sarah R Wolk
Zachary Levine

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01503 Tardaguila v. Tardaguila

#5.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01503. Complaint by Ann Tardaguila against Gregory Tardaguila. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Mitnick, Eric)

fr. 3-10-20; 4-14-20; 6-16-20; 1-12-21

Docket 1

***** VACATED *** REASON: CONTINUED 9-14-21 AT 10:00 A.M.**

Tentative Ruling:

6/14/2021

Order entered. Status Conference **CONTINUED to September 14, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Pro Se

Plaintiff(s):

Ann Tardaguila

Represented By
Eric A Mitnick

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

United States Bankruptcy Court
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:19-20564 Gregory Tardaguila

Chapter 7

Adv#: 2:19-01503 Tardaguila v. Tardaguila

#6.00 Status Hearing
RE: [10] **Counterclaim** by Gregory Tardaguila against Ann Tardaguila as
Trustee of the Tardaguila Living Trust dated 07-16-1999, Ann Tardaguila
(Altholz, Andrew)

fr. 4-14-20; 6-16-20; 1-12-21

Docket 10

*** VACATED *** REASON: CONTINUED 9-14-21 AT 10:00 A.M.

Tentative Ruling:

6/14/2021

Order entered. Status Conference **CONTINUED** to **September 14, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Gregory Tardaguila

Represented By
Kevin Tang

Defendant(s):

Gregory Tardaguila

Represented By
Andrew P Altholz

Plaintiff(s):

Ann Tardaguila

Represented By
Eric A Mitnick

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:20-17266 YUEYING REN

Chapter 7

Adv#: 2:20-01654 Fan et al v. REN

#7.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01654. Complaint by Chi Ming Fan, Chi-Ming Fan and Ru-Yu Fan, Co-Trustees of the Fan Family Trust, dated September 20, 1988 against YUEYING REN. fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Lesnick, Matthew)

FR. 2-9-21

Docket 1

***** VACATED *** REASON: DISMISSED 5-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

YUEYING REN

Represented By
Rosendo Gonzalez

Defendant(s):

YUEYING REN

Pro Se

Plaintiff(s):

Chi Ming Fan

Represented By
Matthew A Lesnick

Chi-Ming Fan and Ru-Yu Fan, Co-

Represented By
Matthew A Lesnick

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:16-13575 Liberty Asset Management Corporation

Chapter 11

#8.00 Status Hearing
RE: [1] Postconfirmation Status Conference

fr. 10-17-18; 1-15-19; 6-11-19; 12-10-19; 5-12-20; 12-15-20

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-2022 AT 10:00 A.M.**

Tentative Ruling:

6/14/2021

Order entered. Status Conference **CONTINUED** to **January 11, 2022 at 10:00 a.m.**

Party Information

Debtor(s):

Liberty Asset Management

Represented By
David B Golubchik
Jeffrey S Kwong
John-Patrick M Fritz
Eve H Karasik
Sandford L. Frey
Raphael Cung

**United States Bankruptcy Court
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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01559 ST. VINCENT MEDICAL CENTER, a California nonprofit v. BLUE

#9.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01559. Complaint by ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against Blue Shield of California Promise Health Plan, a California corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C # 7 Exhibit Exhibit D # 8 Exhibit Exhibit E # 9 Exhibit Exhibit F # 10 Exhibit Exhibit G # 11 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

FR. 11-17-20; 1-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-22 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

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Hearing Room 1568

10:00 AM

CONT... **Verity Health System of California, Inc.**

Chapter 11

Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

BLUE SHIELD OF CALIFORNIA Pro Se

Plaintiff(s):

ST. VINCENT MEDICAL Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

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Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01575 St. Vincent Medical Center, a California nonprofit v. California Physicians'

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01575. Complaint by St. Vincent Medical Center, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit public benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against California Physicians' Service, a California nonprofit public benefit corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C-1 # 7 Exhibit Exhibit C-2 # 8 Exhibit Exhibit D # 9 Exhibit Exhibit E-1 # 10 Exhibit Exhibit E-2 # 11 Exhibit Exhibit F # 12 Exhibit Exhibit G-1 # 13 Exhibit Exhibit G-2 # 14 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

FR. 11-17-20; 1-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-22 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

**United States Bankruptcy Court
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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

California Physicians' Service, a Pro Se

Plaintiff(s):

St. Vincent Medical Center, a Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

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Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#11.00 Status Hearing

RE: [23] Amended Complaint (First Amended Complaint) by Anthony Bisconti on behalf of Howard B Grobstein against Assured Investment Management LLC (f/k/a BlueMountain Capital Management, LLC) and affiliated entities, Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (Bisconti, Anthony)

fr. 2-9-21

Docket 23

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 AM.**

Tentative Ruling:

2/8/2021

Order entered. Status Conference **CONTINUED to June 15, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

**United States Bankruptcy Court
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Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

Integrity Healthcare, LLC, John Doe	Represented By Bruce Bennett
Assured Investment Management	Pro Se
Bluemountain Guadalupe Peak Fund	Pro Se
Bluemountain Summit Opportunities	Pro Se
BMSP L.P., A Delaware Limited	Pro Se
Bluemountain Foinaven Master	Pro Se
Bluemountain Logan Opportunities	Pro Se
Bluemountain Monteners Master	Pro Se
John Doe Individuals 1 50	Pro Se
John Doe Companies 1 50	Pro Se
Integrity Healthcare, Llc, A	Represented By Bruce Bennett

Plaintiff(s):

Official Committee of Unsecured	Represented By James Cornell Behrens Steven J. Katzman
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

#12.00 Status Hearing Pursuant To 11 U.S.C. 1188 (Subchapter V). RE: [17]
Addendum to voluntary petition

fr. 7-14-20 ; 10-14-20; 1-20-21; 3-9-21

Docket 17

***** VACATED *** REASON: CONTINUED 6-23-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Fr. 1-12-21; 3-9-21

Docket 1

***** VACATED *** REASON: CONTINUED 6-23-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01022 Iovita v. Monge et al

#14.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01022. Complaint by Titus Emil Iovita against Siboney Monge, Malibu Reconveyance, LLC. (\$350.00 Fee Charge To Estate). (1) Objecting to Claim of Siboney Monge; (2) Quiet Title in Property of the Estate; (3) Declaratory Relief (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) (Khojayan, Vahe)

FR. 4-13-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

6/14/2021

Order entered. Status Conference **CONTINUED** to **August 17, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Siboney Monge

Pro Se

Malibu Reconveyance, LLC

Pro Se

Plaintiff(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

10:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01024 Monge v. Iovita

#15.00 Status Hearing

RE: [1] Complaint by Siboney Monge against Titus Emil Iovita. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other)) (Brent, Paul).

FR 4-13-21

Docket 1

***** VACATED *** REASON: CONTINUED 8-17-21 AT 10:00 A.M.
(AMENDED COMPLAINT FILED)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Titus Emil Iovita

Pro Se

Plaintiff(s):

Siboney Monge

Represented By
Paul M Brent

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:18-15693 Kami Emein

Chapter 7

Adv#: 2:18-01260 Amin v. Emein

#100.00 Pre-Trial Conference
RE: [21] Amended Complaint 2nd Amended by Michael N Berke on behalf of Joseph Amin against Kami Emein

fr: 7-16-19, 9-10-19; 1-14-20; 5-12-20; 11-17-20; 2-9-21

Docket 0

***** VACATED *** REASON: CONTINUED 1-11-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kami Emein

Represented By
Jacques Tushinsky Fox

Defendant(s):

Kami Emein

Represented By
TJ Fox

Plaintiff(s):

Joseph Amin

Represented By
Michael N Berke

Trustee(s):

John J Menchaca (TR)

Represented By
Uzzi O Raanan ESQ
Sonia Singh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:19-17841 Soul Hollywood, LLC

Chapter 7

Adv#: 2:20-01269 Ehrenberg, Trustee v. Carmi et al

#101.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01269. Complaint by Howard M Ehrenberg, Trustee against Eliot Carmi, Carmi Flavor & Fragrance, Inc., a California corporation. (\$350.00 Fee Charge To Estate). Complaint For: (1) Declaratory Relief; (2) Avoidance Of Preferential Transfers; (3) Avoidance Of Fraudulent Transfers; (4) Avoidance Of Unauthorized Post-Petition Transfers; (5) Recovery Of Avoided Transfers; (6) Turnover Of Property; (7) Contempt For Violation Of Automatic Stay; (8) Disallowance Of Claim; And (9) Subordination Of Claim Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(81 (Subordination of claim or interest)),(91 (Declaratory judgment))(Wu, Claire)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 7-13-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Soul Hollywood, LLC

Represented By
David S Hagen

Defendant(s):

Eliot Carmi

Pro Se

Carmi Flavor & Fragrance, Inc., a

Pro Se

Plaintiff(s):

Howard M Ehrenberg, Trustee

Represented By
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

CONT... Soul Hollywood, LLC

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:20-13016 Charlene Eleazar Lobarbio

Chapter 7

Adv#: 2:20-01143 Sanchez et al v. Lobarbio

#102.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01143. Complaint by Carmela Sanchez, Herminia V. Figueroa against Charlene Eleazar Lobarbio. willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (65 (Dischargeability - other)) (Nazarian, Morris)

Docket 1

***** VACATED *** REASON: DISMISSED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlene Eleazar Lobarbio

Represented By
Giovanni Orantes

Defendant(s):

Charlene Eleazar Lobarbio

Pro Se

Plaintiff(s):

Carmela Sanchez

Represented By
Morris Nazarian

Herminia V. Figueroa

Represented By
Morris Nazarian

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:20-13652 John Robert Cashman

Chapter 7

Adv#: 2:20-01180 KURTZ v. Lao

#103.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01180. Complaint by HEIDE KURTZ against Xiaohong Lao. (\$350.00 Fee Charge To Estate). (with Exhibit A) (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Pagay, Carmela)

Docket 1

***** VACATED *** REASON: CONTINUED TO 1-11-22 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Robert Cashman

Represented By
Daniel King

Defendant(s):

Xiaohong Lao

Pro Se

Plaintiff(s):

HEIDE KURTZ

Represented By
Timothy J Yoo
Carmela Pagay

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:20-14414 Edward Woojin Park

Chapter 7

Adv#: 2:20-01194 Stewart Title Guaranty Company, a Texas corporatio v. Park

#104.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01194. Complaint by Stewart Title Guaranty Company, a Texas corporation against Edward Woojin Park. (d),(e)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Poteet, Lawrence)

Docket 1

***** VACATED *** REASON: CONTINUED 9-14-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Woojin Park

Represented By
Ji Yoon Kim

Defendant(s):

Edward Woojin Park

Pro Se

Plaintiff(s):

Stewart Title Guaranty Company, a

Represented By
Lawrence J Poteet

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01197 SV Ventures, LLC v. Mohammed et al

#105.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01197. Complaint by SV Ventures, LLC against Khurram Mohammed. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Slates, Ronald)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Khurram Mohammed	Pro Se
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Defendant(s):

Khurram Mohammed	Pro Se
DOES 1 through 10, inclusive	Pro Se

Plaintiff(s):

SV Ventures, LLC	Represented By Ronald P Slates
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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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01347 Ahmed v. Mohammed et al

#106.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01347. Complaint by Asma Ahmed against Khurram Mohammed. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Gorginian, Sevan)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Khurram Mohammed	Pro Se
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Defendant(s):

Khurram Mohammed	Pro Se
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DOES 1 through 5, Inclusive	Pro Se
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Plaintiff(s):

Asma Ahmed	Represented By Sevan Gorginian
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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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:20-15842 Sheldon Williams

Chapter 7

Adv#: 2:20-01620 Wescom Credit Union v. Williams

#107.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01620. Complaint by Wescom Credit Union against Sheldon Williams. willful and malicious injury)) (Rocha, Karel)

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 11:00 A.M.**

Tentative Ruling:

6/14/2021

Order entered. Pretrial Conference **CONTINUED to October 12, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Sheldon Williams

Represented By
Christopher D Cantore

Defendant(s):

Sheldon Williams

Pro Se

Plaintiff(s):

Wescom Credit Union

Represented By
Karel G Rocha

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01559 ST. VINCENT MEDICAL CENTER, a California nonprofit v. BLUE

#108.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01559. Complaint by ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against Blue Shield of California Promise Health Plan, a California corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C # 7 Exhibit Exhibit D # 8 Exhibit Exhibit E # 9 Exhibit Exhibit F # 10 Exhibit Exhibit G # 11 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE HEARD TODAY
AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

BLUE SHIELD OF CALIFORNIA Pro Se

Plaintiff(s):

ST. VINCENT MEDICAL Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01575 St. Vincent Medical Center, a California nonprofit v. California Physicians'

#109.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01575. Complaint by St. Vincent Medical Center, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit public benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against California Physicians' Service, a California nonprofit public benefit corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C-1 # 7 Exhibit Exhibit C-2 # 8 Exhibit Exhibit D # 9 Exhibit Exhibit E-1 # 10 Exhibit Exhibit E-2 # 11 Exhibit Exhibit F # 12 Exhibit Exhibit G-1 # 13 Exhibit Exhibit G-2 # 14 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE SET FOR 10:00 A.M. TODAY**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

California Physicians' Service, a Pro Se

Plaintiff(s):

St. Vincent Medical Center, a Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#110.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01616. Complaint by Official Committee of Unsecured Creditors of Verity Health System of California, Inc., et al. against Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (91 (Declaratory judgment)) (Behrens, James)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 8-17-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Integrity Healthcare, LLC, John Doe

Pro Se

Plaintiff(s):

Official Committee of Unsecured

Represented By

James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

2:21-12222 collab9, LLC, a Delaware limited liability company

Chapter 11

#111.00 Hearing

RE: [69] Application to Employ Law Offices Of Herbert Hafif as Special Litigation Counsel Application To Employ Law Offices Of Herbert Hafif As Special Litigation Counsel Declaration Of Kevin B. Schatzle In Support Thereof; Statement Of Disinterestedness, with proof of service,

FR. 5-4-21

Docket 69

Tentative Ruling:

6/14/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Employment Application is **GRANTED**, subject to the amendment as discussed below.

Pleadings Filed and Reviewed

- 1) Application to Employ Law Offices of Herbert Hafif as Special litigation Counsel; Declaration of Kevin B. Schatzle in Support Thereof; Statement of Disinterestedness (the "Employment Application") [Doc. No. 69]
- 2) Objection to Application to Employ Law Offices of Herbert Hafif as Special Litigation Counsel; Memorandum of Points and Authorities; Request for Hearing (the "Objection") [Doc. No. 90]
- 3) Notice of Hearing on Application to Employ Law Offices of Herbert Hafif as Special Litigation Counsel [Doc. No. 91]
- 4) Reply to Objection of Avaya Inc. to Debtor's Application to Employ Law Offices of Herbert Hafif as Special Litigation Counsel; Declarations of Kevin

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

CONT...

collab9, LLC, a Delaware limited liability company

Chapter 11

B. Schatzle and Greg Hafif in Support Thereof (the "Reply") [Doc. No. 100]

I. Facts and Summary of Pleadings

On March 19, 2021, Collab9, LLC (the "Debtor") filed its chapter 11 petition (the "Petition Date"). The Debtor is a cloud security service provider for managed voice, collaboration, conferencing and contact center services primarily for U.S. public sector customers. The Debtor's largest creditor, Avaya, made an unsecured loan to the Debtor for \$10 million (the "Avaya Loan") in May of 2019 that stated that the loan was to be used "to fund general working capital of the Debtor's business operations" and required the Debtor "to seek Avaya's consent to, among other things, incur additional debt, effect a liquidation or dissolution, sell or encumber the Debtor's assets, or enter into any agreement with an insider." Objection at 3-4. The Avaya Loan was evidenced by a convertible promissory note (the "Avaya Note"), also dated May 20, 2019, made by the Debtor payable to Avaya for \$10 million. *Id.* at 3. The Debtor avers that its business operations have been severely hampered by Avaya and the unfriendly terms of the Avaya Note. On April 1, 2021, the Debtor filed its Sale Motion. *See* Doc. No. 55. On April 6, 2021, the Debtor filed its Employment Application, but the Court continued the hearing until June 15, 2021. The Debtor was unable to find a completely disinterested buyer for its assets, and instead requested to sell its assets to SecureComm, a company formed by two of the Debtor's principals. The Court approved the sale on May 20, 2021, and the sale closed on May 31, 2021. *See* Doc. Nos. 153 & 167.

A. The Employment Application

On April 6, 2021, the Debtor filed its Employment Application. The Debtor seeks to hire the Law Offices of Herbert Hafif (the "Firm") as special litigation counsel pursuant to 11 U.S.C. §§ 327(e) & 328. The Debtor is currently embroiled in an ongoing dispute with Avaya. In August of 2017, the Debtor and Avaya entered into a joint venture agreement (the "JVA") whereby Avaya would use the Debtor's FedRAMP authorization to obtain contracts with government agencies. On February 5, 2021, the Firm, on behalf of the Debtor, initiated an arbitration proceeding against Avaya for breach of contract, breach of fiduciary duty, and other state law claims (the "Arbitration"). The Debtor believes that Avaya stopped it from partnering with one of Avaya's competitors and failed to meaningfully engage in dealings with the Debtor in order to undermine the Debtor's business. Then, Avaya canceled the JVA, asserting that the Debtor had not performed under the JVA. Employment Application at 3-4.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 15, 2021

Hearing Room 1568

11:00 AM

CONT... **collab9, LLC, a Delaware limited liability company**

Chapter 11

The Debtor seeks to employ the Firm with respect to the Arbitration on a post-petition basis. The Firm will prosecute the pending Arbitration against Avaya, prepare and present oral arguments and any necessary motions, and provide counsel to the Debtor in any litigation which may arise with respect to the Arbitration. The Debtor already paid the firm a flat fee of \$150,000 on February 5, 2021, and the Firm will receive a contingent fee of 10% of any and all amounts recovered by the Debtor in the Arbitration. *Id.* at 5. The Firm will also hire New York attorneys to assist in the Arbitration, as jurisdiction lies in New York. The Debtor estimates that the New York attorneys will cost approximately \$25,000. The Firm will seek reimbursement of out-of-pocket expenses incurred in the course of its special litigation representation of the Debtor. A \$15,000 deposit was already paid by the Debtor to the Firm on February 1, 2021, for costs to be advanced in the case. At the conclusion of the bankruptcy case or the Firm's proposed engagement, the Firm will file an application seeking final fees and costs. *Id.* at 6. The Debtor argues that the Firm has obtained numerous multi-million dollar judgements on behalf of its clients, and it is qualified to arbitrate this matter. The Debtor also avers that the Firm is sufficiently disinterested.

B. The Objection

On April 19, 2021, Avaya filed its Objection. Avaya argues that it was not in breach of the JVA and that the Debtor's financial distress has little to do with Avaya. Avaya argues that the Arbitration asserts "meritless claims that include[] false, incendiary allegations against Avaya." Objection at 5. Avaya "disputes the allegations made by the Debtor, and denies it is liable in any amount to the Debtor." *Id.* Avaya believes that with the Arbitration pending, "the Debtor concealed the insider financing the Debtor has obtained in derogation of the Avaya Note" *Id.* Throughout February of 2021, the Debtor and Avaya fought over repayment of the Avaya Loan and the JVA. After the Debtor began the Arbitration proceeding, Avaya filed counterclaims on March 19, 2021.

Avaya's objection to the Employment Application is premised on the grounds that hiring the Firm is "unnecessary, premature, and defective on the basis of public policy." *Id.* at 8. Avaya also objects because the Employment Application "fails to disclose Applicant's representation of the Debtor in the Virginia state court proceedings." The Virginia state court proceeding arose out of a dispute between the Debtor and Avaya where the Debtor threatened to cut off services to the government

**United States Bankruptcy Court
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Los Angeles
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of Loudon County, Virginia, unless Avaya paid the Debtor a monthly fee. Objection at 4. At the time the Objection was filed, Avaya believed that because the Arbitration was stayed and the Debtor had not sought stay relief, the Firm did not need to be hired. *Id.* at 8-9. Furthermore, Avaya argues that because the Debtor sold its assets and is pursuing a liquidating chapter 11 plan, now a liquidating agent will control the arbitration claims, and that individual should have the authority to decide whether to pursue any claims. Avaya also believes that the \$150,000 retainer may be the target of an avoidance action. With respect to the retainer, Avaya believes that the Firm's engagement is "against public policy" because the retainer is "fully earned" regardless of whether the Firm does any work. *Id.* at 10. Finally, Avaya believes that the Debtor did not fully disclose the source of the \$150,000 retainer. *Id.*

C. The Reply

On April 26, 2021, the Debtor filed its Reply. The Debtor argues that the Objection is "a tactic seeking to undermine Avaya's litigation adversary" and Avaya "has not submitted any declaration or other admissible evidence in support of" its Objection. Reply at 6. The Debtor avers that the any "critical disclosures" that Avaya thought to be missing are now included in the Supplemental Declaration of Kevin Schatzle (the "Supplemental Schatzle Decl.") and Declaration of Greg Hafif (the "Hafif Decl."), attached to the Reply. Those disclosures clarify that the retainer paid to the Firm was paid using money through a secured loan from Dollab, LLC, which subsequently assigned its loan to SecureComm. LLC. Schatzle Decl. at ¶ 4. Furthermore, the Firm represented the Debtor in a Virginia state court action without "any additional charge or payment beyond what is provided in Special Counsel's retainer agreement." Hafif Decl. at ¶ 6. The Firm "does not have any connection with Debtor (other than its current engagement) or with any insider of the Debtor." *Id.* at ¶ 7.

The Debtor argues the Firm has already rendered significant services and continues to render services with respect to the Arbitration. Reply at 3. The firm "is confident that it has already provided more than 100 hours of services with regard to its engagement by the Debtor." *Id.* at 3-4. These services included and continue to include: preparing for discovery and coordinating the litigation approach, which includes pursuing the complaint against Avaya and defending Avaya's counterclaims. The Debtor also believed, at the time this Reply was filed, that it would stipulate with Avaya to modify the stay. *Id.* at 4. The Debtor believes that the \$150,000 up front

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retainer was in the best interest of the company because the legal fees are anticipated to be much greater than the retainer amount; therefore, the Debtor will only need to pay further fees if the Firm recovers from Avaya in the Arbitration.

II. Findings of Fact and Conclusions of Law

Section 327(e) provides that "[t]he trustee, with the court's approval, may employ, for a specified special purpose, other than to represent the trustee in conducting the case, an attorney that has represented the debtor, if in the best interest of the estate, and if such attorney does not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which such attorney is to be employed." 11 U.S.C. § 327(e).

Avaya makes a handful of arguments as to why the Firm should not be employed that the Court will discuss below. However, as a preliminary matter, Avaya's entire Objection appears to the court to be a litigation tactic in order to strip the Debtor of its Arbitration counsel and thereafter gain an advantage in the Arbitration proceedings. Such use of the judicial process is not appropriate, and courts have held that such arguments should fail when they are merely used to "disrupt the opposition, to harass opposing counsel or to effect delay." *In re Ferrante*, 126 B.R. 642, 649 (Bankr. D. Ma. 1991) (citing *Kevlik v. Goldstein*, 724 F.2d 844, 848 (1st Cir. 1984)).

A. The Automatic Stay

First, Avaya argued that employment of the Firm was unnecessary because the automatic stay was still in effect and the Arbitration could not go forward. On June 2, 2021, the Debtor and Avaya filed a Stipulation to Modify the Stay (the "Stipulation") [Doc. No. 170], and the Court granted it on June 3, 2021. *See also* Doc. No. 172. The Stipulation states that "[n]one of the matters to be addressed in the Arbitration are stayed." Stipulation at 3. Therefore, Avaya's argument is moot.

B. Chapter 11 Liquidating Agent

Second, Avaya argues that because the Debtor has sold the majority of its assets, it will be pursuing a liquidating chapter 11 plan and the claims it has against Avaya will be pursued by a liquidating agent. This argument presupposes the disposition of the case. Avaya is merely speculating about a future plan that has not yet been filed in front of this Court. At this point, no liquidating agent has been

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appointed, the services of the Firm are helping to monetize an asset of the estate, and any argument about the future of the arbitration claims that the Debtor has against Avaya is purely conjectural.

C. The Pre-Petition Retainer

Third, Avaya contends that the \$150,000 pre-petition retainer is problematic because: it "may be the target of an avoidance action," "it is against public policy," and the Debtor "failed to disclose the source of the retainer." Objection at 9-10. Avaya's contentions about the pre-petition retainer boil down to the argument that the Debtor's payment of the pre-petition retainer has not benefitted the estate. Avaya cites *In re Dixon* for the proposition that pre-petition retainers that did not benefit the estate may be subject to avoidance/disgorgement and recovery by the estate. 143 B.R. 671 (Bankr. N.D. Tex. 1992). There, in 1986, the Debtor had paid a criminal defense attorney in \$300,000 in cash and valuables as a retainer to represent the Debtor in potential future criminal matters. *Id.* at 674. No criminal charges had yet been filed. *Id.* The Debtor then filed for bankruptcy in 1987. In 1990, three years after the bankruptcy was filed, criminal charges were filed against the Debtor and the defense attorney represented the Debtor with respect to those charges. *Id.* The Bankruptcy Court determined that this pre-petition retainer for criminal representation "did not benefit the creditors of the Debtors generally, but served to deplete the assets which would later become assets of the bankruptcy estate." *Id.* at 675. Here, however, there is no merit to Avaya's argument because the Firm is "confident that it has already provided more than 100 hours of services with regard to its engagement by the Debtor." Reply at 3-4. In addition, the Firm continues to work on preparing for discovery, pursuing its complaint against Avaya, and defending against Avaya's counterclaims in the Arbitration. *Id.* at 4. The Firm was actually paid a *lower* up-front retainer fee in exchange for a slightly higher contingency fee. Reply at 6. In fact, the Firm anticipates that legal fees in the Arbitration proceedings, if billed strictly on an hourly basis, would "likely range from at least \$500,000 to \$1,000,000." *Id.* At the time the Firm was hired, the Debtor did not have the available funds to hire competent counsel on an hourly basis to pursue its claims against Avaya. *Id.* The low retainer fee and slightly higher contingent fee allowed the Debtor to hire competent counsel to pursue its complex claims against Avaya. Because the majority of the Debtor's assets were sold and the only remaining asset of value is the Debtor's claims against Avaya, the Firm's pre-petition retainer and work in asserting the claims against Avaya has benefitted the estate.

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In addition, Avaya's argument that the pre-petition retainer "may" be the target of an avoidance action belies two facts: 1) no avoidance action has been initiated and thus any argument that one may be initiated is, again, mere conjecture; and 2) the argument that the Debtor did not receive "reasonably equivalent value" for its pre-petition retainer is incorrect. *See* 11 U.S.C. § 548(a)(1)(B)(i). For example, in *In re Pawlak* the debtors paid a firm a \$50,000 pre-petition retainer to secure the firm's services should a post-petition adversary proceeding be filed against them. 483 B.R. 169, 184 (Bankr. W.D. Wis. 2012). There, the trustee argued that the debtors did not receive any value for the firm's services because the consideration for the retainer was the promise that the firm would represent the debtors in any potential future adversary proceedings, but no concrete legal services at the time. *Id.* at 186. However, the court determined that, at the time the debtors hired the firm, it was likely that an adversary proceeding would be filed against the debtors, and therefore the assurance that the firm would represent the debtors in an adversary proceeding constituted reasonably equivalent value for the pre-petition retainer. *Id.* Here, however, the Firm has already spent more than 100 hours pursuing the Debtor's claims against Avaya and defending against Avaya's counterclaims. Given that the Firm took a lower pre-petition retainer in exchange for a higher contingency fee further proves that Debtor has received value for the Firm's services The Debtor has received, and continues to receive, a reasonably equivalent value for the pre-petition retainer that it paid.

Finally, Avaya's argument that the source of the retainer was not disclosed is incorrect. The Debtor's CEO, Kevin Schatzle ("Schatzle"), filed an Omnibus Declaration of Kevin B. Schatzle in Support of Debtor's "First Day" Motions (the "Schatzle Decl.") [Doc. No. 12]. In it, Schatzle states:

Unable to obtain any other source of funding and facing a severe liquidity crisis in February 2021, collab9 obtained a secured loan from Dollab in February 2021 in the sum of \$200,000. Thereafter, Dollab assigned its loan to SecureComm, LLC ("SecureComm") and SecureComm made an addition pre-petition secured loan to the Debtor in March 2021 in the sum of \$380,000. SecureComm is an affiliate of Dollab.

Schatzle Decl. at ¶ 40. Furthermore in the Supplemental Schatzle Decl., Schatzle clarifies that "[t]he \$150,000 [retainer paid to the Firm] was part of the \$200,000 loan

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made by Dollab to the Debtor and subsequently assigned to SecureComm." Reply at 8, ¶ 9. Therefore, the source of the retainer was property disclosed.

D. Failure to Disclose

Fourth and finally, Avaya believes that the Employment Application is defective for the Debtor's failure to disclose that the Firm represented the Debtor in a Virginia state court action with respect to a dispute with Avaya. Objection at 10. Federal Rule of Bankruptcy Procedure ("FRBP") 2014(a) reads, in pertinent part:

The application shall state the specific facts showing the necessity for the employment, the name of the person to be employed, the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and, to the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.

In addition, Local Bankruptcy Rule ("LBR") 2014-1(b)(1)(A) reads: "[a]n application seeking approval of employment of a professional person pursuant to 11 U.S.C. §§ 327, 328, 1103(a), or 1114 must comply with the requirements of FRBP 2014 and 6003(a) and be filed with the court."

Avaya argues that the Debtor failed to disclose that the Firm represented the Debtor in a Virginia state court action wherein the Debtor was threatening to cut off its services to the government of Loudon County, Virginia unless Avaya agreed to pay the Debtor \$400,000 per month. Objection at 6. Avaya believed this conduct was in violation of the terms of the Avaya Note, and filed suit in Virginia state court on February 25, 2021.

Avaya's contention that the Debtor failed to disclose this information is incorrect. On January 26, 2021, the Debtor hired the Firm to represent it "in the matter of [the Debtor's] claims against **Avaya** arising out of the Global Hosting and OEM Reseller Agreement signed August 31, 2017 and the *Convertible Promissory Note*, which occurred on or about May 2019." Ex. 1 to Employment Application at 17

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(italic emphasis added). Avaya explicitly states that it believes the Debtor's actions with respect to the Loudon County dispute were in violation of the terms of the Avaya Note, and it filed a complaint on February 25, 2021. Objection at 6. The Firm was hired before the Virginia state court action to represent the Debtor with respect to all disputes over the Avaya Note. *See* Ex. 1 to Employment Application at 17. Therefore, Avaya's argument that the Debtor failed to disclosure that the Firm represented it in the Virginia state court action is incorrect because the retainer agreement says otherwise.

E. The New York Attorneys

The Employment Application states that the Firm will also hire certain New York attorneys to assist with the Arbitration, as jurisdiction lies in New York. Employment Application at 5-6. The Employment Application also states that "[s]uch attorneys and their time will be considered a 'cost' of the case and billed as such to collab9." *Id.* at 6. Because the New York attorneys will be representing the Debtor in the Arbitration, they cannot be summarily hired by the Firm. If the Firm wishes to hire additional attorneys, those individuals will be required to file appropriate employment applications pursuant to 11 U.S.C. § 327.

III. Conclusion

Based upon the foregoing, the Employment Application is **GRANTED** pursuant to 11 U.S.C. §§ 327(e) & 328, subject to the amendment as discussed above, with employment effective as of March 19, 2021.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour

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5/3/2021

On the court's own motion, continued to June 15, 2021 at 11:00 a.m.

Party Information

Debtor(s):

collab9, LLC, a Delaware limited

Represented By
Victor A Sahn
David S Kupetz
Claire K Wu

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2:18-22985 Daniel Sanchez Camarena

Chapter 7

#112.00 Hearing
RE: [25] Motion to Amend Motion to Reopen Case (BNC-PDF)) (Morrison,
Kelly)

Docket 25

***** VACATED *** REASON: PER ORDER ENTERED 6-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Sanchez Camarena

Represented By
Francis Guilardi
Leon D Bayer

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:10-62208 EPD Investment Co., LLC

Chapter 7

Adv#: 2:12-02424 Rund, Chapter 7 Trustee v. Kirkland, individually et al

#1.00 Status Conference
RE: [505] Adversary Proceeding

Docket 505

Tentative Ruling:

6/16/2021

See Cal. No. 2, below, incorporated by reference.

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Defendant(s):

John C Kirkland, individually

Represented By

Autumn D Spaeth ESQ

Lewis R Landau

Stephen E Hyam

Poshow Ann Kirkland, individually

Represented By

Lewis R Landau

Poshow Ann Kirkland, as Trustee of

Represented By

Lewis R Landau

Stephen E Hyam

Plaintiff(s):

Jason M Rund, Chapter 7 Trustee

Represented By

Larry W Gabriel

Michael W Davis

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Corey R Weber
Robert A Hessling
Steven T Gubner

Trustee(s):

Jason M Rund (TR)

Represented By
Robert A Hessling
Richard K Diamond
Daniel H Gill
Michael W Davis
Ronald P Abrams

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2:10-62208 EPD Investment Co., LLC

Chapter 7

#2.00 Hearing
RE: [1395] Application to Employ Brutzkus Gubner as Special Litigation Counsel, Effective May 25, 2021 (Gubner, Steven)

Docket 1395

Tentative Ruling:

6/16/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Employment Application is **APPROVED**.

Pleadings Filed and Reviewed:

- 1) Application by Jason M. Rund, Chapter 7 Trustee, for Order Approving Employment of Brutzkus Gubner as Special Litigation Counsel, Effective May 25, 2021 [Bankr. Doc. No. 1395] (the "Employment Application")
 - a) Application for Order Setting Hearing on Shortened Notice [Bankr. Doc. No. 1396]
 - b) Creditors Poshow Ann Kirkland as Trustee and John C. Kirkland's Limited Opposition to Application for Order Setting Hearing on Shortened Notice [Bankr. Doc. No. 1397]
 - c) Order: (1) Setting Hearing on Chapter 7 Trustee's Application to Employ Special Litigation Counsel and (2) Setting Status Conference with Respect to the Trial of the Trustee's Equitable Subordination Claim Against the BC Trust [Bankr. Doc. No. 1398]
- 2) Creditors Poshow Ann Kirkland and John C. Kirkland's Opposition to Application by Trustee Jason M. Rund to Employ Brutzkus Gubner as Special Litigation Counsel [Bankr. Doc. No. 1401] (the "Opposition")
- 3) Reply Brief in Support of Application by Jason M. Rund, Chapter 7 Trustee, for

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Order Approving Employment of Brutzkus Gubner as Special Litigation Counsel, Effective May 25, 2021 [Bankr. Doc. No. 1402] (the "Reply")

4) Joint Status Report [Adv. Doc. No. 509]

I. Facts and Summary of Pleadings

A. Introduction

Before the Court is the application of Jason M. Rund, the Chapter 7 Trustee (the "Trustee"), to employ Brutzkus Gubner Rozansky Seror Weber LLP ("BG") as his special litigation counsel, effective as of May 25, 2021. *See* Bankr. Doc. No. 1395 (the "Employment Application"). [Note 1] The Employment Application is opposed by Poshow Ann Kirkland, solely in her capacity as the Trustee of the Bright Conscience Trust dated September 9, 2009 (the "BC Trust") and John C. Kirkland ("Kirkland").

The procedural history of this matter has been set forth at length in the Court's prior rulings, [Note 2] and is repeated herein only to the extent necessary to address the arguments presented by the BC Trust and Kirkland in opposition to the Employment Application.

B. Procedural Background

Jason M. Rund serves as the Trustee of the substantively consolidated estates of EPD Investment Co., LLC ("EPD") and Jerrold S. Pressman ("Pressman," and together with EPD, the "Debtors"). On October 31, 2012, the Trustee filed a complaint against the BC Trust and Kirkland, commencing adversary proceeding 2:12-ap-02424-ER (the "Adversary Proceeding"). The operative Fourth Amended Complaint [Adv. Doc. No. 234] (the "Complaint") was filed on October 14, 2016. [Note 3] The Complaint seeks to (1) disallow and/or equitably subordinate proofs of claim filed by the BC Trust and (2) avoid allegedly fraudulent transfers from the Debtors to both Kirkland and the BC Trust. On January 21, 2021, the Court entered a final judgment in favor of Kirkland. *See* Adv. Doc. No. 486.

In connection with cross-motions for summary judgment filed by the BC Trust and the Trustee, the Court made the following findings:

- 1) [paragraph omitted]
- 2) The BC Trust holds an allowed secured claim in the amount of \$1,950,613.41. This finding is without prejudice to the ability of the Trustee and the BC Trust to assert that the claim is subject to the following

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adjustments:

- a) The BC Trust may assert that the claim should be increased by approximately \$75,000, based on the fact that the estate has received approximately \$75,000 in proceeds from a Court-approved settlement with Union Bank, and the estate is entitled to only a single satisfaction of avoided transfers under § 550(d).
- b) The Trustee may assert that the claim is subject to being surcharged in the amount of \$309,166.70 under § 506(c), based on the fact that the Trustee was required to pay this amount to facilitate a settlement with Robert Geringer.
- 3) The BC Trust is not entitled to any interest on its claim because the Trustee is entitled to avoid the claim as an actually fraudulent transfer pursuant to § 548(a)(1)(A). Notwithstanding such avoidance, the BC Trust is entitled to a claim of \$1,950,613.41 because it has established that it acquired the claim in good faith and for value pursuant to § 548(c).
- 4) The BC Trust's claim **does not** attach to (a) \$3,886,650.83 in proceeds from the Trustee's settlement of avoidance actions or (b) \$1,250,000.00 in proceeds from the Trustee's settlements with Luce Forward and Greenberg Traurig. The BC Trust's claim **does** attach to (a) \$3,615,817.85 in proceeds from a settlement with Robert Geringer and (b) \$104,588.83 in proceeds from the sale of stock in Ice Skating Enterprises and Sidecreek Development.
- 5) The BC Trust is entitled to summary adjudication in its favor on the Trustee's constructively fraudulent transfer claims (claims four and five).
- 6) This Order does not dispose of all the claims for relief at issue in this action and is therefore an interlocutory order.
- 7) Neither party is entitled to summary adjudication with respect to the Trustee's equitable subordination claim.

Order Granting in Part and Denying in Part Cross-Motions for Summary Judgment Filed by the Chapter 7 Trustee and the BC Trust [Adv. Doc. No. 461] (the "Order") at ¶¶ 1–6 (footnotes omitted).

A Pretrial Conference with respect to the Trustee's equitable subordination claim against the BC Trust is set for July 13, 2021 at 11:00 a.m. Trial of the equitable subordination claim is set for the week of July 26, 2021.

On February 11, 2021, the Trustee filed a motion for approval of a settlement (the

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"Settlement") with the BC Trust and Kirkland. *See* Bankr. Doc. No. 1361 (the "Rule 9019 Motion"). Subsequent to the filing of the Rule 9019 Motion, the Trustee's special litigation counsel, BG, sought authorization to withdraw from representation, citing conflicts of interest between the Trustee and BG created by the Settlement. The Trustee initially opposed BG's withdrawal, but stipulated to withdraw his opposition in order to save administrative costs after the Court set a hearing and briefing schedule on BG's withdrawal motion. On February 17, 2021, the Court approved a stipulation between the Trustee and BG authorizing BG's withdrawal. *See* Bankr. Doc. No. 1375. On April 8, 2021, the Court denied the Rule 9019 Motion, and scheduled the July trial of the Trustee's equitable subordination claim. *See* Bankr. Doc. No. 1391 and Adv. Doc. No. 500.

C. Summary of Papers Filed in Connection with the Employment Application

The Trustee seeks authorization to re-employ BG as his special litigation counsel. The terms of the proposed employment are as follows:

- 1) BG shall be employed for the limited purposes of:
 - a) Preparing for trial, serving as trial counsel, and handling any motions relating to the equitable subordination and surcharge issues in the Adversary Proceeding;
 - b) Litigating post-trial motions and appeals related to the Adversary Proceeding; and
 - c) Litigating appeals related to the jury trial of the Trustee's claims against Kirkland that was conducted by the District Court (the "District Court Case").
- 2) Employment shall be effective as of May 25, 2021. BG shall be employed on an hourly basis and shall seek compensation pursuant to §§ 330 and 331.
- 3) Communications and work product of the Trustee and BG between the time BG's withdrawal was authorized and May 25, 2021 shall remain privileged and confidential and not subject to disclosure.
- 4) The Trustee and the Trustee's general bankruptcy counsel, Robert A. Hessling, APC, shall subordinate their fees to the first \$300,000 in fees and costs incurred by BG. After the first \$300,000, the fees and costs of administrative creditors will be paid on a *pari passu* basis.

The Trustee contends that the breakdown in the attorney-client relationship that

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led to BG's withdrawal will not impair BG's ability to now represent the Trustee:

The prior stated conflicted was solely in relation to the proposed settlement entered into by the Trustee and the discussions between the Trustee's general counsel and counsel for the BC Trust and Kirkland leading to the proposed settlement. The Court's denial of the 9019 Motion has obviated those issues.

Employment Application at 8.

The BC Trust and Kirkland oppose the Employment Application, and make the following arguments in support of their Opposition:

- 1) BG is not disinterested because it is a creditor. The Trustee has estimated that, since BG's last interim fee application in October 2015, BG has incurred additional fees of approximately \$2.7 million. From the Trustee's perspective, the best litigation outcome is that the BC Trust Claim will be subordinated or disallowed. Because the estate is administratively insolvent, unsecured creditors gain no advantage from such an outcome. Consequently, "BG is litigating solely to eliminate the BC Trust's claim so that there are more funds available to pay BG's fees, a clear example of a disqualifying adverse interest." Opposition at 12. BG's adverse interest to the estate is further demonstrated by the papers it filed in opposition to approval of the Settlement.
- 2) Since unsecured creditors will not benefit even if the Trustee prevails, the estate does not benefit from the continuation of the litigation. It follows that retaining BG as the special litigation counsel will not benefit the estate.
- 3) The Employment Application is deficient because the Trustee does not disclose whether he seeks to employ BG under § 327(a) or § 327(e). BG's employment cannot be approved under either section. Employment under § 327(a) fails because BG is not disinterested. Employment under § 327(e) because BG did not represent the Debtors prior to the filing of the petition.
- 4) The Settlement required the Trustee to seek disgorgement of approximately \$4.3 million in fees and costs paid to BG. "This was an unqualified admission that BG had committed repeated wrongdoing during its representation and had not brought value to the Estate and its creditors." Opposition at 5. The conflict between the Trustee and BG that exists as a result of the Trustee's admission that BG's services provided no value to the estate was not cured simply because the Court denied the Rule 9019 Motion. This conflict prohibits the

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Trustee from employing BG as his special litigation counsel.

The Trustee makes the following arguments in his Reply to the Opposition filed by Kirkland and the BC Trust:

- 1) BG's status as an administrative creditor does not mean that it is conflicted. Section 327(c) provides that "a person is not disqualified for employment under this section solely because of such person's employment by or representation of a creditor, unless there is an objection by another creditor or the United States trustee, in which case the court shall disapprove such employment if there is an actual conflict of interest." There is no actual conflict of interest between the Trustee and BG, because there is sufficient cash on hand in the estate to pay the BC Trust Claim even if it is not equitably subordinated without disgorgement from any estate professionals.
- 2) Trustees and their professionals are administrative creditors in every bankruptcy case. If being an administrative creditor was sufficient to create a conflict, a Trustee could never employ professionals.

II. Findings of Fact and Conclusions of Law

A. Kirkland Lacks Standing to Oppose the Employment Application

The caption of the Opposition states that Kirkland is a creditor of the estate. That is not the case. Kirkland never submitted a proof of claim. Kirkland's election not to submit a proof of claim has been a cornerstone of his litigation strategy throughout these proceedings. It was this decision that enabled Kirkland to obtain a jury trial before the District Court based upon the Bankruptcy Court's lack of jurisdiction.

"The federal courts are under an independent obligation to examine their own jurisdiction, and standing 'is perhaps the most important of [the jurisdictional] doctrines.'" *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231, 110 S. Ct. 596, 607, 107 L. Ed. 2d 603 (1990), *holding modified by City of Littleton, Colo. v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774, 124 S. Ct. 2219, 159 L. Ed. 2d 84 (2004). Because he is not a creditor of the estate, Kirkland lacks standing to oppose the Employment Application. *See Fondiller v. Robertson (Matter of Fondiller)*, 707 F.2d 441, 442 (9th Cir. 1983) (those not pecuniarily affected by an order affecting the size of the estate lack standing to appeal).

The Opposition was filed by both Kirkland and the BC Trust (which does have standing), so Kirkland's lack of standing does not affect the Court's consideration of

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the arguments set forth in the Opposition. Nonetheless, to ensure a clear record, the Court finds it important to point out Kirkland's lack of standing.

B. The Employment Application is Approved

Subject to court approval, the Trustee is authorized to "employ one or more attorneys ... that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title." § 327(a). [Note 4] Within the context of §327(a), a professional holds an "interest adverse to the estate" if that professional "possess[es] or assert[s] any economic interest that would tend to lessen the value of the bankrupt estate or that would create either an actual or potential dispute in which the estate is a rival claimant; or (2) ... possess[es] a predisposition under circumstances that render such a bias against the estate." *Tevis v. Wilke, Fleury, Hoffelt, Gould & Birney, LLP (In re Tevis)*, 347 B.R. 679, 688 (9th Cir. B.A.P. 2006).

The BC Trust argues that BG is not disinterested and holds an adverse interest to the estate because even if the Trustee succeeds in equitably subordinating the BC Trust Claim, no funds will be paid to unsecured creditors given the estate's administrative insolvency. The BC Trust further argues that the impossibility of any distribution to unsecured creditors means that BG's employment should not be approved since continued pursuit of the litigation will provide no benefit to the estate.

The premise of the BC Trust's argument—that unsecured creditors will receiving nothing even in the best case scenario for the Trustee—is incorrect. The BC Trust assumes that the Court will allow, on a final basis, all fees incurred by the estate's professionals, even if such allowance leaves no funds available for distribution to unsecured creditors. The Court has no intention of doing so. The Trustee's administration of the estate has generated receipts of \$8,861,062.81. In a case of this size, it would not be appropriate for the Court to award the entirety of the estate's receipts to professionals while leaving nothing for unsecured creditors. The purpose of the Trustee's administration of estate assets is to generate a dividend that can be paid to unsecured creditors. As explained in *In re KVN Corp.*:

A chapter 7 case must be administered to maximize and expedite dividends to creditors. A trustee shall not administer an estate or an asset in an estate where the proceeds of liquidation will primarily benefit the trustee or the professionals, or unduly delay the resolution of the case. The trustee must be guided by this fundamental principle when acting as trustee. Accordingly, the

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trustee must consider whether sufficient funds will be generated to make a meaningful distribution to unsecured creditors, including unsecured priority creditors, before administering a case as an asset case.

In re KVN Corp., Inc., 514 B.R. 1, 6 (B.A.P. 9th Cir. 2014) (quoting U.S. DOJ Exec. Office for U.S. Trs., Handbook for Chapter 7 Trustees at 4–16).

It is important for the Court to emphasize that the situation at hand did not result from a lack of good faith on the part of the Trustee or his professionals. This has been an exceptionally complex case, and the Trustee could not have reasonably anticipated the costs of litigating the Adversary Proceeding at the time it was commenced. Although neither the Trustee or his professionals are to blame for the estate's administrative insolvency, the Court cannot countenance a situation in which estate professionals receive more than \$8.8 million and unsecured creditors receive nothing. The Trustee and his professionals are employed on behalf of the estate's unsecured creditors. In unfortunate circumstances such as those presented by this case, the Trustee and the estate's professionals must be required to sacrifice a portion of their fees so that some distribution can be made to unsecured creditors.

Because the Court will require that unsecured creditors receive a distribution, there is no conflict between BG and the estate. To the contrary, BG's interests are aligned with those of the estate. If BG succeeds in equitably subordinating the BC Trust Claim, more funds will be available to be distributed to unsecured creditors, thereby lessening the sacrifice that BG and the estate's other professionals will be required to bear to ensure that unsecured creditors receive a distribution.

C. There is No Conflict of Interest Between the Trustee and BG

The BC Trust asserts that in seeking to obtain approval of the Settlement, the Trustee represented that BG's services were not beneficial to the estate and that BG committed wrongdoing during its representation. According to the BC Trust, these alleged representations create an incurable conflict of interest between the Trustee and BG which bars BG's employment as the Trustee's special litigation counsel.

The BC Trust mischaracterizes the representations made by the Trustee in connection with his efforts to obtain approval of the Settlement through the Rule 9019 Motion. Nowhere in the declarations filed by the Trustee in support of the Rule 9019 Motion did the Trustee state that BG's services were not beneficial to the estate or that BG had engaged in improper behavior in the course of its representation.

It is true that the Settlement required the Trustee to join the BC Trust in filing a

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motion for disgorgement of BG's fees (the "Disgorgement Motion"), and that the Disgorgement Motion was to be made "on all available bases including ... that ... the services provided by BG ... were not necessary or Beneficial to the Estate." Settlement at ¶ 5. However, the Disgorgement Motion was never filed because the Court declined to approve the Settlement. Further, the Settlement states that it has "no force or effect" unless it is approved by the Court. *Id.* at ¶ 12. Therefore, the Trustee has never made the affirmative representation to the Court that BG's services provided no value to the estate.

The Trustee's declaration filed in support of the Rule 9019 Motion indicates that he entered into the Settlement because the "[e]state is already hopelessly administratively insolvent" and the Settlement avoids "further protracted, expensive, extensive, and complex litigation" that "will likely take several years and will unduly delay the closing of this 10-year old case." Rund Decl. at ¶ 42. The Settlement's requirement that the Trustee file the Disgorgement Motion does not, as the BC Trust contends, amount to an admission by the Trustee that BG's services provided no benefit to the estate. Instead, this requirement was one among many of the Settlement's onerous provisions that the Trustee accepted in an attempt to bring this more than ten-year old case to an end.

The BC Trust repeats many of the same arguments regarding BG's alleged unethical conduct that it made in connection with the litigation of the Rule 9019 Motion. The Court has already explained at length why these arguments lack merit, and will not reiterate its findings here. *See* Final Ruling Denying Rule 9019 Motion [Bankr. Doc. No. 1389] at 16–19.

D. Status Conference

Upon the Trustee's request, the Court scheduled a Status Conference with respect to the upcoming equitable subordination trial to take place concurrently with the hearing on the Employment Application. In the Joint Status Report, the Trustee states the following:

At the upcoming status conference, the trustee would like to address the admissibility of exhibits at trial, the court's preferences on receiving witness testimony, the potential unavailability of witnesses, the court's anticipated date(s) for trial the week of July 26, 2021 for purposes of trial subpoenas, use of an interpreter at trial, and other matters that may affect the scheduled trial.

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Status Report at ¶ G.

The Trustee and the BC Trust did not engage in a Rule 7026 Conference because BG's employment as the Trustee's special litigation counsel has not yet been approved. The BC Trust asserts that the issues raised by the Trustee should be addressed at the Pretrial Conference after the parties have completed a pre-trial meet and confer.

The Court agrees with the BC Trust that certain of the issues raised by the Trustee would be more appropriately addressed in connection with the Pretrial Conference. However, other issues raised by the Trustee (1) have already been resolved by way of prior orders issued by the Court or (2) involve routine matters that can be addressed now. Such issues are discussed below.

Admissibility of Exhibits at Trial

The Court's procedures regarding the admission of exhibits at trial have already been set forth in *Order Setting Pretrial Conference and Trial Dates* [Adv. Doc. No. 500] (the "Scheduling Order"). In relevant part, the Scheduling Order provides:

When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a Motion in Limine which clearly identifies each exhibit alleged to be inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1. The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.

The failure of a party to file a Motion in Limine complying with the requirements of ¶ (2)(b) [the paragraph above] shall be deemed a waiver of any objections to the admissibility of an exhibit.

Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶ (2)(b), and shall be filed by the deadline specified in ¶ (2)(b). The failure of a party to file a

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Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.

Scheduling Order at ¶ 2(b)–(d).

Witness Testimony

The Court does not permit testimony on direct examination to be introduced by declaration.

Trial Dates

The Court will reserve the dates of July 26–28 for trial. The trial day commences at 9:00 a.m.

Use of an Interpreter at Trial

Any interpreters sought to be used at trial must be certified.

Potential Unavailability of Witnesses

All parties and witnesses shall appear at the trial in-person. Parties or witnesses seeking to be excused from appearing in-person shall present such request to the Court by way of stipulation or motion, with any such stipulation or motion to be filed concurrently with the Pretrial Stipulation.

III. Conclusion

Based upon the foregoing, the Employment Application is **APPROVED**. Within seven days of the hearing, the Trustee shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Note 1

Unless otherwise indicated, all "Adv. Doc." citations are to Adv. No. 2:12-ap-02424-ER; all "Bankr. Doc." citations are to Bankr. Case No. 2:10-bk-62208-ER; all "District Court Doc." citations are to Case No. 2:18-cv-08317-DSF; and all "Tr." citations are to the transcript of the jury trial conducted by the District Court in Case No. 2:18-cv-08317-DSF that commenced on June 25, 2019. Page citations are to the docket pagination which appears at the top of each page, not to the document's internal pagination.

Note 2

See Final Ruling Denying Rule 9019 Motion [Bankr. Doc. No. 1389], Final Ruling Denying BC Trust's Motion to Disqualify Chapter 7 Trustee [Bankr. Doc. No. 1335-1], Final Ruling Granting Motion to Enter Final Judgment in Favor of Defendant John C. Kirkland [Adv. Doc. No. 487], and Memorandum of Decision Granting in Part and Denying in Part Cross-Motions for Summary Judgment Filed by the Chapter 7 Trustee and the BC Trust [Adv. Doc. No. 460].

Note 3

Adjudication on the merits was delayed as a result of a motion to compel arbitration brought by John Kirkland (the "Arbitration Motion"). A more detailed procedural history of the Arbitration Motion is set forth in Adv. Doc. No. 409.

Note 4

The Employment Application did not specify whether BG's employment was sought under § 327(a) or § 327(e). The Court evaluates BG's employment under § 327(a). BG could not be employed under § 327(e) because that subsection applies only to "an attorney that has represented the debtor," and BG did not represent EPD prior to the filing of the involuntary petition.

Party Information

Debtor(s):

EPD Investment Co., LLC

Pro Se

Trustee(s):

Jason M Rund (TR)

Represented By
Robert A Hessling
Richard K Diamond

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Daniel H Gill
Michael W Davis
Ronald P Abrams

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2:21-11958 Sunny Chae

Chapter 7

#1.00 Hearing

RE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 900 S. Figueroa Street # 804, Los Angeles, CA 90015 .

fr. 6-1-21

Docket 11

Tentative Ruling:

6/17/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. Oppositions, if any, will be considered at the hearing.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law based upon the representation that lease payments have not been made, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after he stopped making monthly lease payments in April of 2020.

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other

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relief is denied.

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Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

5/27/2021

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Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

The Motion is DENIED without prejudice. Pursuant to Judge Robles' self-calendaring procedures, for an unlawful detainer relief from stay motion heard on shortened notice, the Movant must "serve the motion and supporting documents by: . . . posting or personal service on debtor." See Self-Calendaring Instructions for

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Judge Ernest M. Robles, <https://www.cacb.uscourts.gov/judges/self-calendaring/robles-e> at § III. The Movant's proof of service indicates that the Debtor was not served with this Motion. Doc. No. 11 at 26. Movant may refile the Motion with service upon the Debtor and any other interested party in accordance with applicable local, federal, and Court-specific rules.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Sunny Chae

Represented By
Kelly K Chang

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:21-14382 Andre Bernard Freeman Sr.

Chapter 7

#2.00 HearingRE: [9] Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

Docket 9

Tentative Ruling:

6/17/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below the Motion is **DENIED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate (the "Motion") [Doc. No. 9]
- 2) As of the preparation of this tentative ruling, no opposition is on file.

I. Facts and Summary of Pleadings

On May 26, 2021, Andre Bernard Freeman Sr. (the "Debtor") filed his voluntary chapter 7 petition. On May 28, 2021, the Debtor filed the instant Motion. Prior to filing the current bankruptcy petition, the Debtor filed another chapter 7 petition on May 5, 2021 that was dismissed on May 24, 2021 for failure to file schedules. *See* Case No. 2:21-bk-13727-ER, Doc. No. 8. In his prior proceeding, the Debtor was *pro se*; however, in the current proceeding the Debtor hired counsel to represent him. The Debtor's principal residence and place where he does business is located at 7004 La Presa Dr., Los Angeles, CA 90068 (the "Property"). Doc. No. 1 at 2. The Debtor states that, because he filed a bankruptcy petition that was dismissed within the last year, pursuant to 11 U.S.C. § 362(c)(3)(A), the automatic stay will terminate on the 30th day after the filing of this case.

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The Debtor argues that the automatic stay should remain in effect because the prior filing was done *pro se* and he "had difficulty navigating/filing documents through the Court's new NextGen CM/ECF program" and that he "inadvertently failed to file" the required documents. Motion at 4-5. The Debtor further notes that he is a named defendant in a pending eviction action brought by his landlords, Christopher and Daniel Lee (the "Landlords"). *Id.* at 5. The Debtor argues that he has counterclaims against the Landlords, but he is concerned that if he is evicted he would be unable to continue operating his business and have trouble finding another property that could accommodate his business. *Id.* The Debtor allegedly owes the Landlords \$56,000 in back rent.

II. Findings of Fact and Conclusions of Law

Because the Debtor has filed a bankruptcy case that was dismissed within the last year, he is correct that the automatic stay terminates on the 30th day after he filed the instant case. *See* 11 U.S.C. § 362(c)(3)(A). Upon the motion of the Debtor or a party in interest, the Court may continue the automatic stay "if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed." 11 U.S.C. § 362(c)(3)(B). However:

a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

(i) as to all creditors, if— . . .

(II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney); . . .

11 U.S.C. § 362(c)(3)(C)(i). This case is presumptively not filed in good faith because the Debtor filed bankruptcy within the last year and the Debtor was dismissed after failing to file required documents. Therefore, the question is whether the Debtor has rebutted the presumption that this case was not filed in good faith. Specifically,

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whether the Debtor failed to amend his petition "without substantial excuse." The Debtor argues that good faith is shown by the fact that he "inadvertently" failed to file the required documents because he had difficulty navigating the CM/ECF system. Furthermore, he avers that good faith is shown by his hiring of an attorney to represent him. Motion at 5. The Debtor's numerous prior bankruptcy filings show otherwise.

Since 1990, the Debtor has filed for bankruptcy relief 14 times:

- 1) 3/2/1990 – Chapter 13 – dismissed on 8/20/1990 (Case No. 1:90-bk-50969-GM) ("Case 1")
- 2) 3/21/1990 – Chapter 13 – dismissed on 6/25/1990 (Case No. 1:90-bk-51254-GM) ("Case 2")
- 3) 5/26/1992 – Chapter 7 – dismissed on 8/10/1993 (Case No. 1:92-bk-30764-KT) ("Case 3")
- 4) 12/29/1992 – Chapter 7 – dismissed on 5/21/1993 (Case No. 1:92-bk-59083-KT) ("Case 4")
- 5) 8/13/1998 – Chapter 13 – dismissed on 10/28/1998 (Case No. 1:98-bk-21300-GM) ("Case 5")
- 6) 2/2/2001 – Chapter 7 – discharge received on 5/16/2001 (Case No. 1:01-bk-10883-GM) ("Case 6")
- 7) 4/17/2003 – Chapter 13 – dismissed on 5/8/2003 (Case No. 1:03-bk-13294-AG) ("Case 7")
- 8) 6/20/2008 – Chapter 13 – dismissed on 7/22/2008 (Case No. 1:08-bk-14175-GM) ("Case 8")
- 9) 2/27/2009 – Chapter 7 – dismissed on 3/9/2009 (Case No. 1:09-bk-12193-GM) ("Case 9")
- 10) 9/22/2011 – Chapter 7 – dismissed on 7/10/2012 (Case No. 2:11-bk-50019-BB) ("Case 10")
- 11) 9/6/2012 – Chapter 7 – dismissed on 9/26/2012 (Case No. 2:12-bk-40407-PC) ("Case 11")
- 12) 8/16/2013 – Chapter 7 – dismissed on 9/9/2013 (Case No. 2:13-bk-30698-ER) ("Case 12")
- 13) 5/5/2021 – Chapter 7 – dismissed on 5/24/2021 (Case No. 2:21-bk-13727-ER) ("Case 13")
- 14) 5/26/2021 – Chapter 7 – pending case ("Current Case")

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While the Court is unable to review the filings prior to 2000, many of the Debtor's remaining cases follow a similar pattern: the Debtor stops paying his rent, files for bankruptcy with only a few case commencement documents, the Debtor's landlord files a relief from stay motion, the relief from stay motion is granted, and then the Debtor's case is dismissed for failure to file his documents. Although in some cases the Debtor ends up filing certain case commencement documents, except for the one discharge in 2001, the remainder of his cases have been dismissed.

The Debtor's attempt at overcoming the presumption that his case was not filed in good faith is lackluster. First, he specifically states that he "inadvertently" failed to file his schedules on time in Case 13. Motion at 5. However, the statute explicitly states that "inadvertence or negligence shall not be a substantial excuse. . . ." to find that the presumption has been overcome. 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa). Therefore, his inadvertence does not overcome the presumption and his case was not filed in good faith.

Furthermore, in dealing with a similar situation, some courts have adopted a multi-factor test to determine whether the case was filed in good faith. Those factors include:

- 1) Does the debtor's current case have a reasonable probability of success?
- 2) Why was the debtor's prior case dismissed?
- 3) What motivated the debtor to file the current bankruptcy case?
- 4) How did the debtor's current filing affect creditors and what is the nature and extent of prejudice to any creditors the debtor seeks to stay?
- 5) Have the trustee or any creditor objected to continuation of the automatic stay?
- 6) Has the debtor failed to comply with the obligations imposed by the Bankruptcy Code or attempted to manipulate the bankruptcy system?

In re Fisher, Case No. 18-10343, 2018 WL 6075611 at *11 (Bankr. D. Vt. Nov. 20, 2018); *see also In re DiGiovanni*, 415 B.R. 120, 129 (Bankr. E.D. Pa. 2009) (using a similar but more concise four factor test); *In re Twiggs*, 2007 Bankr. LEXIS 2378 at *1-2 (Bankr. S.C. 2007) (using a similar multi-factor test); *In re Young*, Case No. 06-80534, 2007 WL 128280 at *4-6 (Bankr. S.D. Tex. Jan. 10, 2007) (using a similar but enlarged seven factor test).

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The Debtor's prior case (Case 13) was dismissed for his failure to file case commencement documents. The Debtor was motivated to file this case because of a pending eviction lawsuit in state court over his failure to pay rent. The Debtor's current filing (and possible continuance of the stay) would affect his Landlord in that he is attempting to avoid paying rent and eviction.

However, the Court finds the sixth factor, whether the Debtor has attempted to manipulate the bankruptcy system, dispositive. In Case 8, Case 10, Case 11, Case 13 and the Current Case, the Debtor's conduct has been exceedingly similar in his failure to file complete schedules, and his attempt to not pay rent and then file for bankruptcy protection to avoid eviction. While "a major purpose behind our bankruptcy laws is to afford a debtor some breathing room from creditors," a chapter 7 debtor must still qualify as an "honest but unfortunate debtor." *In re Marshall*, 298 B.R. 670, 681 (Bankr. C.D. Cal. 2003) (quoting *In re Cohoes Indust. Terminal, Inc.*, 931 F.2d 222, 228 (2d Cir. 1991); *In re Wagabaza*, 582 B.R. 486, 490 (Bankr. C.D. Cal. 2018). Here, the Debtor's previous filings are evidence that the Debtor manipulates the bankruptcy process by filing incomplete schedules in a bankruptcy proceeding after failing to pay his rent. More specifically, Case 13 provides ample evidence of the Debtor's failure to file in good faith due to his failure to file complete schedules. *See In re Fisher*, 2018 WL 6075611 at *14 (finding that failure to file accurate schedules was a factor to consider as to whether the debtor was manipulating the bankruptcy process). Therefore, because the Debtor has not overcome the presumption that his case was not filed in good faith, the Motion is denied.

III. Conclusion

Based upon the foregoing, the Motion is **DENIED**.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine

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whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Andre Bernard Freeman Sr.

Represented By
Stephen S Smyth

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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2:21-14711 Donald M. Tallarico

Chapter 7

#3.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1126 Chantilly Road, Los Angeles, CA 90077 . (Sontag, Richard)

Docket 9

Tentative Ruling:

6/17/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. Oppositions, if any, will be considered at the hearing.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after a foreclosure sale held on July 22, 2020. The Movant filed an unlawful detainer action on February 5, 2021.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not

**United States Bankruptcy Court
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Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 21, 2021

Hearing Room 1568

10:00 AM

CONT... Donald M. Tallarico

Chapter 7

change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

Further, the Court finds that there are facts presented in the Motion sufficient for the court to find bad faith pursuant to § 362(d)(4). Debtor's filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved filing multiple bankruptcy cases in which an interest in the property was asserted.

The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, the order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the Court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

This order shall also be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
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CONT... Donald M. Tallarico

Chapter 7

Party Information

Debtor(s):

Donald M. Tallarico

Represented By
James R Selth

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, June 22, 2021

Hearing Room 1568

10:00 AM

2:21-13523 Urban Commons LLC

Chapter 7

#1.00 Status Hearing re involuntary petition

fr. 6-9-21

Docket 0

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Court will enter an Order for Relief against Urban Commons LLC.

Pleadings Filed and Reviewed:

- 1) Involuntary Petition Against a Non-Individual [Doc. No. 1]
- 2) Proof of Service of Summons [Doc. No. 9]
- 3) Defendant's Motion to Extend Deadline to Answer or Otherwise Respond to Plaintiff's Adversary Complaint [Doc. No. 18]
- 4) Order: (1) Granting Alleged Debtor's Motion for an Extension of Time to Contest the Involuntary Petition and (2) Continuing Status Conference from June 9, 2021 at 10:00 a.m. to June 22, 2021 at 10:00 a.m. [Doc. No. 22]

I. Facts and Summary of Pleadings

On April 29, 2021 (the "Petition Date"), Selbert Perkins Design, Inc., Epic Entertainment Group LLC, and InterCommunications Inc. (collectively, the "Petitioning Creditors") commenced this involuntary Chapter 7 petition against Urban Commons LLC ("Urban Commons").

On June 8, 2021, upon the motion of Urban Commons, the Court extended the deadline for Urban Commons to contest the involuntary petition to and including June 15, 2021. Urban Commons has failed to timely contest the involuntary petition.

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CONT... Urban Commons LLC

Chapter 7

II. Findings of Fact and Conclusions of Law

Section 303(b), which governs the commencement of an involuntary petition, provides in relevant part:

An involuntary case against a person is commenced by the filing with the bankruptcy court of a petition under chapter 7 or 11 of this title by three or more entities, each of which is either a holder of a claim against such person that is not contingent as to liability or the subject of a bona fide dispute as to liability or amount, ... if such noncontingent, undisputed claims aggregate at least \$16,750 more than the value of any lien on property of the debtor securing such claims held by the holders of such claims.

Section 303(h) requires the Court to enter an Order for Relief "[i]f the petition is not timely controverted."

Here, the Petitioning Creditors hold claims against Urban Commons in an aggregate amount exceeding the threshold for commencement of an involuntary petition under § 303(b). Urban Commons has failed to timely controvert the petition.

The Court will enter an Order for Relief against Urban Commons. Within fourteen days of the entry of the Order for Relief, Urban Commons shall file the schedules, documents, and statements set forth in Bankruptcy Rule 1007.

Within seven days of the hearing, the Petitioning Creditors shall submit a proposed Order for Relief that incorporates this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Urban Commons LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, June 22, 2021

Hearing Room 1568

10:00 AM

2:21-12663 Hoplite, Inc. and Hoplite Entertainment, Inc.

Chapter 11

#2.00 HearingRE: [63] Motion to Approve Entry into Contract for Post-Production Services with Buffalo 8 Productions, LLC; Declaration of Jonathan Smith

Docket 63

Tentative Ruling:

6/21/2021

See Cal. No. 3, below, incorporated in full by reference.

Party Information

Debtor(s):

Hoplite, Inc.

Represented By
Richard T Baum

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, June 22, 2021

Hearing Room 1568

10:00 AM

2:21-12663 Hoplite, Inc.

Chapter 11

#3.00 Hearing
RE: [39] Motion to Convert Case From Chapter 11 to 7

fr. 6-2-2021; 6-30-21

Docket 39

Tentative Ruling:

6/21/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Debtors' cases are **CONVERTED** to Chapter 7, and the motion for approval of the Buffalo 8 Contract is **DENIED AS MOOT**.

Pleadings Filed and Reviewed:

- 1) Motion to Convert:
 - a) XXIII Capital Limited's Motion for an Order (I) Converting this Chapter 11 Case to a Case Under Chapter 7 of the Bankruptcy Code or, in the Alternative, (II) Appointing a Chapter 7 Trustee [Doc. No. 39] (the "Motion to Convert")
 - i) Corrected Declaration of David O'Connor in Support of [Motion to Convert] [Doc. No. 48]
 - ii) Bay Point Capital Partners II's Joinder in the Motion [Doc. No. 42]
 - iii) Notice of Joinder and Joinder of Porta Pellex LLC in the Motion [Doc. No. 108]
 - iv) Notice of Joinder and Joinder of Columbia State Bank in the Motion [Doc. No. 59]
 - b) Committee's Request for Continuance of the Hearing on, or in the Alternative, Opposition to, the Motion ("Committee's Opposition") [Doc. No. 43]
 - c) One Light Media Capital, LLC Response to the Motion ("One Light's Response") [Doc. No. 44]

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Hoplite, Inc.

Chapter 11

- i) Declaration of Gary Danklefsen in Support of One Light Media Capital LLC's Response [Doc. No. 45]
- d) Opposition of Debtor Hoplite Entertainment, Inc. to Motion to Convert Case to Chapter 7 or to Appoint Chapter 11 Trustee [Doc. No. 46]
 - i) Debtors' Objection to the Declaration of David O'Connor Submitted in Support of Motion to Convert or Appoint Chapter 11 Trustee [Doc. No. 47]
 - ii) Debtors' Withdrawal of Opposition to Motion to Appoint Chapter 11 Trustee or Convert Case to Chapter 7 [Doc. No. 95]
- e) Omnibus Reply of XXIII Capital Limited in Support of [Motion to Convert] [Doc. No. 67]
 - i) Evidentiary Objections of XXIII Capital Limited to Declaration of Gary Danklefsen in Support of One Light Media Capital LLC's Response to XXIII Capital Limited's [Motion to Convert] [Doc. No. 68]
 - ii) Evidentiary Objections of XXIII Capital Limited to Declaration of Richard T. Baum in Support of Opposition to Debtor Hoplite Entertainment, Inc. to [Motion to Convert] [Doc. No. 69]
 - iii) Bay Point Capital Partners II, LP's Joinder to Omnibus Reply [Doc. No. 71]
- f) Order Continuing Hearing on the Motion [Doc. No. 80]
- g) Committee's Motion to Advance Hearing on Motion and Request to Appoint a Chapter 11 Trustee [Doc. No. 93]
 - i) Order Advancing Hearing on the Motion [Doc. No. 97]
- h) United States Trustee's Statement Supporting Conversion to Chapter 7 [Doc. No. 99]
- i) Plea Agreement for Defendant Jonathan Lee Smith [Doc. No. 3, Case No. 2:21-cr-00272-JFW]
- j) Status Report of XXIII Capital Limited in Connection with [Motion to Convert] [Doc. No. 109]
- k) Status Report of Committee's Position Re XXIII Capital Limited's [Motion to Convert] [Doc. No. 110]
- l) Status Report of Bay Point Capital Partners II, LP in Connection with [Motion to Convert] [Doc. No. 111]
- 2) Motion to Approve Entry Into Contract for Post-Production Services:
 - a) Motion for Approval of Entry Into Contract for Post-Production Services with Buffalo 8 Productions, LLC [Doc. No. 63]
 - b) Bay Point Capital Partners II, LP's Objection to Debtors' Notice of Motion

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Hoplite, Inc.

Chapter 11

and Motion for Approval of Entry Into Contract for Post-Production Services with Buffalo 8 Productions, LLC [Doc. No. 88]

- i) Joinder of XXIII Capital Limited in Bay Point Capital Partners II, LP's Objection to Debtors' Motion for Approval of Entry Into Contract for Post-Production Services with Buffalo 8 Productions, LLC [Doc. No. 91]
- c) Debtors' Reply Re: Motion to Approve Buffalo 8 Contract [Doc. No. 108]

I. Facts and Summary of Pleadings

A. Introduction

Before the Court is the motion of XXIII Capital Limited ("XXIII Capital") to convert the Chapter 11 case of Hoplite Entertainment, Inc. ("Hoplite Entertainment") to Chapter 7, or in the alternative, to appoint a Chapter 11 Trustee. *See* Doc. No. 39 (the "Motion to Convert"). The cases of Hoplite Entertainment and Hoplite, Inc. ("Hoplite") are being jointly administered (Hoplite and Hoplite Entertainment collectively, the "Debtors"). The Hoplite case has been designated as the lead case.

An Official Committee of Unsecured Creditors (the "Committee") has been appointed in the Hoplite case. No unsecured creditors committee has been appointed in the Hoplite Entertainment case.

Although the Motion to Convert sought relief only as to Hoplite Entertainment and not as to Hoplite, Hoplite Entertainment and Hoplite do not oppose entry of an order as to both Debtors. The Debtors and the Committee initially opposed the Motion to Convert, arguing that the appointment of a Chief Restructuring Officer would address the concerns raised by XXIII Capital. However, after the Debtors' principal Jonathan Smith ("Smith") agreed to plead guilty to wire fraud, the Committee and the Debtors withdrew their opposition to the Motion to Convert. The only issue in dispute is whether the appointment of a Chapter 11 Trustee or the conversion of the cases to Chapter 7 would be in the best interest of creditors.

B. Background

Hoplite Entertainment sought bankruptcy protection on March 30, 2021. Hoplite Entertainment's primary asset is a library of television shows that it produced. Hoplite's primary asset is also a television library (both television libraries, the "TV Library"). In May 2020, Media Valuation Partners valued the TV Library at \$77 million. All parties agree that the current value of the TV Library is substantially less.

Smith, the principal of both Debtors, has agreed to plead guilty to wire fraud. The factual basis for Smith's guilty plea is as follows:

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Hoplite, Inc.

Chapter 11

Beginning on an unknown date, but no later than on or about August 24, 2020, and continuing to at least January 22, 2021, in Los Angeles County, within the Central District of California, and elsewhere, [Smith], knowingly and with the intent to defraud, devised, participated in, and executed a scheme to defraud victims as to material matters, and to obtain money and property by means of material false and fraudulent pretenses, representations, promises, and the concealment of material facts.

During the timeframe of the scheme to defraud, [Smith], a resident of Los Angeles, was the chief executive officer and sole owner of [Hoplite], and the chief executive officer and principal owner of [Hoplite Entertainment].

Hoplite and Hoplite Entertainment (together, the “Hoplite Entities”) were both production companies and California corporations based in Los Angeles. Defendant had control of various business bank accounts, including a Wells Fargo account in the name of “Hoplite Entertainment, LLC” ending -5559 (the “Hoplite Entertainment Account”).

On behalf of Hoplite and Hoplite Entertainment, defendant sought a \$2 million loan from the victim lender, a privately held investment fund that offered short-term loans to small- and medium-sized businesses like the Hoplite Entities. To obtain the loan, [Smith] knowingly made various misrepresentations and provided fabricated documents to the victim lender, including several false license agreements with distributors that made it falsely appear that the Hoplite Entities had collective accounts receivable of \$3,348,000 when, in fact, they did not. He also provided the victim lender with several false standby agreements with secured creditors to whom Hoplite and Hoplite Entertainment owed money that purported to show that the secured creditors had agreed to subordinate their interests to the interest of the victim lender when, in fact, the creditors had not so agreed. Based on these and other misrepresentations, the victim lender agreed to the loan and, on September 30, 2020, transferred \$1,951,416.80 to the Hoplite Entertainment Account by means of interstate wire transfer.

When [Smith] failed to repay the victim lender according to the terms of his agreement, he sought additional time from the victim lender to repay the loan. To that end, on November 17, 2020, [Smith] knowingly sent an email to representatives of the victim lender that contained fabricated correspondence from a representative of one of a distributor of Hoplite Entertainment’s content and a false record of an automated clearing house (ACH) transfer of \$1,488,000.

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Hoplite, Inc.

Chapter 11

As a result of defendant's scheme to defraud, he caused at least \$2 million in losses to the victim lender.

Plea Agreement [Case No. 2:21-cr-00272-JFW, Doc. No. 3] at § 10.

C. Positions of the Parties

The United States Trustee (the "UST") favors conversion to Chapter 7 over appointment of a Chapter 11 Trustee. In support of conversion, the UST points out that the Debtors are not operating and have no cash. The UST asserts that the TV Library can be liquidated at less expense by a Chapter 7 Trustee.

The Debtors take no position on whether a Chapter 11 Trustee should be appointed or whether the case should be converted to Chapter 7. The Debtors represent that their largest customer, an entity based in Croatia called Fight World, claims that it is insolvent and has not made payments on its licensing agreements in many months.

Secured creditor XXIII Capital contends that the case should be converted to Chapter 7 for the following reasons:

- 1) The TV Library can be liquidated with less expense in Chapter 7.
- 2) The Committee's interests are misaligned because the Committee has only been appointed in the Hoplite case. As a result, the Committee can be expected to advance the interests of the Hoplite estate over those of the Hoplite Entertainment estate. For example, the Committee might seek to allocate a disproportionate share of the sale proceeds of the TV Library to the Hoplite estate.
- 3) The Debtors are not operating and there is no going-concern business to be sold, so running a more costly Chapter 11 sale process is not warranted.

One Light Media Capital, LLC ("One Light"), an unsecured creditor that assisted the Debtors in financing the production of 34 television programs, argues that more value for the TV Library would be realized if the cases remain in Chapter 11 and the sale process is overseen by a Chapter 11 Trustee. Gary Danklefsen, One Light's principal, testifies that "[a] quick sale [under Chapter 7] will result in a recovery much lower than what these assets are worth." Danklefsen Decl. at ¶ 4. Secured creditor XXIII Capital objects to Danklefsen's testimony, asserting that Danklefsen is not qualified to opine as to the best means of maximizing the value of the TV Library.

The Committee requests that the Court appoint a Chapter 11 Trustee in both cases.

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CONT... Hoplite, Inc.

Chapter 11

The Committee contends that a Chapter 11 Trustee can evaluate the Debtors' assets and determine whether liquidating the assets in Chapter 11 or Chapter 7 would yield the most value for creditors.

Secured creditor Bay Point is indifferent as to whether a Chapter 11 Trustee is appointed or the case is converted to Chapter 7. Bay Point asserts that any trustee who is appointed should have experience in business bankruptcy cases.

D. The Debtors' Motion for Approval of the Buffalo 8 Contract

The Debtors move for approval of a contract between the Debtors and Buffalo 8 Productions, LLC ("Buffalo 8"), under which Buffalo 8 will receive an administrative claim of \$72,950 in exchange for storing and insuring the hard drives containing the TV Library (the "Buffalo 8 Contract"). Buffalo 8 is affiliated with Bond It, a secured creditor of Hoplite.

Bay Point opposes approval of the Buffalo 8 Contract, which according to Bay Point provides limited value for the estates because Buffalo 8 is required to provide insurance only after it has determined that the hard drives containing the TV Library are in working order. XXIII Capital joins Bay Point's objection.

In reply to the objections of Bay Point and XXIII Capital, the Debtors state that Bay Point and XXIII Capital have engaged in discussions with Buffalo 8 and have agreed that the Debtors will execute an amended contract that resolves Bay Point and XXIII Capital's concerns.

II. Findings of Fact and Conclusions of Law

As a preliminary matter, the Court addresses the procedural posture in which the Motion to Convert arises. The Motion to Convert sought relief only as to Hoplite Entertainment, not as to Hoplite. However, Hoplite Entertainment and Hoplite do not oppose entry of an order as to both entities. In the interests of judicial efficiency, the Court will deem the Motion to Convert to have been filed against both Debtors.

Section 1112(b) provides that the Court, upon request of a party in interest, "shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate."

The Court finds that the interests of creditors would be best served by conversion of these cases to Chapter 7, as opposed to appointment of a Chapter 11 Trustee. Both the UST and XXIII Capital, one of the Debtors' largest creditors, support conversion to Chapter 7. The Debtors have no cash and no ongoing business operations. The only

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CONT... Hoplite, Inc.

Chapter 11

task left to be accomplished is the liquidation of the TV Library.

One Light contends that a Chapter 11 Trustee will be able to sell the TV Library for a higher price, and asserts that a Chapter 7 Trustee will sell the TV Library quickly at a fire-sale price. **[Note 1]** The Court disagrees with the premise of One Light's argument—namely that a Chapter 7 Trustee lacks the tools or incentive to maximize the value of the assets that he or she is charged with administering. The Court has presided over many sales in Chapter 7 in which bidding has been robust and the ultimate sales price has materially exceeded the price at which the assets were marketed.

The Court also notes that a sale process under Chapter 7 may be significantly less expensive than a comparable process in Chapter 11. Notwithstanding the potential for less expense, a Chapter 7 Trustee has the ability to retain the professionals and advisors necessary to achieve the optimal sale price.

As a result of the conversion of the cases to Chapter 7, the Debtors' motion for approval of the Buffalo 8 Contract is **DENIED** as moot.

III. Conclusion

Based upon the foregoing, the Debtors' cases are **CONVERTED** to Chapter 7, and the motion for approval of the Buffalo 8 Contract is **DENIED AS MOOT**. The Court will prepare and enter appropriate orders.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1

The Court overrules XXIII Capital's objection to the admissibility of the testimony of Danklefsen offered in support of One Light's request that the cases remain in Chapter 11. Danklefsen's declaration establishes that he assisted the Debtors in financing 34 television programs. Given his experience in film and television financing, Danklefsen is qualified to opine as to the best method of liquidating the TV Library.

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CONT... Hoplite, Inc.

Chapter 11

Party Information

Debtor(s):

Hoplite, Inc.

Represented By
Richard T Baum

**United States Bankruptcy Court
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Tuesday, June 22, 2021

Hearing Room 1568

11:00 AM

2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#100.00 Hearing
RE: [1645] Motion RE: Objection to Claim Number 36 by Claimant Spine
Surgical Implants, Inc.

fr. 5-5-21

Docket 1645

Tentative Ruling:

6/21/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Claim Objection is **SUSTAINED** and the SSI Claim is allowed only in the amount of \$306,411.50.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Order Partially Disallowing Proof of Claim No. 36-1 Filed by Spine Surgical Implants, Inc. [Doc. No. 1645] (the "Claim Objection")
- 2) Creditor Spine Surgical Implants, Inc.'s Opposition to Trustee's Motion for Order Partially Disallowing Proof of Claim [Doc. No. 1652]
- 3) Stipulation Continuing Hearing on Motion for Order Partially Disallowing Proof of Claim No. 36-1 Filed by Spine Surgical Implants [Doc. No. 1653]
- 4) Order Approving Stipulation Continuing Hearing on Motion for Order Partially Disallowing Proof of Claim No. 36-1 Filed by Spine Surgical Implants [Doc. No. 1655]
- 5) Reply in Support of Motion for Order Partially Disallowing Proof of Claim No. 36-1 Filed by Spine Surgical Implants, Inc. [Doc. No. 1670]

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CONT... Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

I. Facts and Summary of Pleadings

On June 6, 2016 (the "Petition Date"), Garden Regional Hospital and Medical Center, Inc. (the "Debtor") filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. On August 9, 2018, the Debtor and the Official Committee of Unsecured Creditors filed the *Joint Chapter 11 Plan of Liquidation* (the "Plan"). See Doc. No. 1274. On September 18, 2018, the Court approved the Plan, which provides for the creation of a Liquidating Trust to liquidate the assets of the estate. See Doc. No. 1327. Michael R. Lane (the "Liquidating Trustee") has been appointed as the Liquidating Trustee.

Spine Surgical Implants, Inc. ("SSI") asserts an unsecured claim for "goods sold pursuant to written agreement" in the amount of \$936,837.92 (the "SSI Claim"). The Liquidating Trustee moves for partial disallowance of the SSI Claim. According to the Liquidating Trustee, SSI is not entitled to the full amount claimed for the following reasons:

- 1) The SSI Claim states that the principal amount due to SSI under a Supplier Agreement is \$756,662.82. This amount equals the full, face amount of SSI's invoices attached to the SSI Claim. SSI asserts that the Debtor was required to pay its invoices when they were delivered to the Hospital. But under the Supplier Agreement, the Debtor was only obligated to pay SSI the amount that the Debtor received from third-party payors for SSI's invoices. The Debtor's books and records reflect that the amount covered by third party payors that the Debtor was required to pay to SSI is \$306,411.50.
- 2) SSI asserts a claim for interest in the amount of \$190,928.80, calculated at 10% from October 28, 2013 through the Petition Date. SSI is not entitled to interest because the Supplier Agreement contains no provision allowing for interest on SSI's invoices.
- 3) SSI asserts a claim for attorney's fees and costs in the amount of \$16,241.50. SSI is not entitled to attorney's fees because the Supplier Agreement does not contain an attorney's fees provision.

On April 21, 2021, SSI filed an opposition to the Claim Objection, in which it asserted that the Claim Objection should be denied as procedurally improper because the Liquidating Trustee had not provided SSI 30 days' notice as required by Bankruptcy Rule 3007. SSI also asserted that the Liquidating Trustee had failed to meet its burden of establishing that the principal amount of the SSI Claim should be

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CONT... Gardens Regional Hospital and Medical Center, Inc. Chapter 11

reduced. However, SSI conceded that the amounts claimed for interest and attorney's fees were properly disallowed.

On April 28, 2021, the Court approved a stipulation (1) continuing the hearing on the Claim Objection and (2) authorizing SSI to file a supplemental opposition no later than fourteen days prior to the continued hearing. SSI did not file a supplemental opposition. The Liquidating Trustee filed a reply reiterating its contentions as to why the SSI Claim should be partially disallowed.

II. Findings of Fact and Conclusions of Law

Under Bankruptcy Rule 3001(f), a proof of claim executed and filed in accordance with the Bankruptcy Rules constitutes prima facie evidence of the validity and amount of the claim. To overcome the presumption of validity created by a timely-filed proof of claim, an objecting party must do one of the following: (1) object based on legal grounds and provide a memorandum of points and authorities setting forth the legal basis for the objection; or (2) object based on a factual ground and provide sufficient evidence (usually in the form of declarations under penalty of perjury) to create triable issues of fact. *Durkin v. Benedor Corp. (In re G.I. Indus., Inc.)*, 204 F.3d 1276, 1280 (9th Cir. BAP 2000); *United States v. Offord Finance, Inc. (In re Medina)*, 205 B.R. 216, 222 (9th Cir. BAP 1996); *Hemingway Transport, Inc. v. Kahn (In re Hemingway Transport, Inc.)*, 993 F.2d 915, 925 (1st Cir. 1993). Upon objection, a proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." *See Lundell v. Anchor Constr. Spec., Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000) (citing *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991)). An objecting party bears the burden and must "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Holm*, 931 F.2d at 623. When the objector has shown enough evidence to negate one or more facts in the proof of claim, the burden shifts back to the claimant to prove the validity of the claim by a preponderance of evidence. *See Lundell*, 223 F.3d at 1039 (citation omitted).

Section 502 requires the Court to disallow a claim that "is unenforceable against the debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured."

The SSI Claim is based upon a Supplier Agreement entered into between the Debtor and SSI. The Supplier Agreement provides in relevant part:

(D) After the Hospital's timely receipt of an Invoice from [SSI], Hospital

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Gardens Regional Hospital and Medical Center, Inc.

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will include the total amount of [SSI]'s invoice and will attach a copy of the Invoice in its billings to the insurance carrier and/or third party payor (individually and collectively "Payor"). Hospital will act in good faith in its efforts to timely collect the full amount of the Invoice from the Payor. Nothing herein requires Hospital to institute litigation, arbitration, or any adversary proceeding against the Payor in order to obtain or enforce payment of the amounts on the Invoice.

(E) In accordance with Hospital and [SSI]'s prior agreement, and consistent with Hospital's agreements with all suppliers of Hardware to or on behalf of Hospital's Patients, Hospital has not in the past, nor shall it in the future, have any responsibility or obligation for payment to [SSI] of any amounts Hospital has billed for such Hardware that for any reason was or is not hereafter paid by such Payor. Further, [SSI] confirms its prior agreement that it accepts as full payment from Hospital the amounts actually received by Hospital for such Hardware, and to hold Hospital harmless for any difference between the Invoice amount and the amount actually received by Hospital from Payor.

(F) To the extent that Hospital has received or hereafter receives payment from a Payor in an amount less than the full amount of the Invoice, Hospital agrees and does hereby assign to [SSI] its rights and claims for the deficiency in order to enable [SSI], should it so choose, to seek collection of the shortage from Payor at no cost, expense or liability to Hospital.

Supplier Agreement at § 2(D)–(F).

These provisions clearly establish that the Debtor was obligated to pay SSI only an amount equal to what the Debtor received from third-party payors for SSI's invoices. The Declaration of Stan Otake, the Debtor's Chief Executive Officer, establishes that the Debtor received only \$306,411.50 from third-party payors on account of SSI's invoices. Otake Decl. at ¶ 6 [Doc. No. 1645]. Therefore, the principal amount of the SSI Claim is properly reduced from \$756,662.82 to \$306,411.50.

There is no merit to SSI's argument that the Liquidating Trustee has failed to produce sufficient evidence in support of the partial disallowance of the SSI Claim. SSI contends that the Liquidating Trustee was required to produce copies of the books and records showing that the Debtor received only \$306,411.50 from third-party payors on account of SSI's invoices, rather than submitting only the testimony of Otake to that effect. Otake, the Debtor's CEO, is qualified to testify as to the amounts received by the Debtor based upon his review of relevant books and records. SSI has

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CONT... Gardens Regional Hospital and Medical Center, Inc. Chapter 11

submitted no evidence calling into question Otake's abilities to competently testify as to the Debtor's basic business operations. It is not necessary for Otake to supplement his testimony with copies of the books and records upon which that testimony is based.

SSI has conceded that is not entitled to receive the amounts claimed for interest and attorney's fees. Therefore, these amounts are also properly disallowed.

III. Conclusion

Based upon the foregoing, the Claim Objection is **SUSTAINED**, and the SSI Claim is allowed only in the amount of \$306,411.50. Within seven days of the hearing, the Liquidating Trustee shall submit an order incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II
Anthony Bisconti
Steven J. Katzman
Anne A Uyeda

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Hearing Room 1568

10:00 AM

2:20-21093 Stephanie Nicole Testa

Chapter 7

Adv#: 2:21-01062 Forward LLC et al v. Testa

#1.00 Hearing
RE: [10] Motion to Dismiss Adversary Proceeding
fr. 6-16-21

Docket 10

***** VACATED *** REASON: CONTINUED 7-7-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephanie Nicole Testa

Represented By
Leslie A Cohen

Defendant(s):

Stephanie Nicole Testa

Represented By
Leslie A Cohen

Plaintiff(s):

Forward LLC

Represented By
Allina Amuchie
Golsa Honarfar
Ashley Noelle Vaccaro

The Everything Nothing Company,

Represented By
Allina Amuchie
Golsa Honarfar
Ashley Noelle Vaccaro

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:21-11290 Steve Ray Medina

Chapter 7

#2.00 Hearing
RE: [14] Debtor's Motion to Convert Case Under 11 U.S.C. §§706(a) or 1112(a)

Docket 14

Tentative Ruling:

6/22/2021

Pursuant to the Stipulation between Steve Ray Medina, the Debtor, and Sam S. Leslie, the Chapter 7 Trustee (the "Stipulation") [Doc. No. 28], this Motion to Convert Case from 7 to 13 [Doc. No. 14] has been resolved. The case will be converted to one under Chapter 13 of the Bankruptcy Code.

Party Information

Debtor(s):

Steve Ray Medina

Represented By
Jacqueline D Serrao

Trustee(s):

Sam S Leslie (TR)

Represented By
Alan I Nahmias

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2:21-11290 Steve Ray Medina

Chapter 7

#3.00 HearingRE: [24] Application for Compensation for Mirman, Bubman & Nahmias, LLP, Trustee's Attorney, Period: 4/23/2021 to 5/28/2021, Fee: \$9,000.00, Expenses: \$5.80.

Docket 24

Tentative Ruling:

6/22/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$9,000.00 (Applicant has voluntarily reduced its fees by \$775.00 from \$9,775.00. Per the Applicant's application, the Firm will be an administrative creditor of the Debtor's Chapter 13 estate after the case is converted.) [Doc. No. 24]

Expenses: \$5.80 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

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CONT... Steve Ray Medina

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Debtor(s):

Steve Ray Medina

Represented By
Jacqueline D Serrao

Trustee(s):

Sam S Leslie (TR)

Represented By
Alan I Nahmias

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2:21-11290 Steve Ray Medina

Chapter 7

#4.00 HearingRE: [22] Application for Compensation for Sam S Leslie (TR), Trustee Chapter 7, Period: to, Fee: \$2,500.00, Expenses: \$0.00. (Leslie (TR), Sam)

Docket 22

Tentative Ruling:

6/22/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by the Chapter 7 Trustee, the court approves the application and awards the fees and expenses set forth below:

Fees: \$2,500.00 (The Trustee has voluntarily reduced his fees by \$321.50 from \$2,821.50. The Trustee will be an administrative creditor of the Debtor's Chapter 13 estate after the case is converted. When a Chapter 7 case is converted to Chapter 13, the Trustee is entitled to "reasonable compensation" to be "treated as an administrative expense of the Chapter 13 case." *In re Colburn*, 231 B.R. 778, 786 (Bankr. D. Or. 1999).) [Doc. No. 22]

Expenses: \$0 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the

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hearing.

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Trustee shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Steve Ray Medina

Represented By
Jacqueline D Serrao

Trustee(s):

Sam S Leslie (TR)

Represented By
Alan I Nahmias

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:21-01101 AppleCare Medical Group, Inc. et al v. ST. FRANCIS MEDICAL CENTER,

#5.00 HearingRE: [2] Motion for Preliminary Injunction

Docket 2

Tentative Ruling:

6/22/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Complaint for Declaratory Relief [Doc. No. 1]
- 2) Plaintiffs' Notice of Motion and Motion for Preliminary Injunction [Doc. No. 2]
 - a) Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction [Doc. No. 3]
- 3) Order Setting Hearing on Plaintiffs' Motion for Preliminary Injunction [Doc. No. 6]
 - a) Declaration of Eric Goldstein in Accordance with Order Setting Hearing on Plaintiffs' Motion for Preliminary Injunction [Doc. No. 13]
- 4) Limited Non-Opposition and Reservation of Rights in Response to Plaintiffs' Motion for Preliminary Injunction [Doc. No. 20]
- 5) Order Granting Plaintiffs' Ex-Parte Motion to Seal [Doc. No. 14]

I. Facts and Summary of Pleadings

On June 9, 2021, AppleCare Medical Group, Inc. and AppleCare Medical Group St. Francis, Inc. (collectively, "AppleCare") filed a *Complaint for Declaratory Relief* [Doc. No. 1] (the "Complaint") against St. Francis Medical Center and Howard Grobstein, solely in his capacity as Liquidating Trustee of the VHS Liquidating

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Trustee (collectively, the "Defendants"). AppleCare alleges that Defendants have failed to pay AppleCare the risk adjustment payments it is owed under various health plans.

The risk payments will be transmitted to Defendants beginning in the summer of 2021. AppleCare moves for a preliminary injunction barring Defendants from distributing the share of the risk payments which AppleCare alleges it is owed.

Defendants do not oppose the issuance of a preliminary injunction, provided that any such injunction lasts for only sixty days. In addition, Defendants reserve the right to seek revocation of the preliminary injunction upon notice and a hearing. Finally, Defendants request that the preliminary injunction require AppleCare to promptly advise the Defendants of the amount and remittance of the relevant revenues.

AppleCare did not file a reply to Defendants' Limited Non-Opposition and Reservation of Rights.

II. Findings and Conclusions

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 374, 172 L. Ed. 2d 249 (2008).

To preserve the status quo, the Court will enter a preliminary injunction which shall expire after sixty days. Defendants shall have the right to seek revocation of the preliminary injunction upon notice and a hearing. The preliminary injunction shall apply only if and to the extent that Defendants have actually received the funds at issue. AppleCare shall be required to promptly advise the Defendants of the amount and remittance of relevant revenues.

AppleCare shall submit a conforming preliminary injunction within seven days of the hearing. AppleCare shall provide Defendants the opportunity to review the form of the preliminary injunction.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

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appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

Defendant(s):

ST. FRANCIS MEDICAL

Pro Se

Howard Grobstein

Pro Se

Plaintiff(s):

AppleCare Medical Group, Inc.

Represented By

Susan I Montgomery

Apple Care Medical Group St.

Represented By

Susan I Montgomery

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Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

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2:20-14485 Michael Stuart Brown

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Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#6.00 HearingRE: [35] Motion For Summary Judgment Filed Pursuant to Court's May 18, 2021 Order (Balsler, Justin)

Docket 35

Tentative Ruling:

6/22/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **GRANTED**, and the Court will enter summary judgment in favor of Chase.

Pleadings Filed and Reviewed:

- 1) Verified Complaint: (1) to Set Aside Foreclosure Sale; (2) to Cancel Trustee's Deed on Sale; (3) for Declaratory Relief to Determine Title to Real Property; (4) to Quiet Title; (5) for Attorney Fees; (6) for Violations of Cal. Civil Code Sections 2924B and 2924F; (7) for Breach of Promissory Note; (8) for Breach of Deed of Trust; (9) for Breach of Cal. Civil Code Section 2914; (10) for Breach of Oral Contract; (11) for Promissory Estoppel; and (12) for Fraud [Doc. No. 1] (the "Complaint")
- 2) Plaintiff's Voluntary Dismissal of Claims for Relief Numbers 6-12 from Adversary Complaint [Doc. No. 32]
- 3) Order: (1) Providing Notice that the Court will Treat the Motion to Dismiss as a Motion for Summary Judgment and (2) Continuing the Hearing on the Motion for Summary Judgment from May 19, 2021 at 10:00 a.m. to June 23, 2021 at 10:00 a.m. [Doc. No. 33]
- 4) Defendant JPMorgan Chase Bank, N.A.'s Motion for Summary Judgment Filed Pursuant to Court's May 28, 2021 Order [Doc. No. 35] (the "MSJ")

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- a) Request for Judicial Notice Supporting Motion for Summary Judgment [Doc. No. 36]
- b) Statement of Uncontroverted Facts and Conclusions of Law in Support of Defendant JPMorgan Chase Bank, N.A.'s Motion for Summary Judgment [Doc. No. 37]
- c) Declaration of Alicia Hernandez in Support of Motion for Summary Judgment [Doc. No. 38]
- 5) Plaintiff's Memorandum of Points and Authorities in Opposition to Defendant JPMorgan Chase's Motion for Summary Judgment [Doc. No. 43]
 - a) Plaintiff's Statement of Genuine Issues in Opposition to Defendant JPMorgan Chase's Motion for Summary Judgment [Doc. No. 44]
 - b) Plaintiff's Evidentiary Objections to Alicia Hernandez Declaration in Opposition to Defendant JPMorgan Chase's Motion for Summary Judgment [Doc. No. 45]
- 6) Citibank N.A.'s Response to Debtor's Opposition to JPMorgan Chase's Motion for Summary Judgment [Doc. No. 48]
 - a) Declaration of Dillon D. Chen in Support of Citibank, N.A.'s Response to Debtor's Opposition to JPMorgan Chase's Motion for Summary Judgment [Doc. No. 49]
- 7) Reply Brief Supporting Defendant JPMorgan Chase Bank, N.A.'s Motion for Summary Judgment [Doc. No. 50]
 - a) Defendant JPMorgan Chase Bank, N.A.'s Response to Plaintiff's Evidentiary Objections to the Declaration of Alicia Hernandez [Doc. No. 51]

I. Facts and Summary of Pleadings

A. Procedural Background

Michael Stuart Brown ("Brown") filed a voluntary petition under Subchapter V of Chapter 11 on May 15, 2020 (the "Petition Date"). Brown's objective in seeking bankruptcy protection was to settle disputes regarding title to real property located at 2089 Stradella Road, Los Angeles, CA 90077 (the "Property").

On October 1, 2020, Brown filed the instant adversary proceeding against JPMorgan Chase Bank, N.A. ("Chase") and Citibank, N.A. ("Citibank," and together with JPMorgan, the "Defendants"). *See* Doc. No. 1 (the "Complaint"). The Complaint seeks to set aside a foreclosure sale of the Property that occurred on February 14, 2019 (the "Foreclosure Sale"), to cancel the Trustee's Deed on Sale (the "TDUS"), to obtain declaratory relief regarding title to the Property, to quiet title to the Property, and to

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obtain an award of attorney's fees. Among other things, Brown alleges that (1) Chase conducted the Foreclosure Sale without providing Brown 30 days' notice to appeal Chase's denial of Brown's loan modification application, in violation of Cal. Civ. Code § 2923.6; (2) Chase failed to provide adequate notice of the Foreclosure Sale; and (3) Chase conducted the Foreclosure Sale even though its representatives had orally promised Brown that the foreclosure would not proceed as long as loan modification negotiations continued.

B. Summary of Papers Filed in Connection with the MSJ

Chase moves for summary judgment in its favor. Brown opposes the MSJ. He asserts that the evidence Chase has submitted in support of the MSJ has not been properly authenticated; that Chase is not entitled to summary judgment because it failed to clearly apprise Brown of his right to appeal Chase's denial of his first loan modification application; and that Brown should be entitled to obtain further discovery from Chase. In reply, Chase asserts that the evidence it has proffered in support of the MSJ is admissible and that Brown's arguments as to why Chase is not entitled to summary judgment lack merit.

II. Evidentiary Rulings

Brown contends that Chase failed to properly authenticate correspondence between Chase and Brown regarding Brown's loan modification applications, and that such correspondence is inadmissible. According to Brown, Chase has not shown that declarant Alicia Hernandez ("Hernandez") has personal knowledge of the correspondence. Brown's evidentiary objections are overruled.

Hernandez testifies that she is "employed as a Business Ops Sr. Specialist III at Chase" and has "personal knowledge of and [is] familiar with the systems Chase uses to maintain, record and create information related to its loans." Hernandez Decl. [Doc. No. 38] at ¶ 2. She testifies that the correspondence which she authenticates in her declaration was "created and/or maintained in the regular course of Chase's business," and that Chase "relies on those records in the ordinary course of loan servicing." *Id.*

Federal Rule of Evidence ("FRE") 803(6) provides that records of a regularly conducted activity—also known as business records—are admissible if the following conditions are satisfied:

- A) the record was made at or near the time by—or from information transmitted by—someone with knowledge;

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- B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
- C) making the record was a regular practice of that activity;
- D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and
- E) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

FRE 803(6).

Hernandez's testimony establishes that all the criteria for admissibility under FRE 803(6) are satisfied. First, Hernandez testifies that the records are created by Chase employees with knowledge of the information contained therein. *See Hernandez Decl.* at ¶ 2 ("[I]n situations where Chase employees manually enter data relating to loans in [Chase's] systems, they have personal knowledge of that information and enter it into the system at or near the time they acquired that knowledge."). Second, Hernandez testifies that the records are kept in the ordinary course of Chase's business, and that creating and maintaining the records is a regular practice at Chase. *Id.* ("These records are created and/or maintained in the regular course of Chase's business, and Chase relies on those records in the ordinary course of loan servicing.").

Brown asserts that Hernandez does not testify that she "*personally* worked on [Brown's] files at or around the time of the events she described in her declaration, or that she was aware of Chase's procedures for servicing its defaulted loans in or around the 2018 and 2019 time frame of the events at issue in Plaintiff's litigation." Doc. No. 45 at p. 2 (emphasis added). Brown's objection misses the mark. Brown does not need to establish that Hernandez was the custodian of the records. It is sufficient for Hernandez to show, through her testimony, that she understands how Chase's record-keeping system operates. *See United States v. Ray*, 930 F.2d 1368, 1370 (9th Cir. 1990), *as amended on denial of reh'g* (Apr. 23, 1991) (internal citations omitted) ("The phrase 'other qualified witness' is broadly interpreted to require only that the witness understand the record-keeping system. Here, Webber testified that she was familiar with the filing and reporting requirements for public assistance benefits and the forms used in connection with those requirements. Thus, although Webber was not the custodian of Ray's welfare records, she was a 'qualified witness' to establish that Rule 803(6)'s foundational requirements had been met.").

Brown also maintains that Hernandez is not qualified to testify that in December

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2018, Chase postponed the Foreclosure Sale to February 14, 2019. *See Hernandez Decl.* at ¶ 14. Brown is incorrect. As a business operations specialist who works in Chase's loan servicing department, Brown has the ability to proffer testimony regarding Chase's postponement of the Foreclosure Sale. Contrary to Brown's contention, Chase is not required to produce testimony from a representative of the foreclosing trustee to establish facts regarding the timing of the Foreclosure Sale.

III. Findings and Conclusions

Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material facts and the movant is entitled to judgment as a matter of law." Civil Rule 56 (made applicable to these proceedings by Bankruptcy Rule 7056). The moving party has the burden of establishing the absence of a genuine issue of material fact and that it is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). "[S]ummary judgment will not lie if the dispute about a material fact is "genuine," that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). "A fact is 'material' only if it might affect the outcome of the case[.]" *Fresno Motors, LLC v. Mercedes Benz USA, LLC*, 771 F.3d 1119, 1125 (9th Cir. 2014). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must "go beyond the pleadings and by her own affidavits, or by the 'depositions, answers to interrogatories, and admissions on file,' designate 'specific facts showing that there is a genuine issue for trial.'" *Celotex*, 477 U.S. at 324 (quoting Fed. R. Civ. P. 56(e)). The court is "required to view all facts and draw all reasonable inferences in favor of the nonmoving party" when reviewing the Motion. *Brosseau v. Haugen*, 543 U.S. 194, 195 n.2 (2004).

The Supreme Court has held that an affidavit containing conclusory allegations not supported by specific facts is not sufficient to defeat entry of summary judgment:

The object of this provision [Civil Rule 56(c)] is not to replace conclusory allegations of the complaint or answer with conclusory allegations of an affidavit.... Rather, the purpose of Rule 56 is to enable a party who believes there is no genuine dispute as to a specific fact essential to the other side's case to demand at least one sworn averment of that fact before the lengthy process of litigation continues.

Lujan v. Nat'l Wildlife Fed'n, 497 U.S. 871, 888–89 (1990).

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The Ninth Circuit has similarly held that an affidavit containing only vague assertions cannot defeat entry of summary judgment. In *Sullivan v. Dollar Tree Stores*, 623 F.3d 770, 779 (9th Cir. 2010), the parties disputed whether Dollar Tree was a "successor in interest" to Factory 2-U under the Family and Medical Leave Act of 1993. *Sullivan*, 623 F.3d at 770. Critical to adjudication of the successor in interest issue was a finding as to how many personnel employed at Factory 2-U had continued to work for Dollar Tree. The court held that Plaintiff's testimony that "[m]ost of the same personnel continued to work when Dollar Tree took Factory 2-U over at my store" was too vague to create a genuine dispute as to a material fact, where Dollar Tree had provided detailed factual assertions about which employees it hired and for what purposes. *Id.* at 779.

In accordance with the Local Bankruptcy Rules, Brown filed a *Statement of Genuine Issues in Opposition to Defendant JPMorgan Chase's Motion for Summary Judgment* [Doc. No. 44] (the "Statement"). In that Statement, Brown designates certain of the facts asserted by Chase as "disputed." To the extent that Brown disputes facts based upon his evidentiary objections, such disputes are not "genuine" because the Court has found that the evidentiary objections lack merit. In addition, in some instances, Brown fails to cite to specific portions of the record to identify the basis for the alleged dispute. Brown cannot render a fact subject to a "genuine dispute" merely by asserting that a dispute exists without providing a basis in the record for that dispute.

A. Material Facts Not Subject to a Genuine Dispute

Having reviewed the MSJ and the supporting evidence and declarations, the Opposition, and the pleadings on file, the Court finds that there is no genuine dispute as to the following material facts:

In 2004, Brown obtained a \$1,000,000 loan from Washington Mutual Bank, FA, secured with a deed of trust recorded against the Property. On November 20, 2015, this senior deed of trust was transferred to Chase. In 2005, Brown obtained a home equity line of credit for \$500,000 from Citibank, secured with a deed of trust recorded on March 4, 2005.

On February 23, 2018, Trustee Corps, in its capacity as trustee, recorded a *Notice of Default and Election to Sell Under Deed of Trust* (the "Notice of Default") against the Property, reflecting \$121,978.05 in arrearages.

After recordation of the Notice of Default, Brown submitted a mortgage assistance

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application to Chase, which Chase deemed complete on April 23, 2018. Chase acknowledged the application and advised Brown that it would inform him of the results by May 23, 2018.

By letter dated May 22, 2018 (the "May 2018 Letter"), Chase informed Brown that he was eligible for a short sale or a deed in lieu of foreclosure, but was not eligible for a loan modification. The May 2018 Letter further advised Brown that he could dispute or appeal his eligibility for a loan modification by June 21, 2018:

If you believe any of the information that was used to determine your eligibility was incorrect or you don't agree with the options for which you're eligible, aren't eligible or weren't considered, please write to us by June 21, 2018 with detailed reasons to explain why. We may ask you to send documentation to support your reasons. You can also write to us to request additional documentation supporting the decision.

Fax: 1-866-590-3805; it's free from any Chase branch

Mail: Chase
Mail Code LA4-5555
700 Kansas Lane
Monroe, LA 71203-4774

E-mail: chase.nonapproval.disputes@chase.com

Doc. No. 38, Ex. B.

In the Complaint, Brown does not allege disputing or appealing his eligibility for a loan modification.

On July 13, 2018, Trustee Corps recorded a *Notice of Trustee's Sale*, setting a foreclosure sale for August 21, 2018.

Prior to July 19, 2018, Brown submitted a second loan modification application to Chase. By letter dated July 19, 2018 (the "July 2018 Letter"), Chase acknowledged receipt of the application. The July 2018 Letter also outlined additional documentation that Chase required before it could initiating review. Following receipt of the second application, Chase postponed the sale set for August 21, 2018.

By letter dated September 7, 2018 (the "Sept. 2018 Letter"), Chase advised Brown that he needed to submit additional documents to facilitate Chase's review of his

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second application. The Sept. 2018 Letter asked Chase to submit the additional documents no later than October 7, 2018.

By letter dated October 18, 2018 (the "Oct. 2018 Letter"), Chase advised Brown that his second application remained incomplete, and requested that Brown submit the missing documentation no later than November 17, 2018.

By letter dated November 6, 2018 (the "Nov. 2018 Letter"), Chase advised Brown that it had discovered additional missing information needed to complete Brown's second application. The Nov. 2018 Letter stated that the additional information needed to be submitted no later than December 6, 2018.

Brown failed to submit the additional information which Chase contends was required by the December 6, 2018 deadline. By letter dated December 18, 2018, Chase requested that Brown supply the additional information no later than January 20, 2019 (the "Dec. 2018 Letter"). The Dec. 2018 Letter warned that Brown's loan modification application would not necessarily stop the foreclosure process until all necessary documentation had been received.

By letter dated February 8, 2019 (the "Feb. 2019 Letter"), Chase advised Brown that it had cancelled its review of his second loan modification application because it had not received the necessary documentation:

We canceled our review of your request for mortgage assistance ...

We're committed to helping you with your mortgage. However, we can't complete our review for mortgage assistance because we didn't receive all the documents we need.

Your prior request and any future requests for mortgage assistance may not stop the foreclosure process or sale. Do not ignore any notices.

Doc. No. 38, Ex. H.

On February 14, 2019, the Foreclosure Sale of the Property occurred. The Property sold to the junior lien holder, Citibank, for \$1,434,600.00.

On February 20, 2019, Brown filed a still-pending state-court complaint against Chase seeking to set aside the sale of the Property.

B. Chase is Entitled to Summary Judgment on Brown's Claim that Chase Violated Cal. Civ. Code § 2923.6(f)

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Brown asserts that the May 2018 Letter, by which Chase advised him that his first loan modification application had been denied, did not conspicuously advise him of his right to appeal the denial, as required by Cal. Civ. Code § 2923.6(f).

Brown's argument is a non-starter. First, the statutory language Brown relies on regarding his right to be notified of an appeal—Cal. Civ. Code § 2923.6(f)—was not in effect as of May 2018. The current version of Cal. Civ. Code § 2923.6(f), upon which Brown relies, did not take effect until January 1, 2019. *See Lewine v. BSI Fin. Servs.*, No. B293975, 2021 WL 235179, at *3 (Cal. Ct. App. Jan. 25, 2021) ("Before turning to the merits of the appeal, we observe the Lewines are correct that in 2019, the Legislature did indeed reenact appeal and notice provisions that are virtually identical to those in the version of section 2923.6 that existed in 2017, and that were repealed in 2018, albeit briefly as it turned out. More specifically, Senate Bill No. 818 reenacted the substance of the pre-January 1, 2018 version of section 2923.6, and those reenacted provisions went into effect on January 1, 2019.").

Even if the current version of Cal. Civ. Code § 2923.6(f) had been effect at the time Chase sent the May 2018 Letter, Brown's argument would still fail. Under current law, if a "borrower's application for a first lien loan modification is denied, the borrower shall have at least 30 days from the date of the written denial to appeal the denial and to provide evidence that the mortgage servicer's determination was in error." During this 30-day appeal period, the mortgage servicer cannot proceed with a foreclosure sale. Cal. Civ. Code § 2923.6(e). In addition, Cal. Civ. Code § 2923.6(f) requires the mortgage servicer to send the borrower a written notice containing certain information, including "[t]he amount of time from the date of the denial letter in which the borrower may request an appeal of the denial of the first lien loan modification and instructions regarding how to appeal the denial."

Brown asserts that the May 2018 Letter, by which Chase advised him that his first loan modification application had been denied, did not conspicuously contain the information required by Cal. Civ. Code § 2923.6(f). According to Brown, the May 2018 Letter failed to adequately apprise Brown of his appeal rights because the language regarding such rights was not sufficiently conspicuous and did not contain the word "appeal."

There is no merit to Brown's argument. An entire page of the May 2018 Letter sets forth Brown's appeal rights. That page provides:

If you believe any of the information that was used to determine your eligibility was incorrect or you don't agree with the options for which you're

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eligible, aren't eligible or weren't considered, please write to us by June 21, 2018 with detailed reasons to explain why. We may ask you to send documentation to support your reasons. You can also write to us to request additional documentation supporting the decision.

Fax: 1-866-590-3805; it's free from any Chase branch

Mail: Chase
Mail Code LA4-5555
700 Kansas Lane
Monroe, LA 71203-4774

E-mail: chase.nonapproval.disputes@chase.com

Doc. No. 38, Ex. B.

This language complies with the requirements of Cal. Civ. Code § 2923.6(f) and is more than sufficient to apprise Brown of his appeal rights. Brown's argument that the language is deficient because it does not contain the word "appeal" exalts form over substance. The language clearly advises Brown of his ability to write to Chase explaining why he disagrees with Chase's decision. That is the definition of an appeal.

Chase's decision to use informal language devoid of legal terms of art more effectively comports with the intent of the statute than the approach advocated by Brown. Most borrowers are not lawyers and would be confused had Chase had attempted to provide the notice required by the statute using legal terminology.

Brown's contention that the May 2018 Letter failed to comply with Cal. Civ. Code § 2923.6(f) is without merit, and Chase is entitled to summary judgment on Brown's claim under § 2923.6(f).

C. Chase is Entitled to Summary Judgment on Brown's Claim that Chase Violated Cal. Civ. Code § 2923.6(e)

As discussed in Section B, above, where a *complete* loan modification application is denied, a mortgage servicer cannot proceed with a foreclosure sale until the 30-day appeal period set forth in Cal. Civ. Code § 2923.6(d) has expired.

Brown advances various arguments as to why Chase allegedly violated Cal. Civ. Code § 2923.6(e), none of which have merit.

First, Brown takes issue with the manner in which he was advised that his second

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loan application was cancelled. According to Brown, the Feb. 2019 Letter's statement "[w]e canceled our review of your request for mortgage assistance" (emphasis in original) did not actually cancel Brown's second loan modification application. Instead, Brown asserts, Chase only cancelled its *review* of the second loan application; it did not cancel the loan application itself.

Brown's argument misapprehends the statute. As explained by the California Court of Appeal:

Under the version of section 2923.6 that was in effect prior to January 1, 2018 and the version that is currently operative, a borrower is entitled to written notice of a denial of a loan modification application and an appeal therefrom only if the borrower has submitted a *complete* application. Subdivision (c) of the statute prescribes the legal consequences that follow "[i]f a borrower submits a complete application for a first lien loan modification" (e.g., a trustee's sale shall not be conducted during the pendency of the application), and subdivisions (d), (e), and (f) of the statute afford notice and appellate rights to "the borrower." (See § 2923.6, subds. (c)–(f).) Given the text (i.e., subdivisions (d)'s, (e)'s, and (f)'s placement of the definite article "the" before "borrower") and the structure of these four provisions (i.e., subdivisions (d), (e), and (f) follow subdivision (c)), it is apparent that subdivisions (c), (d), (e), and (f) all confer rights to the same borrower—to wit, the borrower who has submitted a complete loan modification application.

Furthermore, several federal district courts have arrived at the same conclusion, that is, a borrower is entitled to these notice and appeal rights only if he or she has submitted a complete application. In fact, the Lewines conceded during the proceedings below and before our court that *Rocha* stands for this proposition, yet they do not contend that *Rocha* was wrongly decided.

Lewine v. BSI Fin. Servs., No. B293975, 2021 WL 235179, at *6 (Cal. Ct. App. Jan. 25, 2021).

Brown's second application was not complete because he had failed to provide Chase all the information that it had required. Therefore, Chase was not required to wait 30 days for the appeal period to elapse after advising Brown of the incompleteness of his application.

Brown's assertion that Chase did not adequately apprise him that the second loan

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application was incomplete is also without merit. In addition to stating "[w]e canceled our review of your request for mortgage assistance," the Feb. 2019 Letter states "we can't complete our review for mortgage assistance because we didn't receive all the documents we need." This language sufficiently advised Brown that Chase had deemed his second loan application to be incomplete.

Brown next contends that Chase's decision to deem his second application incomplete and proceed with the Foreclosure Sale was improper because Chase failed to provide Brown a reasonable period of time to submit the required documentation. According to Brown, the only remaining documents to be submitted were his son's 2018 tax forms, and his son had not received those documents as of the issuance of the Feb. 2019 Letter.

Brown testifies that the issues with the second application arose because he had difficulty supplying documentation related to his son's income:

The loan modification stalled on the issue of my son, Garrett Brown's income. At the time, he worked in the entertainment industry and received income from many different sources in 2018. I provided Chase representatives with copies of checks and paystubs he received in 2018, but Chase indicated it wanted to see all his various 2018 W-2 and 1099 tax forms in order to decide its decision on the second loan modification application.

I spoke with a Chase representative on the phone during the first week of January 2019 who agreed that it was acceptable for me to provide my son's 2019 tax documents when they were available.

Brown Decl. [Doc. No. 43] at ¶¶ 6–7.

For purposes of Cal. Civ. Code § 2923.6, "an application shall be deemed 'complete' when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable timeframes specified by the mortgage servicer." Cal. Civ. Code § 2923.6(h).

The Oct. 2018 Letter advised Brown that he needed to submit additional information regarding his son's income by November 17, 2018. That letter also warned Brown that the Property remained at risk of foreclosure:

If you are in default, your request for mortgage assistance may not stop the foreclosure process. Previously placed foreclosure protection may expire before the time frame allotted to provide missing documents listed

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above. Until we receive all of the information we need to evaluate your file, we may not be able to extend additional foreclosure protection. Do not ignore any notices you receive.

Oct. 2018 Letter (emphasis in original).

The Nov. 2018 Letter likewise advised Brown that additional information regarding his son's income was required, and contained the identical foreclosure warning as the Oct. 2018 Letter. The Nov. 2018 Letter informed Brown that the information needed to be received by December 6, 2018.

Like the Oct. 2018 and Nov. 2018 Letters, the Dec. 2018 Letter advised Brown of the need to supply additional information regarding his son's income, and contained the same foreclosure warning. The Dec. 2018 Letter stated that the additional information needed to be submitted no later than January 20, 2019.

By the time Chase advised Brown that his second application was incomplete by way of the Feb. 2019 Letter, that application had been pending for more than seven months, and Brown had been advised on three separate occasions of the need to supply additional information regarding his son's income. Chase provided Brown more than four months to provide the information as to his son's income. That is a reasonable amount of time.

Brown attempts to shift the blame to Chase by arguing that Chase wanted to receive his son's tax documents, which could not reasonably have been provided by the date of issuance of the Feb. 2019 Letter. Assuming *arguendo* that Chase did in fact advise Brown that tax documents were *one* acceptable means of supplying the missing information, Brown still had an obligation to make reasonable efforts to supply the information in a timely manner through other means if receipt of his son's tax documents were delayed. Nothing in the statute required Chase to forbear from exercising its foreclosure rights indefinitely while Brown's incomplete application continued to languish.

D. Brown's Testimony Regarding Chase's Oral Representations Does Not Defeat Summary Judgment

Brown contends that during January and February 2019, he "was promised multiple times by Chase representatives in telephone calls recorded by Chase ... that with respect to the second loan modification application no foreclosure sale would take place on the [Property] so long as the loan modification application was pending." Brown Decl. [Doc. No. 43] at ¶ 7. Brown asserts that the Court should defer

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consideration of the MSJ for 120 days, so that Brown can obtain discovery regarding these telephone conversations.

With respect to motions for summary judgement, Civil Rule 56(d) provides that if the nonmoving party shows by "affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may defer considering the motion or deny it."

Brown's request for additional time to conduct discovery cannot defeat the MSJ, because even if Chase's representatives had made the oral representations alleged by Brown, Chase would still be entitled to entry of summary judgment in its favor. The Foreclosure Sale did *not* take place while Brown's second application was pending because Chase determined that the application was incomplete after Brown failed to provide the required information, despite having been given more than four months to do so.

In addition, although there is nothing in Brown's testimony regarding the oral statements made to him by Chase's representatives that demonstrate that Chase misled Brown with respect to the Foreclosure Sale, the written representations made by Chase to Brown that his loan modification application "may not stop the foreclosure process" would supersede any oral representations. *See Casa Herrera, Inc. v. Beydown*, 32 Cal. 4th 336, 343, 83 P.3d 497, 502 (2004) (stating that the parol evidence rule "generally prohibits the introduction of any extrinsic evidence, whether oral or written, to vary, alter or add to the terms of an integrated written instrument.").

E. Citibank's Execution of a Loan Modification Agreement with Brown is Not a Judicial Admission that the Foreclosure Sale was Ineffective

Prior to the filing of the instant action, Brown and Citibank entered into a loan modification agreement. At the time the agreement was executed, Citibank, Chase, and Brown were discussing a global settlement agreement that would have provided Brown with title to the Property.

Brown asserts that Citibank's execution of the loan modification constitutes a judicial admission that the Foreclosure Sale was ineffective. There is no merit to this argument. Citibank's counsel testifies that the parties "entered into the loan modification solely in the context of the global settlement that the parties, including Chase, were contemplating." Chen Decl. [Doc. No. 49] at ¶ 5. However, after "entering into the loan modification with [Citibank], [Brown] rejected the settlement agreement and filed the instant adversary proceeding." *Id.* at ¶ 8. An agreement entered into in connection with settlement negotiations does not constitute a judicial

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F. There is No Genuine Dispute Regarding the Identity of the Foreclosing Trustee

Brown asserts that it is possible that McCarthy & Holthus may have acted as the foreclosing trustee, and that if so, the Foreclosure Sale would have been invalid because McCarthy & Holthus never substituted in as the foreclosing trustee. Brown asserts that discovery is needed to determine the identity of the foreclosing trustee.

Brown's arguments regarding the identity of the foreclosing trustee are not well taken. The Notice of Default and the Notice of Trustee's Sale clearly indicate that the foreclosing trustee was Trustee Corps. Trustee Corps substituted in as trustee via a substitution recorded with the Los Angeles County Recorder's Office on April 8, 2016 bearing instrument number 20160388417. Had Brown taken the time to review the publicly available foreclosure history, he would have been aware of these facts.

G. The Court Will Enter Final Judgment as to Chase Pursuant to Civil Rule 54(b)

Because it is entitled to summary judgment in its favor on Brown's claims with respect to Cal. Civ. Code § 2923.6, Chase is entitled to summary judgment with respect to the Brown's claims to set aside the Foreclosure Sale, to cancel the TDUS, to obtain declaratory relief, to quiet title to the Property, and to obtain an award of attorney's fees. All these claims were predicated upon Chase's alleged violations of Cal. Civ. Code § 2923.6.

Where an action involves multiple defendants, the Court may enter final judgment as to fewer than all the defendants "only if the court expressly determines that there is no just reason for delay." Civil Rule 54(b). Although the action remains pending as to Citibank, the Court finds that there is no just reason to delay the entry of final judgment as to Chase. Citibank was named as a defendant primarily because it acquired the Property at the Foreclosure Sale. Having failed to prevail upon his claims as to Chase, it will not be possible for Brown to obtain the relief he seeks as to Citibank.

H. By Separate Order, the Court will Require Brown to Show Cause Why his Chapter 11 Case Should Not be Dismissed

Brown's main objective in this bankruptcy case was to obtain title to the Property. The Court's ruling in favor of Chase deals a fatal blow to this objective. By separate

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order, the Court will require Brown to show cause why his Chapter 11 case should not be dismissed.

IV. Conclusion

Based upon the foregoing, the Motion is **GRANTED**, and the Court will enter summary judgment in favor of Chase. Within seven days of the hearing, Chase shall submit an order granting the MSJ and a proposed form of judgment. The Court will prepare and enter an order requiring Brown to show cause why his Chapter 11 case should not be dismissed.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Represented By
Katalina Baumann
Justin D Balser

CITIBANK N.A.

Represented By
Dillon D Chen

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By

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CONT... Michael Stuart Brown

Michael F Chekian

Chapter 11

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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10:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#7.00 Hearing
RE: [27] Motion to Dismiss Adversary Proceeding
fr. 5-19-21

Docket 27

Tentative Ruling:

6/22/2021

See Cal. No. 6, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Represented By
Katalina Baumann
Justin D Balser

CITIBANK N.A.

Represented By
Dillon D Chen

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#8.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Fr. 1-12-21; 3-9-21; 6-15-21

Docket 1

Tentative Ruling:

6/22/2021

See Cal. No. 6, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

**United States Bankruptcy Court
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Chapter 11

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:20-14485 Michael Stuart Brown

Chapter 11

#9.00 Status Hearing Pursuant To 11 U.S.C. 1188 (Subchapter V). RE: [17]
Addendum to voluntary petition

fr. 7-14-20 ; 10-14-20; 1-20-21; 3-9-21; 6-15-21

Docket 17

Tentative Ruling:

6/22/2021

See Cal. No. 6, above, incorporated in full by reference.

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:21-12447 Med Equity, LLC

Chapter 11

#10.00 Status Hearing
RE: [1] Chapter 11 **Subchapter V** Voluntary Petition Non-Individual.

FR. 5-18-21

Docket 1

*** VACATED *** REASON: Cont'd to 8/11/21 at 10am

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Med Equity, LLC

Represented By
Alan W Forsley

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 23, 2021

Hearing Room 1568

10:00 AM

2:20-12173 Adrian Michael McEachren and Mirabel Vivar McEachren

Chapter 7

#11.00 APPLICANT: Trustee - Peter J Mastan

Hearing re [52] and [53] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

6/22/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$1,327.90 [*see* Doc. No. 52]

Total Trustee's Expenses: \$144.70 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

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CONT... Adrian Michael McEachren and Mirabel Vivar McEachren

Chapter 7

Debtor(s):

Adrian Michael McEachren

Represented By
Marc A Goldbach

Joint Debtor(s):

Mirabel Vivar McEachren

Represented By
Marc A Goldbach

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:18-15693 Kami Emein

Chapter 7

Adv#: 2:18-01260 Amin v. Emein

#1.00 Trial Date Set RE: [21] Amended Complaint 2nd Amended by Michael N Berke on behalf of Joseph Amin against Kami Emein. (Berke, Michael)

fr: 7-29-19, 9-30-19; 1-27-20; 5-25-20; 8-24-20; 11-30-20; 2-22-21

Docket 0

***** VACATED *** REASON: CONTINUED 1-24-22 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kami Emein

Represented By
Jacques Tushinsky Fox

Defendant(s):

Kami Emein

Represented By
TJ Fox

Plaintiff(s):

Joseph Amin

Represented By
Michael N Berke

Trustee(s):

John J Menchaca (TR)

Represented By
Uzzi O Raanan ESQ
Sonia Singh

**United States Bankruptcy Court
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Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:19-13059 Norberto Pimentel

Chapter 7

Adv#: 2:19-01146 Wesley H Avery, Chapter 7 Trustee v. Pimentel et al

#2.00 Trial Date Set

RE: [1] Adversary case 2:19-ap-01146. Complaint by WESLEY Howard AVERY against Norberto Pimentel, Erica Pimentel. (Charge To Estate). Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Stevens, Adam)

fr. 3-12-20; 3-24-2020; 6-24-20; 7-29-20; 10-27-20; 1-25-21; 4-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 6-25-21**

Tentative Ruling:

6/24/2021

Trial matter. Hearing required.

Party Information

Debtor(s):

Norberto Pimentel

Represented By
Marcus Gomez

Defendant(s):

Norberto Pimentel

Pro Se

Erica Pimentel

Pro Se

Joint Debtor(s):

Erica Pimentel

Represented By
Marcus Gomez

Plaintiff(s):

Wesley H Avery, Chapter 7 Trustee

Represented By
Georgeann H Nicol
Adam Stevens

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CONT... Norberto Pimentel

Chapter 7

Trustee(s):

Wesley H Avery (TR)

Represented By
Adam Stevens

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Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:19-17841 Soul Hollywood, LLC

Chapter 7

Adv#: 2:20-01269 Ehrenberg, Trustee v. Carmi et al

#3.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01269. Complaint by Howard M Ehrenberg, Trustee against Eliot Carmi, Carmi Flavor & Fragrance, Inc., a California corporation. (\$350.00 Fee Charge To Estate). Complaint For: (1) Declaratory Relief; (2) Avoidance Of Preferential Transfers; (3) Avoidance Of Fraudulent Transfers; (4) Avoidance Of Unauthorized Post-Petition Transfers; (5) Recovery Of Avoided Transfers; (6) Turnover Of Property; (7) Contempt For Violation Of Automatic Stay; (8) Disallowance Of Claim; And (9) Subordination Of Claim Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(81 (Subordination of claim or interest)),(91 (Declaratory judgment))(Wu, Claire)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 7-13-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Soul Hollywood, LLC

Represented By
David S Hagen

Defendant(s):

Eliot Carmi

Pro Se

Carmi Flavor & Fragrance, Inc., a

Pro Se

Plaintiff(s):

Howard M Ehrenberg, Trustee

Represented By
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

CONT... Soul Hollywood, LLC

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:20-13016 Charlene Eleazar Lobarbio

Chapter 7

Adv#: 2:20-01143 Sanchez et al v. Lobarbio

#4.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01143. Complaint by Carmela Sanchez, Herminia V. Figueroa against Charlene Eleazar Lobarbio. willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (65 (Dischargeability - other)) (Nazarian, Morris)

FR. 4-26-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlene Eleazar Lobarbio

Represented By
Giovanni Orantes

Defendant(s):

Charlene Eleazar Lobarbio

Pro Se

Plaintiff(s):

Carmela Sanchez

Represented By
Morris Nazarian

Herminia V. Figueroa

Represented By
Morris Nazarian

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:20-13652 John Robert Cashman

Chapter 7

Adv#: 2:20-01180 KURTZ v. Lao

#5.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01180. Complaint by HEIDE KURTZ against Xiaohong Lao. (\$350.00 Fee Charge To Estate). (with Exhibit A) (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Pagay, Carmela)

Docket 1

***** VACATED *** REASON: CONTINUED TO 1-24-22, 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Robert Cashman

Represented By
Daniel King

Defendant(s):

Xiaohong Lao

Pro Se

Plaintiff(s):

HEIDE KURTZ

Represented By
Timothy J Yoo
Carmela Pagay

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:20-14414 Edward Woojin Park

Chapter 7

Adv#: 2:20-01194 Stewart Title Guaranty Company, a Texas corporatio v. Park

#6.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01194. Complaint by Stewart Title Guaranty Company, a Texas corporation against Edward Woojin Park. (d),(e)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Poteet, Lawrence)

Docket 1

***** VACATED *** REASON: CONTINUED 9-27-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Woojin Park

Represented By
Ji Yoon Kim

Defendant(s):

Edward Woojin Park

Pro Se

Plaintiff(s):

Stewart Title Guaranty Company, a

Represented By
Lawrence J Poteet

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01197 SV Ventures, LLC v. Mohammed et al

#7.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01197. Complaint by SV Ventures, LLC against Khurram Mohammed. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Slates, Ronald)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Khurram Mohammed Pro Se

Defendant(s):

DOES 1 through 10, inclusive Pro Se

Khurram Mohammed Pro Se

Plaintiff(s):

SV Ventures, LLC Represented By
Ronald P Slates

Trustee(s):

Elissa Miller (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:20-14552 Khurram Mohammed

Chapter 7

Adv#: 2:20-01347 Ahmed v. Mohammed et al

#8.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01347. Complaint by Asma Ahmed against Khurram Mohammed. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Gorginian, Sevan)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Khurram Mohammed	Pro Se
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Defendant(s):

Khurram Mohammed	Pro Se
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DOES 1 through 5, Inclusive	Pro Se
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Plaintiff(s):

Asma Ahmed	Represented By Sevan Gorginian
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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 Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:20-15842 Sheldon Williams

Chapter 7

Adv#: 2:20-01620 Wescom Credit Union v. Williams

#9.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01620. Complaint by Wescom Credit Union against Sheldon Williams. willful and malicious injury)) (Rocha, Karel)

Docket 1

***** VACATED *** REASON: PRETRIAL 10-12-21 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheldon Williams

Represented By
Christopher D Cantore

Defendant(s):

Sheldon Williams

Pro Se

Plaintiff(s):

Wescom Credit Union

Represented By
Karel G Rocha

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01559 ST. VINCENT MEDICAL CENTER, a California nonprofit v. BLUE

#10.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01559. Complaint by ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against Blue Shield of California Promise Health Plan, a California corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C # 7 Exhibit Exhibit D # 8 Exhibit Exhibit E # 9 Exhibit Exhibit F # 10 Exhibit Exhibit G # 11 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 1-11-22 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

BLUE SHIELD OF CALIFORNIA Pro Se

Plaintiff(s):

ST. VINCENT MEDICAL Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01575 St. Vincent Medical Center, a California nonprofit v. California Physicians'

#11.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01575. Complaint by St. Vincent Medical Center, a California nonprofit public benefit corporation, Seton Medical Center, a California nonprofit public benefit corporation, O'Connor Hospital, a California nonprofit public benefit corporation, Saint Louise Regional Hospital, a California nonprofit public benefit corporation against California Physicians' Service, a California nonprofit public benefit corporation. (\$350.00 Fee Charge To Estate). /Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, and Damages for Violation of the Automatic Stay (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Rule 7026-1 Notice # 3 Exhibit Exhibit A-1 # 4 Exhibit Exhibit A-2 # 5 Exhibit Exhibit B # 6 Exhibit Exhibit C-1 # 7 Exhibit Exhibit C-2 # 8 Exhibit Exhibit D # 9 Exhibit Exhibit E-1 # 10 Exhibit Exhibit E-2 # 11 Exhibit Exhibit F # 12 Exhibit Exhibit G-1 # 13 Exhibit Exhibit G-2 # 14 Exhibit Exhibit H) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Kahn, Steven)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 1-11-22 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

California Physicians' Service, a Pro Se

Plaintiff(s):

St. Vincent Medical Center, a Represented By
Steven J Kahn

Seton Medical Center, a California Represented By
Steven J Kahn

O'Connor Hospital, a California Represented By
Steven J Kahn

Saint Louise Regional Hospital, a Represented By
Steven J Kahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#12.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01616. Complaint by Official Committee of Unsecured Creditors of Verity Health System of California, Inc., et al. against Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (91 (Declaratory judgment)) (Behrens, James)

Docket 1

***** VACATED *** REASON: CONTINUED 3-28-2022 at 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Integrity Healthcare, LLC, John Doe

Pro Se

Plaintiff(s):

Official Committee of Unsecured

Represented By

James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

10:00 AM

2:21-14298 Jack Eghbalieh

Chapter 7

#100.00 HearingRE: [9] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Couture Textile Inc. v. Major Apparel Group Inc., Case No. BC684815 .

Docket 9

Tentative Ruling:

6/24/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. On June 17, 2021, the Debtor filed his *Notice of Non-Opposition* [Doc. No. 17].

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. The Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that the Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.

The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. The Court also finds that this petition was filed in bad faith, as it was filed shortly before the state court was set to begin its trial in the non-bankruptcy action, and there are multiple bankruptcy cases affecting the non-bankruptcy action (*see* Case No. 2:21-bk-14399-ER). This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Monday, June 28, 2021

Hearing Room 1568

10:00 AM

CONT... **Jack Eghbalieh**

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jack Eghbalieh

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

10:00 AM

2:21-14399 Joseph Eghbalieh

Chapter 7

#101.00 HearingRE: [9] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Couture Textile Inc. v. Major Apparel Group Inc. et al., Case No. BC684815 .

Docket 9

Tentative Ruling:

6/24/2021

Tentative Ruling:

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. On June 17, 2021, the Debtor filed his *Notice of Non-Opposition* [Doc. No. 17].

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. The Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that the Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.

The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. The Court also finds that this petition was filed in bad faith, as it was filed shortly before the state court was set to begin its trial in the non-bankruptcy action, and there are multiple bankruptcy cases affecting the non-bankruptcy action (*see* Case No. 2:21-bk-14298-ER). This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, June 28, 2021

Hearing Room 1568

10:00 AM

CONT... **Joseph Eghbalieh**

Chapter 7

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Joseph Eghbalieh

Represented By
Rosendo Gonzalez

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 30, 2021

Hearing Room 1568

10:00 AM

2:21-12663 Hoplite, Inc.

Chapter 11

#1.00 Hearing
RE: [39] Motion to Convert Case From Chapter 11 to 7

fr. 6-2-2021

Docket 39

***** VACATED *** REASON: RESCHEDULED 6-22-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hoplite, Inc.

Represented By
Richard T Baum

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 30, 2021

Hearing Room 1568

10:00 AM

2:19-25205 Roger Iraj Shadgou

Chapter 11

#2.00 Hearing
RE: [68] Motion by Debtor to Dismiss Chapter 11 Case

Docket 68

Tentative Ruling:

6/29/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **GRANTED**, subject to the modification outlined below.

Pleadings Filed and Reviewed

- 1) Motion by Debtor to Dismiss Chapter 11 Case; Memorandum of Points and Authorities; Declaration of Michael Shadgou in Support Thereof (the "Motion") [Doc. No. 68]
- 2) Application for Order Setting Hearing on Shortened Notice [Doc. No. 69]
- 3) Order Granting Application for Order Setting Hearing on Shortened Notice and Setting Briefing Schedule [Doc. No. 70]
- 4) Declaration of Ja’Nita Fisher Regarding Service of Motion by Debtor to Dismiss Chapter 11 Case [Doc. No. 74]
- 5) Supplement to Motion by Debtor to Dismiss Chapter 11 Case; Declaration of Michael Shadgou in Support Thereof ("First Supplemental Declaration") [Doc. No. 75]
- 6) Order Requiring Mr. Shadgou to File a Supplemental Declaration in Support of Motion to Dismiss [Doc. No. 76]
- 7) Supplemental Declaration of Michael Shadgou in Support of Motion by Debtor to Dismiss Chapter 11 Case ("Second Supplemental Declaration") [Doc. No. 77]

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 30, 2021

Hearing Room 1568

10:00 AM

CONT...

Roger Iraj Shadgou

Chapter 11

8) As of the preparation of this tentative ruling, no opposition is on file.

I. Facts and Summary of Pleadings

On December 31, 2019, Debtor and Debtor-in-Possession Roger Iraj Shadgou (the "Debtor") filed his voluntary chapter 11 petition. The Debtor's main asset is his house located at 3088 Deep Canyon Drive, Beverly Hills, CA 90210 (the "Property"). The Debtor averred that the Property has a value of \$2,950,000 and is encumbered by liens in the approximate amount of \$2,285,095. *See Summary of Assets and Liabilities*, Doc. No. 13 at 4 & 10-14. The Debtor sought bankruptcy relief to allow him additional time to sell his home, the proceeds of which would enable him to pay all of his debts in full. Motion at 3. The Court approved of the employment of Ginger Glass and Compass California, Inc. as the real estate broker for the Property on April 14, 2021. Motion at 3. On May 25, 2021, the Court entered an order setting the deadline for the Debtor to file his chapter 11 plan of reorganization and disclosure statement as September 1, 2021. *See* Doc. No. 62.

On June 10, 2021, the instant Motion was filed. The Motion states that the Debtor recently passed away and now his son, Michael Shadgou ("Mr. Shadgou"), is operating and managing the Debtor's estate and affairs. Mr. Shadgou states that up until recently, no written offers had materialized for the Property until Mr. Shadgou received an offer from Shahriar and Sharon Nassirzadeh (the "Buyers") for \$2,825,000. Mr. Shadgou avers that this purchase price would result in a payment of all claims in the estate (included the unsecured claims in the approximate amount of \$64,210) and would realize total net proceeds of \$244,427. *Id.* at 4.

Mr. Shadgou argues that this case should be dismissed because the Debtor's financial issues can be resolved outside of the bankruptcy context with funds going to pay creditors rather than administrative fees. In addition, Mr. Shadgou believes that time is of the essence because escrow must close by July 1, 2021. *Id.* Mr. Shadgou avers that there is no "plain legal prejudice to the Debtor's creditors" because dismissal of the case will ensure that all creditors are paid in full. *Id.* at 5. In addition, a dismissal will avoid the incursion of further administrative fees to counsel, accounting fees for monthly operating reports, and United States Trustee quarterly fees. *Id.* at 5-6.

On June 23, 2021, Mr. Shadgou filed his First Supplemental Declaration.

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Wednesday, June 30, 2021

Hearing Room 1568

10:00 AM

CONT...

Roger Iraj Shadgou

Chapter 11

Therein he attached a copy of the sale contract for the property, confirming that the price was \$2,850,000 and the buyers are Shahriar and Sharon Nassirzadeh. First Supplemental Declaration at 9 & 12. In addition, the sale contract has listed Mr. Shadgou of Keller Williams as the realtor. In response to a June 24, 2021 Court order, Mr. Shadgou filed a Second Supplemental Declaration on June 25, 2021 to clarify a few of the Court's questions. First, he states that he is the realtor for the Property because Ginger Glass' contract expired in August of 2020 and he took it upon himself to sell the Property for his parents. He was unaware that he needed to be hired by the Bankruptcy Court and, given his father's poor health, he did not speak with the attorneys and therefore did not become formally employed by this Court. Second Supplemental Declaration at ¶¶ 10-12. Furthermore, Mr. Shadgou states that the Buyers are distant third cousins of his mother. *Id.* at ¶ 8. In addition, he states that the reason the sale contract lists Mahin Nassirzadeh as the seller is because in 2017, the Debtor transferred title to his mother (Mahin Nassirzadeh), but had no written agreement to make the property her sole and separate property. *Id.* at ¶ 5. Finally, Mr. Shadgou clarifies that although the sale contract was signed on May 10 and May 11 of 2021, there were title issues that needed to be resolved before the house could be sold. *Id.* at 15.

II. Findings of Fact and Conclusions of Law

Section 1112(b) provides that the Court, upon request of a party in interest, "shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate."

Though Mr. Shadgou does not use the phrase in his Motion, he is essentially seeking a structured dismissal—that is, an order of dismissal combined with an order authorizing the distribution of the estate's assets to creditors. The Supreme Court recently disapproved a structured dismissal that violated the Bankruptcy Code's priority scheme, but expressed "no view about the legality of structured dismissals in general." *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973, 985 (2017).

Here, Mr. Shadgou's proposed distribution does not violate the Bankruptcy Code's priority scheme. The Court finds that the dismissal is in the best interest of all parties. All secured and unsecured creditors will be paid 100%. Motion at 4. In

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, June 30, 2021

Hearing Room 1568

10:00 AM

CONT... Roger Iraj Shadgou

Chapter 11

addition, if Mr. Shadgou were required to file an employment application, a sale order, and disclosure statement and chapter 11 plan, a significant portion of the \$244,427 net proceeds from the sale would be eaten up by administrative expenses.

While the Court is prepared to grant the Motion, it will retain jurisdiction to ensure that all creditors are fully and timely paid, as well as to review any fee applications that Mr. Shadgou's counsel seeks to file. After the sale to the Buyers is complete, Mr. Shadgou is directed to file a declaration indicating that all creditors have been paid within 90 days of the entry of the order dismissing this case.

III. Conclusion

For the reasons set forth above, the Motion is **GRANTED**, subject to the modification outlined above.

Mr. Shadgou is directed to lodge a conforming proposed order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Roger Iraj Shadgou

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian and Haikanouche Tcheubjian

Chapter 7

#1.00 APPLICANT: Trustee : Brad D Krasnoff

Hearing re [56] and [57] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

7/30/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$9,500 [*see* Doc. No. 56]

Total Trustee's Expenses: \$185.62 [*see id.*]

U.S. Bankruptcy Court Charges: \$700 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian and Haikanouche Tcheubjian Chapter 7

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keuseyan

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keuseyan

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman
Aaron E DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian and Haikanouche Tcheubjian

Chapter 7

**#1.10 APPLICANT: Attorney for Trustee : DANNING GILL ISRAEL & KRASNOFF
LLP**

Hearing re [56] and [57] Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

7/30/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$41,031 approved [*See* Doc. No. 53]

Expenses: \$1,244.60 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian and Haikanouche Tcheubjian Chapter 7

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman
Aaron E DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian and Haikanouche Tcheubjian

Chapter 7

#1.20 APPLICANT: Accountant for Trustee: MENCHACA & COMPANY LLP

Hearing re [56] and [57] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

7/30/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$3,245.50 approved [*See* Doc. No. 51]

Expenses: \$51.95 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

CONT... Dikran Stepan Tcheubjian and Haikanouche Tcheubjian

Chapter 7

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman
Aaron E DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

2:20-12958 Dikran Stepan Tcheubjian and Haikanouche Tcheubjian

Chapter 7

#1.30 APPLICANT: Charges: UNITED STATES BANKRUPTCY COURT

Hearing re [56] and [57] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

7/30/2021

See calendar number 1, above, incorporated by reference in full.

Party Information

Debtor(s):

Dikran Stepan Tcheubjian

Represented By
Eileen Keusseyan

Joint Debtor(s):

Haikanouche Tcheubjian

Represented By
Eileen Keusseyan

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Sonia Singh
Zev Shechtman
Aaron E DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

2:21-12447 Med Equity, LLC

Chapter 11

#2.00 Hearing
RE: [54] Motion RE: Objection to Claim Number 4 by Claimant Saman Jilanchi, Qwan International Investments, LLC & Qwan Capital, LLC. Debtor's Objection to Proof of Claim No. 4-1

Docket 54

***** VACATED *** REASON: CONTINUED 9-8-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Med Equity, LLC

Represented By
Alan W Forsley

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

2:21-13817 DTLA Hookah, LLC

Chapter 11

#3.00 HearingRE: [24] Motion to Order the Filing of Disclosure of Compensation pursuant to 11 U.S.C. Sec. 329 and Concurrently-Filed Request for Judicial Notice in Support Thereof (Attachments: # 1 COS) (Yip, Hatty)

Docket 24

Tentative Ruling:

7/30/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below the Motion is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) UST's Notice of Motion and Motion to Order the Filing of a Disclosure of Compensation Pursuant to 11 U.S.C. § 329 [Doc No. 24] (the "Disclosure Motion")
- 2) Request for Judicial Notice in Support of UST's Motion to Order the Filing of a Disclosure of Compensation Pursuant to 11 U.S.C. § 329 [Doc. No. 25]
- 3) Order and Notice of Dismissal for Failure to File Schedules, Statements, and/or Plan [Doc. No. 22] (the "Order")
- 4) As of the preparation of this tentative ruling, no opposition is on file.

I. Facts and Summary of Pleadings

DTLA Hookah, LLC, (the "Debtor") filed a voluntary petition under Chapter 11 of the Bankruptcy Code on May 10, 2021. The Debtor failed to file its schedules and the Court ordered the case dismissed on June 25, 2021. The United States Trustee (the "UST") filed the instant Disclosure Motion on July 2, 2021. The UST believes that the Debtor's counsel, Joel S. Farkas ("Farkas"), ought to be ordered to file a Disclosure of Compensation so that the fees charged in relation to this case are

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

CONT... DTLA Hookah, LLC

Chapter 11

disclosed and the UST can review the fees. Disclosure Motion at 4.

The UST states that the Court should order Farkas to file a Disclosure of Compensation pursuant to § 329(a) and Federal Rule of Bankruptcy Procedure ("FRBP") 2017 because the exact amount of fees billed to and paid by the Debtor remains undisclosed. The Debtor was represented by Farkas during the pendency of the case but did not submit a Disclosure of Compensation to the Court prior to the dismissal of the Debtor's case. The UST believes that the services Farkas provided to the Debtor "were incomplete and provided little benefit to the Debtor." *Id.* at 5. The UST wishes to review Farkas' compensation to determine whether a disgorgement motion ought to be filed. *Id.*

II. Findings of Fact and Conclusions of Law

Section 329(a) requires an attorney to file a statement of compensation paid or agreed to be paid within one year of the filing of the petition for services rendered in connection with the case. Section 329(b) and FRBP 2017 authorize the Court to order the return of any compensation that exceeds the reasonable value of services rendered by an attorney. In the instant case, the UST argues that the services provided by Farkas were incomplete and provided little benefit to the Debtor. *See* Disclosure Motion at 5. This is evidenced by the Court's Order dismissing the case for the failure to file schedules. *See* Order. Because Farkas' fees are currently undisclosed, the UST moves the Court to require Farkas to file a Disclosure of Compensation with the Court and requests that the Court retain jurisdiction to rule on any subsequent fee disgorgement if necessary.

Farkas has not replied to the UST's Disclosure Motion as of the date of this Tentative Ruling. Therefore, the Court finds that Farkas is in violation of § 329(a) for failing to file a Disclosure of Compensation.

III. Conclusion

Based upon the foregoing, the Motion is **GRANTED** and the Court **ORDERS** Farkas to file a Disclosure of Compensation within 14 days of the entry of the order granting this Disclosure Motion.

The UST is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, August 3, 2021

Hearing Room 1568

10:00 AM

CONT... DTLA Hookah, LLC

Chapter 11

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

DTLA Hookah, LLC

Represented By
Joel S Farkas

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:17-19884 Silverio Martinez

Chapter 7

#1.00 APPLICANT: Trustee: ROSENDO GONZALEZ

Hearing re [47] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows (amounts previously paid on an interim basis if any, are now deemed final):

Total Trustee's Fees: \$3,650 [*see* Doc. No. 46]

Total Trustee's Expenses: \$395.20 [*see id.*]

DAG Law Fees: \$11,600 (as a term of a Court-approved settlement between the Trustee and a state court defendant, the Trustee paid \$11,600 to DAG – the Debtor's state court attorneys. No further fees in excess of the original \$11,600 are awarded.) [*see* Doc. Nos. 37 & 46]

DAG Law Expenses: \$1,178.70 [*see id.*]

U.S. Bankruptcy Court Fees: \$188 [*see* Doc. No. 46]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

CONT... Silverio Martinez

Chapter 7

213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Silverio Martinez

Represented By
Miguel A Munoz

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:17-19884 Silverio Martinez

Chapter 7

#2.00 APPLICANT: Attorney for Trustee : DAG LAW FIRM

Hearing re [47] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

8/3/2021

See calendar number 1, above, incorporated by reference in full.

Party Information

Debtor(s):

Silverio Martinez

Represented By
Miguel A Munoz

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:17-19884 Silverio Martinez

Chapter 7

#3.00 APPLICANT: Accountant for Trustee Fees: LEA Accountancy, LLP
Hearing re [47] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$1,000 (the Court previously awarded this amount to the Applicant as a flat fee on January 4, 2021. Therefore, the fees previously awarded are now deemed final, and no further fees in excess of the original flat fee are awarded.) [Doc. Nos. 39 & 41]

Expenses: \$0

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

CONT... Silverio Martinez

Chapter 7

Party Information

Debtor(s):

Silverio Martinez

Represented By
Miguel A Munoz

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:17-19884 Silverio Martinez

Chapter 7

#4.00 APPLICANT: Charges: UNITED STATES BANKRUPTCY COURT

Hearing re [47] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

8/3/2021

See calendar number 1, above, incorporated by reference in full.

Party Information

Debtor(s):

Silverio Martinez

Represented By
Miguel A Munoz

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:20-14414 Edward Woojin Park

Chapter 7

Adv#: 2:20-01194 Stewart Title Guaranty Company, a Texas corporation v. Park

#5.00 HearingRE: [40] Motion For Summary Judgment (Poteet, Lawrence)

Docket 40

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion for Summary Judgment is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Notice of Hearing on Motion and Motion for Summary Judgment Pursuant to FRCP 56 and LBR 7056-1 [Doc. No. 40] (the "Motion")
 - a) Proof of Service of Motion [Doc. No. 41]
 - b) Notice of Lodgment of Proposed Summary Judgment [Doc. No. 42]
- 2) No opposition to the Motion is on file

I. Background

On May 13, 2020 (the "Petition Date"), Edward Woojin Park ("Park") filed a voluntary Chapter 7 petition. On August 20, 2020, Stewart Title Guaranty Company ("Stewart Title") filed a dischargeability action against Park, asserting claims under § 523(a)(2), (a)(4), and (a)(6) (the "Complaint"). After conducting mediation, the parties reached a settlement, but litigation continued when Park failed to timely make the lump sum payment required by the settlement. *See* Doc. No. 30. On July 1, 2021, the Court authorized Park's counsel, Jaenam Coe, to withdraw from representation. *See* Doc. No. 44.

Prior to the Petition Date, on February 26, 2013, a default judgment in the amount

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10:00 AM

CONT... Edward Woojin Park

Chapter 7

of \$278,052.60, on causes of action for fraud, constructive fraud, and indemnity, was entered against Park and in favor of Stewart Title's predecessor-in-interest in the State Court (the "State Court Judgment"). Stewart Title moves for summary judgment, arguing that Park is precluded from contesting the non-dischargeability of the State Court Judgment. In the alternative, Stewart Title argues that if issue preclusion does not apply, the undisputed facts establish that it is entitled to summary judgment in its favor.

No opposition to the Motion is on file.

II. Findings and Conclusions

A. The Court Will Decide the Motion for Summary Judgment Based on the Evidence Presented by Stewart Title, Not on the Grounds of Issue Preclusion

Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material facts and the movant is entitled to judgment as a matter of law." Civil Rule 56 (made applicable to these proceedings by Bankruptcy Rule 7056). The moving party has the burden of establishing the absence of a genuine issue of material fact and that it is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). "[S]ummary judgment will not lie if the dispute about a material fact is "genuine," that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). "A fact is 'material' only if it might affect the outcome of the case[.]" *Fresno Motors, LLC v. Mercedes Benz USA, LLC*, 771 F.3d 1119, 1125 (9th Cir. 2014). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must "go beyond the pleadings and by her own affidavits, or by the 'depositions, answers to interrogatories, and admissions on file,' designate 'specific facts showing that there is a genuine issue for trial.'" *Celotex*, 477 U.S. at 324 (quoting Fed. R. Civ. P. 56(e)). The court is "required to view all facts and draw all reasonable inferences in favor of the nonmoving party" when reviewing the Motion. *Brosseau v. Haugen*, 543 U.S. 194, 195 n.2 (2004).

To determine the preclusive effect of an existing state court judgment, the "bankruptcy court must apply the forum state's law of issue preclusion." *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 452, 462 (9th Cir. BAP 2015). California preclusion law requires that:

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CONT... Edward Woojin Park

Chapter 7

- 1) The issue sought to be precluded from relitigation is identical to that decided in a former proceeding;
- 2) The issue was actually litigated in the former proceeding;
- 3) The issue was necessarily decided in the former proceeding;
- 4) The decision in the former proceeding is final and on the merits; and
- 5) The party against whom preclusion is sought was the same as, or in privity with, the party to the former proceeding.

Lucido v. Super. Ct., 795 P.2d 1223, 1225 (Cal. 1990).

Even if all five elements are satisfied, preclusion is appropriate "only if application of preclusion furthers the public policies underlying the doctrine." *Harmon v. Kobrin (In re Harmon)*, 250 F.3d 1240, 1245 (9th Cir. 2001) (citing *Lucido v. Super. Ct.*, 795 P.2d at 1225). In California, the public policies supporting preclusion are "preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation." *Lucido*, 795 P.2d at 1227.

"The party asserting preclusion bears the burden of establishing the threshold requirements. This means providing 'a record sufficient to reveal the controlling facts and pinpoint the exact issues litigated in the prior action.' Ultimately, '[a]ny reasonable doubt as to what was decided by a prior judgment should be resolved against allowing the [issue preclusive] effect.'" *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 462 (B.A.P. 9th Cir. 2015) (internal citations omitted).

In addition to seeking summary judgment on the ground that Park is precluded from contesting the non-dischargeability of the State Court Judgment, Stewart Title argues that the undisputed evidence establishes that it is entitled to entry of summary judgment in its favor. Stewart Title has submitted extensive evidence in support of its Motion for Summary Judgment. In view of this extensive record, the Court declines to decide the Motion on issue preclusion grounds. The State Court Judgment was not supported by a Statement of Decision, so it is unclear exactly what the State Court decided. Under these circumstances, it is more appropriate for the Court to adjudicate the Motion for Summary Judgment based on the evidence presented by Stewart Title, rather than on the grounds of issue preclusion.

B. Material Facts as to Which There is No Genuine Dispute

Having reviewed the Motion for Summary Judgment and the declarations and

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CONT... Edward Woojin Park

Chapter 7

documentary evidence submitted in support thereof, the Court finds that there is no genuine dispute as to the following material facts:

Bency 26, LLC ("Bency") is a California limited liability company formed by Mahnaz Roshtami-Rashti and her mother, Kaffi Botehszan, for the purpose of investing in foreclosure properties. Roshtami-Rashti Decl. at ¶ 2. Through a friend, Roshtami-Rashti was introduced to Park, a real estate broker. *Id.* Park agreed to assist Roshtami-Rashti in finding suitable property for Bency to invest in. *Id.* Beginning in July 2011, Park showed Roshtami-Rashti a handful of foreclosure properties. *Id.* Bency made offers on some of these properties, but none of its offers were accepted. *Id.*

On August 29, 2011, Park contacted Roshtami-Rashti and stated that Park had a client who had an opportunity to purchase seven parcels of real property located out of state. *Id.* at ¶ 3. Park further stated that the investor needed a short term loan of \$200,000 to acquire the properties; that the loan would be secured by a Deed of Trust in the amount of \$245,000 against a duplex located at 915 and 925 North Third Avenue, Upland, California (the "Property"); and that the loan would be due and payable within sixty days. *Id.*

After confirming that the Property was worth more than \$200,000, Roshtami-Rashti decided to cause Bency to proceed with the transaction. *Id.* at ¶ 5.

On August 31, 2011, Park opened an escrow at United Escrow to complete the transaction. Kim Decl. at ¶ 2. Park informed the escrow officer, Joyce Kim ("Kim"), that he was acting as the agent for the lender, Bency, and that the borrowers were Gerald R. Hays and Marilyn Hays. *Id.* Park further represented that for purposes of the loan transaction, Mr. and Mrs. Hays were represented by George Grachen. *Id.*

At no time prior to the close of escrow did Bency know the identity of the borrowers, and Bency was not a party to the escrow instructions. Roshtami-Rashti Decl. at ¶ 6. Instead, Bency relied upon Park to represent its interests in the transaction. *Id.*

Per Park's request, Kim prepared a set of Refinance Escrow Instructions for the signature of Mr. and Mrs. Hays. Kim Decl. at ¶ 3 and Ex. A. The escrow instructions called for Bency to make a loan to Mr. and Mrs. Hays in the sum of \$245,000, to be secured by a Deed of Trust against the Property. *Id.*

After preparing the escrow instructions, Kim delivered them either to Park or Grachen so that they could be signed by Mr. and Mrs. Hays. *Id.* at ¶ 4 and Ex. A. Escrow instructions which bore signatures purporting to be those of Mr. and Mrs.

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Hays were subsequently returned to Kim by Park. *Id.*

On August 31, 2011, Kim received a "Letter of Demand/Invoice" which bore signatures purporting to be those of Mr. and Mrs. Hays. *Id.* at ¶ 5 and Ex. B. The "Letter of Demand/Invoice" instructed escrow to pay \$10,000 from the loan proceeds to Park as a "referral fee." *Id.*

On September 6, 2011, Bency deposited the sum of \$200,000 into escrow. Roshtami-Rashti Decl. at ¶ 7 and Exs. A and B. On September 9, 2011, a Promissory Note and Deed of Trust bearing signatures purporting to be those of Mr. and Mrs. Hays was executed in favor of Bency in the amount of \$245,000. *Id.*

On September 13, 2011, escrow closed and a Deed of Trust in favor of Bency was recorded. Kim Decl. at ¶¶ 6–7. Pursuant to the "Letter of Demand/Invoice," the sum of \$10,000 from the loan proceeds was paid to Park. *Id.* No portion of the loan proceeds were paid to Mr. and Mrs. Hays. *Id.*

In connection with the transaction, Bency obtained an owner's policy of title insurance from Stewart Title, for the purpose of insuring the validity and enforceability of its Deed of Trust (the "Title Insurance Policy"). Roshtami-Rashti Decl. at ¶ 13; Poteet Decl. at ¶ 4.

On September 21, 2011, Kim received a telephone call from Marilyn Hays, who informed Kim that she had not executed the Deed of Trust in favor of Bency. Kim Decl. at ¶ 7. In addition, Kim received a handwritten letter from Gerald Hays, which stated that he "had no knowledge of this transaction until yesterday, 9-20-11" and that "all loan documents and deed transfers were forged." *Id.* at ¶ 7 and Ex. D.

The obligation secured by the Deed of Trust became due and payable on October 31, 2011. Roshtami-Rashti Decl. at ¶ 8. When no payment was forthcoming, Roshtami-Rashti contacted Park, who informed her that his client's investment had fallen through. *Id.* Park refused to tell Roshtami-Rashti what had happened to the loan proceeds. *Id.*

For the next several days, Roshtami-Rashti made daily phone calls to Park in an attempt to determine when the loan would be repaid. *Id.* at ¶ 9. Park refused to provide a specific repayment date and continually insisted that he needed more time. *Id.*

On November 18, 2011, Roshtami-Rashti learned that Mr. and Mrs. Hays had filed a Complaint which contended, among other things, that their signatures on the Promissory Note and Deed of Trust had been forged. *Id.* at ¶ 11. The Complaint filed by Mr. and Mrs. Hays sought, among other relief, to set aside and cancel the Deed of Trust in favor of Bency. Poteet Decl. at ¶¶ 5 and 7. Pursuant to the terms of the Title

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Insurance Policy, Stewart Title assumed the defense of the action. *Id.* at ¶ 7.

Bency filed an Answer to the Complaint by Mr. and Mrs. Hays and a Cross-Complaint against various individuals and entities, including Park and Grachen. Poteet Decl. at ¶ 8. Insofar as it was directed against Park, Bency's Cross-Complaint sought to recover damages for fraud, conversion, restitution to avoid unjust enrichment, indemnity, and constructive fraud. *Id.*

In connection with the litigation, Bency retained a documents examiner who confirmed that the signatures of Mr. and Mrs. Hays on the various escrow documents and Promissory Note and Deed of Trust in favor of Bency were forgeries. *Id.* at 9. As a result, Bency entered into a Settlement Agreement with Mr. and Mrs. Hays, under which it agreed to cancel its Promissory Note and reconvey the associated Deed of Trust. Roshtami-Rashti Decl. at ¶ 12.

On February 26, 2013, after Park failed to respond to Bency's Cross-Complaint, the State Court Judgment in the amount of \$278,052.60 was entered against him on Bency's causes of action for fraud, constructive fraud, and indemnity. Poteet Decl. at ¶ 14. An Amended State Court Judgment was entered on March 18, 2013. *Id.*

Pursuant to its obligations under the Title Insurance Policy, Stewart Title resolved Bency's claim by paying Bency the amount of the obligation secured by its Deed of Trust. Poteet Decl. at ¶ 12. In return, Bency assigned the State Court Judgment against Park to Stewart Title. *Id.*

C. Stewart Title is Entitled to Summary Judgment on its Claims Under § 523(a)(2)(A) and (a)(6), But Is Not Entitled to Summary Judgment on its Claim Under § 523(a)(4)

I. Section 523(a)(2)(A)

Section 523(a)(2)(A) provides: "A discharge under section 727 ... of this title does not discharge an individual debtor from any debt for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition." To except debts from discharge, a creditor has the burden of proof under the preponderance of the evidence standard. *Grogan v. Garner*, 498 U.S. 279, 287, 111 S.Ct. 654 (1991).

To prevail on a § 523(a)(2)(A) claim on the grounds of false pretenses or false representation, a creditor must prove that:

- 1) the debtor made the representations;

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- 2) that at the time he knew they were false;
- 3) that he made them with the intention and purpose of deceiving the creditor;
- 4) that the creditor relied on such representations; and
- 5) that the creditor sustained the alleged loss and damage as the proximate result of the misrepresentations having been made.

Ghomeshi v. Sabban (In re Sabban), 600 F.3d 1219, 1222 (9th Cir. 2010).

Here, the facts as to which there is no genuine dispute establish that Stewart Title, as assignee of the State Court Judgment entered in favor of Bency, is entitled to summary judgment on its claim under § 523(a)(2)(A). Park represented to Bency that the proceeds of the loan transaction would be secured by the Property. At the time Park made these representations, he knew they were false, given that the signatures on the Promissory Note, Deed of Trust, and related loan documents which purported to be those of Mr. and Mrs. Hays had been falsified. *See McCrary v. Barrack (In re Barrack)*, 217 B.R. 598, 607 (B.A.P. 9th Cir. 1998) (internal citations omitted) ("‘Fraudulent intent may be established by circumstantial evidence, or by inferences drawn from a course of conduct.’ Therefore, in determining whether the debtor had no intention to perform, a court may look to all the surrounding facts and circumstances."). The representation was made for the purpose of deceiving Bency, in furtherance of Park’s scheme to induce Bency to loan the funds so that Park could fraudulently obtain the referral fee. Bency relied on Park’s representations, as it would not have made the loan had it known that the documents purporting to secure the loan had been falsified. Bency (and its successor-in-interest, Stewart Title) sustained the loss as the proximate result of the misrepresentations having been made, given that it was only as a result of the losses caused by Park’s false representations that Stewart Title was required to make payments in connection with the Title Insurance Policy. Therefore, the indebtedness established by the State Court Judgment is non-dischargeable pursuant to § 523(a)(2)(A).

2. Section 523(a)(4)

Section 523(a)(4) excepts from discharge "any debt for fraud or defalcation while acting in a fiduciary capacity." "To prevail on a nondischargeability claim under § 523(a)(4) the plaintiff must prove not only the debtor’s fraud or defalcation, but also that the debtor was acting in a fiduciary capacity when the debtor committed the fraud or defalcation." *Honkanen v. Hopper (In re Honkanen)*, 446 B.R. 373, 378 (B.A.P. 9th Cir. 2011).

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Federal bankruptcy law determines whether a fiduciary relationship exists within the meaning of § 523(a)(4). *Cal-Micro, Inc. v. Cantrell (In re Cantrell)*, 329 F.3d 1119, 1125 (9th Cir. 2003). For purposes of § 523(a)(4), the fiduciary relationship "must be one arising from an express or technical trust that was imposed before and without reference to the wrongdoing that caused the debt." *Lewis v. Scott (In re Lewis)*, 97 F.3d 1182, 1185 (9th Cir. 1996). State law determines whether the requisite trust relationship exists. *Mele v. Mele (In re Mele)*, 501 B.R. 357, 363 (B.A.P. 9th Cir. 2013).

Stewart Title's § 523(a)(4) claim fails because it has not established that an express or technical trust existed between Bency (Stewart Title's predecessor-in-interest) and Park. In *In re Honkanen*, the court found that a real estate broker was not a fiduciary for purposes of § 523(a)(4). Therefore, Park's status as Bency's real estate broker cannot establish the fiduciary relationship necessary to make debts arising from that fiduciary relationship dischargeable under § 523(a)(4).

3. Section 523(a)(6)

"Section 523(a)(6) excepts from discharge debts arising from a debtor's 'willful and malicious' injury to another person or to the property of another. The 'willful' and 'malicious' requirements are conjunctive and subject to separate analysis." *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 463 (9th Cir. B.A.P. 2015) (internal citations omitted).

An injury is "willful" when "a debtor harbors 'either subjective intent to harm, or a subjective belief that harm is substantially certain.' The injury must be deliberate or intentional, 'not merely a deliberate or intentional act that leads to injury.'" *Id.* at 463 (internal citations omitted). An injury is "malicious" if it "involves '(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse.'" *Carrillo v. Su (In re Su)*, 290 F.3d 1140, 1146–47 (9th Cir. 2002) (internal citations omitted).

In addition, the injury-producing conduct must be tortious in order to be excepted from discharge under §523(a)(6). *Lockerby v. Sierra*, 535 F.3d 1038, 1040 (9th Cir. 2008). "[C]onduct is not tortious under § 523(a)(6) simply because injury is intended or 'substantially likely to occur,' but rather is only tortious if it constitutes a tort under state law." *Id.* at 1041.

Stewart Title is entitled to summary judgment against Park under § 523(a)(6). The undisputed facts establish that Park acted willfully when he presented falsified documents to the escrow company to induce Bency to extend the loan. In taking such

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actions, Park either had a subjective intent to harm Bency, or held that a subjective belief that harm to Bency was substantially certain. The Court notes that in evaluating Park's state of mind, Park "is charged with the knowledge of the natural consequences of [her] actions." *Ormsby v. First Am. Title Co. (In re Ormsby)*, 591 F.3d 1199, 1206 (9th Cir. 2010); *see also Carrillo v. Su (In re Su)*, 290 F.3d 1140, 1146 n.6 (9th Cir. 2002) ("In addition to what a debtor may admit to knowing, the bankruptcy court may consider circumstantial evidence that tends to establish what the debtor must have actually known when taking the injury-producing action.").

Park's actions were also malicious. Use of the falsified documents to procure the loan transaction was wrongful, intentional, caused injury to Bency, and was done without just cause or excuse. Finally, Park's fraudulent procurement of the loan transaction was tortious under California law.

The indebtedness established by the State Court Judgment is non-dischargeable pursuant to § 523(a)(6).

III. Conclusion

Based upon the foregoing, Stewart Title is entitled to summary judgment on its claims under § 523(a)(2)(A) and (a)(6), but is not entitled to summary judgment on its claim under § 523(a)(4).

Within seven days of the hearing, Stewart Title shall submit a proposed form of summary judgment incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Edward Woojin Park

Represented By
Ji Yoon Kim

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Defendant(s):

Edward Woojin Park

Represented By
Jaenam J Coe

Plaintiff(s):

Stewart Title Guaranty Company, a

Represented By
Lawrence J Poteet

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

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2:20-21093 Stephanie Nicole Testa

Chapter 7

Adv#: 2:21-01062 Forward LLC et al v. Testa

#6.00 Hearing
RE: [10] Motion to Dismiss Adversary Proceeding

fr. 6-16-21; 6-23-21; 7-7-21

Docket 10

***** VACATED *** REASON: CONTINUED 9-8-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephanie Nicole Testa

Represented By
Leslie A Cohen

Defendant(s):

Stephanie Nicole Testa

Represented By
Leslie A Cohen

Plaintiff(s):

Forward LLC

Represented By
Allina Amuchie
Golsa Honarfar
Ashley Noelle Vaccaro

The Everything Nothing Company,

Represented By
Allina Amuchie
Golsa Honarfar
Ashley Noelle Vaccaro

Trustee(s):

Wesley H Avery (TR)

Pro Se

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Adv#: 2:21-01062 Forward LLC et al v. Testa

#7.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01062. Complaint by Forward LLC, The Everything Nothing Company, LLC against Stephanie Nicole Testa. false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Honarfar, Golsa)

FR. 7-13-21

Docket 1

***** VACATED *** REASON: CONTINUED 9-8-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephanie Nicole Testa

Represented By
Leslie A Cohen

Defendant(s):

Stephanie Nicole Testa

Pro Se

Plaintiff(s):

Forward LLC

Represented By
Allina Amuchie
Golsa Honarfar
Ashley Noelle Vaccaro

The Everything Nothing Company,

Represented By
Allina Amuchie
Golsa Honarfar
Ashley Noelle Vaccaro

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Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:18-20151 Verity Health System of California, Inc.

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#8.00 Hearing re [6543] Motion To Allow Administrative Expense Claim Of Retirement Plan For Hospital Employees

FR. 7-14-21

Docket 0

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Court (1) finds that the RPHE's underfunding liability is not allowable as an administrative expense, and (2) declines to grant the relief requested by RPHE in its combined motion to (a) alter or amend the Distribution Order and (b) to enforce the Confirmation Order.

Pleadings Filed and Reviewed:

- 1) Memorandum of Decision Granting Motion to Authorize Liquidating Trustee to Undertake Final Distribution Program for Administrative Claimants [Doc. No. 6515] (the "Memorandum")
- 2) Order Granting Motion to Authorize Liquidating Trustee to Undertake Final Distribution Program for Administrative Claimants [Doc. No. 6523] (the "Distribution Order")
- 3) Retirement Plan for Hospital Employees' Notice of Motion and Motion to Enforce Plan and Confirmation Order and to Alter or Amend Distribution Order [Docket No. 6523] (FRBP 9023) [Doc. No. 6553]
 - a) Order Setting Hearing on Retirement Plan for Hospital Employees' Motion to Enforce Plan and Confirmation Order and to Alter or Amend Distribution

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Order [Doc. No. 6561]

- 4) Opposition to Retirement Plan for Hospital Employees' Motion to Enforce Plan and Confirmation Order and to Alter or Amend Distribution Order [filed by the Liquidating Trustee] [Doc. No. 6587]
- 5) Reply Memorandum in Support of Retirement Plan for Hospital Employees' Motion to Enforce Plan and Confirmation Order and to Alter or Amend Distribution Order [Doc. No. 6589]
- 6) Motion to Allow Administrative Expense Claim of Retirement Plan for Hospital Employees [Doc. No. 6543]
 - a) Application for Allowance of Administrative Claim [filed by RPHE] [Doc. No. 3296]
 - b) Supplemental Application for Allowance of Administrative Claim [filed by RPHE] [Doc. No. 5252]
- 7) Order Continuing Hearing on Motion to Allow Administrative Expense Claim of Retirement Plan for Hospital Employees from July 14, 2021 at 10:00 a.m. to August 4, 2021 at 10:00 a.m. [Doc. No. 6560]
- 8) Omnibus Response to Administrative Claim Motions [filed by the Liquidating Trustee] [Doc. No. 6555]
- 9) Reply Memorandum in Support of Motion to Allow Administrative Expense Claim of Retirement Plan for Hospital Employees [Doc. No. 6559]

I. Facts and Summary of Pleadings

A. Background

On August 31, 2018 (the "Petition Date"), Verity Health System of California, Inc. ("VHS") and certain affiliated entities (collectively, the "Debtors") each filed voluntary Chapter 11 petitions. The Debtors' cases are being jointly administered.

On August 14, 2020, the Court entered an order confirming the *Modified Second Amended Joint Chapter 11 Plan (Dated July 2, 2020) of the Debtors, the Committee, and the Prepetition Secured Creditors* [Doc. No. 5468, Ex. A] (the "Plan"). See Doc. No. 5504 (the "Confirmation Order"). Howard Grobstein has been appointed as the Liquidating Trustee responsible for administering the Plan.

The Plan established an Administrative Claims Reserve, consisting of "Cash to be set aside by the Debtors on the Effective Date in an aggregate amount sufficient to fund a reserve for the payment of all unpaid Allowed Administrative Claims that will be paid after the Effective Date and all Administrative Claims that are not yet Allowed as of the Effective Date." Plan at § 1.15. The Confirmation Order fixed the

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amount of the Administrative Claims Reserve at \$52,749,000, and found that a reserve in this amount would be "sufficient to satisfy any unpaid Administrative Claims that are Allowed as of the Effective Date and any unpaid Administrative Claims that may become Allowed after the Effective Date." Confirmation Order at ¶ 24.

On May 11, 2021, the Liquidating Trustee filed a *Motion to Authorize Liquidating Trustee to Undertake Final Distribution Program for Administrative Claims* [Doc. No. 6475] (the "Distribution Motion"). The Distribution Motion was necessary because the amount of Allowed Administrative Claims arising in the ordinary course of business proved to be significantly higher than had been estimated at the time the Plan was confirmed. As a result, the Administrative Claims Reserve lacked sufficient funds to pay all Allowed Administrative Claims in full.

On June 7, 2021, the Court issued a Memorandum of Decision finding that it was appropriate for the Liquidating Trustee to implement the Final Distribution Program contemplated by the Distribution Motion. *See* Doc. No. 6515 (the "Distribution Memorandum"). An order on the Distribution Memorandum was entered on June 15, 2021. *See* Doc. No. 6523 (the "Distribution Order"). Under the Final Distribution Program, the Liquidating Trustee will pay administrative creditors an interim payment of approximately 15% of the value of their claims, followed by a final payment which will be made after the final amount of Allowed Administrative Claims has been determined.

B. The Administrative Claim Asserted by the Retirement Plan for Hospital Employees

The Retirement Plan for Hospital Employees (the "RPHE") is a multiemployer defined benefit pension plan qualified under § 401(a) of the Internal Revenue Code that is subject to the requirements of the Employee Retirement Income Security Act of 1974 ("ERISA"). Certain of the Debtors were participants in the RPHE.

Defined benefit pension plans such as the RPHE are employer-funded retirement plans created for the benefit of both active and inactive participating employees. Under a defined benefit pension plan, a pension fund is obligated to pay a specified benefit to employees covered by the plan upon their retirement and in accordance with the terms of the plan document. Thus, as employees earn their retirement benefits over time, the pension fund is accumulating fixed liabilities that will become due as employees retire and begin collecting their pensions. All defined benefit plans are funded through contributions made by employers that have employees participating in

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the plan.

Defined benefit pension plans apply the employers' contributions to satisfy three separate categories of costs. First, the contributions are used to pay for the expenses of administering the plan, including, for example, investment advisor and legal fees. Second, the contributions are used to pay for the value of the new benefits that accrue for participants each year. Although there can be some variation in how the value of those benefits is determined, actuaries refer to that value as the "normal cost" of the plan. If, after satisfying both administrative costs and the normal cost, there are any funds remaining from the contribution made by employers, those funds are used to satisfy underfunding or to create or increase a surplus.

Therefore, at any given point in time, a defined benefit pension plan uses contributions made by an employer to satisfy one of three categories of costs: costs of administering the fund, the "normal cost," and the costs of underfunding. The percentage of contributions allocated to each category of costs varies by plan and depends on a variety of factors, including a plan's funding levels.

There is no dispute that the normal and administrative costs of the RPHE are entitled to administrative expense priority. Normal and administrative costs total \$2,417,890.00. At issue is whether the underfunding cost—which totals \$23,558,142.00—should also be accorded administrative expense status. RPHE contends that the underfunding cost should be allowed as an administrative claim; the Liquidating Trustee disputes this contention.

On February 28, 2011, the RPHE was amended to freeze all future benefit accruals for certain non-collectively bargained VHS employees. Under this amendment, the frozen employees were entitled to retain the benefits they had previously earned but did not earn any new benefits for future work. On January 1, 2013, the RPHE was frozen as to members of the Service Employees International Union (the "SEIU"). The only group of employees to whom these freezes did not apply were members of the California Nurses Association (the "CNA") employed at O'Connor Hospital, Saint Louise Regional Medical Center, or Seton Medical Center. The RPHE's \$23,558,142.00 underfunding liability includes unfunded liabilities relating to the frozen members as well as unfunded liabilities relating to members of the CNA.

Under the terms of the *RPHE Trust Agreement* and the *Plan Document and Summary Plan Description* applicable to VHS and its affiliates, it was the practice of RPHE to issue an annual invoice to VHS requiring payments of the previous year's accrued contributions in three installments, due on February 15, May 15, and August 15 of the following calendar year.

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During 2019, VHS made three installment payments in the total amount of \$1,714,719 to RPHE, which payments covered the previous year's liabilities for the RPHE's normal and administrative expenses. VHS made further installment payments of \$862,909 each on February 15, 2020 and May 15, 2020, but did not make the final installment payment of \$862,910 which came due on August 2020. VHS failed to make the August 2020 installment payment even though a declaration filed in support of confirmation of the Plan by Peter C. Chadwick, the Debtors' Chief Financial Officer, represented that such payment would be made:

[T]he Debtors have quantified an appropriate resolution of issues with [the RPHE], pursuant to which an administrative claim liability to RPHE for annual contributions will be funded in the ordinary course prior to the Effective Date with respect to 2019 accrued contributions payable in 2020. The contribution will cover active employees whose benefits were not previously frozen and is included in the results of operation and the available Effective Date Cash.

Chadwick Decl. [Doc. No. 55385] at ¶ 35.

At no point has VHS made any payments on account of the RPHE's underfunding costs.

C. Summary of Papers Filed in Connection with the RPHE's (1) Motion for Allowance of its Administrative Claim and (2) Motion (A) For Reconsideration of the Distribution Order and (B) To Enforce the Confirmation Order

1. RPHE's Motion for Allowance of the Underfunding Cost Component of its Administrative Claim

RPHE asserts that the underfunding costs of its claim should be entitled to administrative priority. In support of its position, RPHE relies upon *Columbia Packing Co. v. Pension Ben. Guaranty Corp.*, 81 B.R. 205 (D. Mass. 1988), which held that a pension plan's past service liability (a cost category similar to underfunding liability) was allowable as an administrative expense. RPHE asserts that *Columbia Packing* should be accorded significant weight because it relied upon *Wyle v. Pacific Maritime Ass'n (In re Pacific Far East Lines)*, 713 F.2d 476 (9th Cir. 1983), a Ninth Circuit case.

The Liquidating Trustee opposes according administrative priority to the underfunding component of RPHE's claim. The Liquidating Trustee contends that *In*

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re Pacific Far East Lines is not applicable because it did not address the issue of underfunding costs, and asserts that *Columbia Packing* represents the minority rule. The Liquidating Trustee relies upon *Pension Ben. Guaranty Corp. v. Sunarhauserman, Inc.*, 126 F.3d 811 (6th Cir. 1997), in which the Sixth Circuit held that pension plan underfunding liabilities were not allowable as an administrative expense.

2. RPHE's Motion (A) For Reconsideration of the Distribution Order and (B) To Enforce the Confirmation Order

RPHE filed a combined motion which seeks both (a) reconsideration of the Distribution Order and (b) an order enforcing the Confirmation Order. Relying upon Post-Confirmation Status Reports filed by the Liquidating Trustee on December 21, 2020 [Doc. No. 6348] (the "December Status Report") and April 13, 2021 [Doc. No. 6454] (the "April Status Report"), RPHE contends that the Liquidating Trustee made between \$8,723,974 and \$16,138,075 in payments to administrative creditors prior to the Effective Date of the Plan. RPHE asserts that the Liquidating Trustee subsequently categorized these pre-Effective Date payments as constituting part of the Administrative Claims Reserve. This categorization, RPHE maintains, contravenes the plain language of the Plan, which defines the Administrative Claims Reserve as "Cash to be set aside by the Debtors on the Effective Date in an aggregate amount sufficient to fund a reserve for the payment of all *unpaid* Allowed Administrative Claims that will be paid *after* the Effective Date and all Administrative Claims that are not yet Allowed as of the Effective Date." Plan at § 1.15 (emphasis added).

RPHE further contends that the Liquidating Trustee mismanaged the Administrative Claims Reserve by continuing to make full payments to administrative creditors subsequent to the December Status Report, after it had become apparent that there would be a substantial shortfall in the reserve. According to RPHE:

To the extent that the Distribution Motion was an appropriate mechanism to deal with a manifest shortfall in the Administrative Claims Reserve, it is incomprehensible that furnished with the same information and projections in December, the Liquidating Trustee waited until the proposed distribution dropped from approximately 47 cents on the dollar to 21 cents, if that. It is one thing to massively underestimate potential claims on the Effective Date, but quite another to deplete reserves in the face of known facts, as the Liquidating Trustee apparently did between the December Status Report and the April

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Doc. No. 6553 at 8–9.

Based upon the alleged mismanagement and underfunding of the Administrative Claims Reserve, RPHE requests an order:

- 1) Requiring VHS, the Post-Effective Date Debtors, and/or the Liquidating Trustee to fully fund the Administrative Claims Reserve by restoring to such reserve all funds earmarked for the Administrative Claims Reserve that were paid on or prior to the Effective Date of the Plan;
- 2) Requiring VHS, the Post-Effective Date Debtors, and/or the Liquidating Trustee to provide a detailed and complete accounting of payments made on or prior to the Effective Date that reduced or had the effect of reducing the Administrative Claims Reserve, and payments made after December 21, 2021, the date of the December Status Report;
- 3) Freezing all funds currently held by the Liquidating Trustee until the Motion has been decided and a detailed and complete accounting of payments made by the Liquidating Trust has been provided to the Court and made a part of the record in these cases;
- 4) Requiring payment in full of the \$862,910 August 2020 installment payment of RPHE's administrative claim which the Debtors had promised to pay in the Confirmation Brief; and
- 5) To the extent inconsistent with the foregoing, altering or amending the Distribution Order pursuant to Bankruptcy Rule 9023 and Civil Rule 59(e).

The Liquidating Trustee opposes the Motion. According to the Liquidating Trustee, the Motion is nothing more than a reiteration of arguments previously made by RPHE that the Court has already considered and rejected.

The Liquidating Trustee does not respond to RPHE's contention that the Liquidating Trustee wrongfully allocated between \$8 to \$16 million in pre-Effective Date payments to the Administrative Claims Reserve. However, the Liquidating Trustee does assert that the precise date upon which the payments were made would have made no "practical difference," because the "Administrative Claims Reserve would still have become inadequate as administrative claims came in over the next several months in amounts that were higher than anticipated." Doc. No. 6587 at 5.

With respect to RPHE's demand that it be paid in full the August 2020 installment

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payment of \$862,910, the Liquidating Trustee does not dispute the allowability of this portion of RPHE's administrative claim, but asserts that payment of the claim in full, as opposed to payment of the claim pursuant to the Final Distribution Program, would violate the Distribution Order.

In reply to the Liquidating Trustee's opposition, RPHE makes the following arguments:

- 1) The Debtor's Confirmation Brief stated that the portion of RPHE's administrative claim consisting of the \$862,910 August 2020 installment payment was to have been paid prior to the Effective Date from Effective Date Cash. The Liquidating Trustee has offered no explanation as to why this payment was not made prior to the Effective Date. The Liquidating Trustee's argument that payment of the installment would violate the Distribution Order is unavailing, because the Distribution Order applies only to the Administrative Claims Reserve, not to Effective Date Cash. Since it appears that the \$862,910 was diverted from Effective Date Cash to the Liquidating Trust, the funds must be returned to make the payment as provided in the Confirmation Brief.
- 2) The Liquidating Trustee has failed to respond to RPHE's arguments regarding the diversion of between \$8 to \$16 million from funds earmarked for the Administrative Claims Reserve.
- 3) The Liquidating Trust has been mismanaged since the Liquidating Trustee knew at the time of the December Status Report that the Administrative Claims Reserve was underfunded, yet continued to pay administrative claims in full until sometime prior to the April Status Report. The Liquidating Trustee must be ordered to provide an appropriate accounting regarding payments made from the Administrative Claims Reserve so that this issue can be squarely and publicly addressed.

II. Findings of Fact and Conclusions of Law

A. RPHE is Not Entitled to An Administrative Claim on Account of the Pension Plan's Underfunding Liabilities

Section 503(b) provides for the allowance of administrative expenses, including "the actual, necessary costs and expenses of preserving the estate." "Administrative status is allowed when a claim (1) is incurred postpetition, (2) directly and substantially benefits the estate, and (3) is an actual and necessary expense." *Gull*

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Indus., Inc. v. Mitchell (In re Hanna), 168 B.R. 386, 388 (B.A.P. 9th Cir. 1994). "The burden of proving an administrative expense claim is on the claimant," and administrative claims are "construed narrowly" in order "to keep administrative costs to the estate at a minimum." *Microsoft Corp. v. DAK Indus., Inc. (In re DAK Indus., Inc.)*, 66 F.3d 1091, 1094 (9th Cir. 1995). A claimant "must prove by a preponderance of the evidence entitlement to the administrative expense." *Hanna*, 168 B.R. at 388.

There is no dispute that the normal and administrative costs of the RPHE, in the amount of \$2,417,890.00, are allowable as an administrative claim. At issue is whether the RPHE's underfunding liabilities—in the amount of \$23,558,142.00—should also be accorded administrative expense status.

The parties have not cited, and the Court has been unable to locate, any cases within the Ninth Circuit that are directly on point. RPHE places substantial weight upon *Pacific Far East*, a 1983 Ninth Circuit case which found that payments to an employee benefit plan were entitled to administrative priority. In *Pacific Far East*, the benefit plan payment came due after the filing of the petition, but the amount of the payment was measured based on work performed prior to the petition date. The court held that the "hours of pre-filing labor were not consideration for the payments to the plan," but instead "were merely the units of measure for the post-filing payments, which were necessary for continued performance by both the employee and the employer under the collective bargaining agreement." *Pacific Far East*, 713 F.2d at 479.

The issue addressed in *Pacific Far East* differs fundamentally from the issue presented here. *Pacific Far East* involved only normal payments to the benefit plan—that is, payments for new benefits accruing to participants under the plan. Nothing in *Pacific Far East* addressed the administrative status of a benefit plan's underfunding liabilities.

In *Columbia Packing Co. v. Pension Ben. Guaranty Corp.*, 81 B.R. 205 (D. Mass. 1988), the court extended *Pacific Far East*'s reasoning to hold that underfunding liabilities were entitled to administrative priority. Relying upon *Pacific Far East*'s conclusion that "the hours of pre-filing labor were not the consideration for the contributions, but were merely units of measure for the post-filing contributions," *Columbia Packing* found that although the underfunding liability "was calculated by reference to services performed before the priority period," that liability was "more properly viewed as an actuarial unit of measure for determining the employer's current periodic contribution than as compensation for work performed before the inception of the plan." *Columbia Packing*, 81 B.R. at 208–9.

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RPHE argues that the Court should follow *Columbia Packing* and extend the reasoning of *Pacific Far East* to hold that underfunding liabilities are entitled to administrative status. The Court declines to adopt this approach. While the reasoning of *Pacific Far East* can plausibly be extended to apply to underfunding liabilities, such an extension of the case is by no means required. Here, multiple considerations counsel against extending the teaching of *Pacific Far East*.

On the facts of this case, the Court does not find it proper to follow *Columbia Packing* by construing the underfunding liability as "an actuarial unit of measure for determining [the Debtors'] current periodic contribution [rather] than as compensation" for pre-petition work. *Columbia Packing*, 81 B.R. at 208–9. RPHE acknowledges that the unfunded liability "includes an allocation of liability for 'frozen' participants (*i.e.*, individuals who have vested in the Plan and upon retirement will receive retirement benefits from RPHE for credit previously earned)," and that these frozen participants "include members of the Service Employees International Union Local 250 ... whose participation in the Plan was frozen as of January 1, 2013, and certain non-collectively bargained VHS employees whose participation in the plan was frozen effective as of February 28, 2011." Doc. No. 3296 at 3. Unlike the situation in *Columbia Packing*, the Debtors were not required to make normal-cost post-petition pension payments with respect to the RPHE's frozen participants as consideration for those participant's post-petition labor. Because the Debtors were not obligated to make normal-cost pension contributions to secure the post-petition labor of frozen participants, it follows that the underfunding costs with respect to those same participants cannot be fairly construed as an "actual [and] necessary" cost of preserving the estate, § 503(b).

Only a subset of RPHE participants—members of the CNA—were entitled to earn new benefits under the RPHE in exchange for post-petition labor. RPHE has not broken down how much of the underfunding liability is allocable to CNA members versus frozen participants. It is admittedly a closer question whether underfunding liability allocable to CNA members should be entitled to administrative status. The Debtors were required to make normal-cost post-petition plan payments to secure the CNA member's post-petition labor, and therefore it could be argued that the underfunding costs allocable to the CNA members also constituted consideration for that post-petition labor.

In the Court's view, the underfunding costs allocable to CNA members are more appropriately construed as consideration for pre-petition labor, not consideration for post-petition labor. According to the RPHE's actuary Thomas Supple, the

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underfunding liability results from "multiple causes, including ... fluctuations in the value of investments, and changes in participant attributes, such as life expectancy, date of retirement and other factors." Supple Decl. [Doc. No. 3296] at ¶ 6. Supple does not specify the precise causes of the underfunding liability at issue here. Regardless of the exact reasons for the underfunding liability, the situation can be described in simple terms: Prior to the Petition Date, the Debtors did not make sufficient contributions to the RPHE to pay the benefits promised to CNA members in exchange for their prepetition labor. Because predicting the present value of a pension fund's assets is extraordinarily difficult and involves the consideration of multiple factors, such as future investment returns, the retirement date of plan participants, and the life expectancy of plan participants, the insufficiency of the Debtors' contributions did not become apparent until after the Petition Date. Subsequent to the Petition Date, the accounting reviews required by ERISA and other applicable law revealed the fact that the Debtors' pre-petition pension payments had been inadequate, giving rise to the substantial underfunding liability.

The underfunding liability is therefore better seen as accruing prior to the Petition Date, at the time the Debtors failed to make sufficient contributions to the RPHE, rather than as accruing subsequent to the Petition Date, at the time when it became apparent that the Debtors' prior contributions had been inadequate. Therefore, the Court concludes that underfunding costs constitute a prepetition claim, not a cost of administration.

The majority of courts that have dealt with the issue have adopted this perspective. Particularly persuasive is the Sixth Circuit's analysis in *Pension Ben. Guaranty Corp. v. Sunarhauserman, Inc. (In re Sunarhauserman, Inc.)*, which is worth quoting at length:

It is well established that the Bankruptcy Code, not ERISA, determines the priority of claims against a bankrupt estate.... Thus, regardless of the substantive law on which the claim is based, the proper standard for determining that claim's administrative priority looks to when the acts giving rise to a liability took place, not when they accrued. *Jartran*, for example, a leading decision from the Seventh Circuit, involved a claim by an advertising agency and a company that arranged for a debtor's ads to appear in telephone directories. Applying the two-part benefit to the estate test, the court held that the claim, for the amount owing for ads published post-petition, was not entitled to administrative priority because the debtor committed to placing the

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ads *before* filing for bankruptcy. *Jartran*, 732 F.2d 584. The *Jartran* court based this finding on its conclusion that the creditors' claim arose pre-petition because "the agreement among the parties was entered into, and the ads were placed without possibility of revocation, before the petition was filed." *Id.* at 587. That the ads were published post-petition, and that the actual payment was made post-petition, was irrelevant to determining when the claim arose for purposes of § 503(b)(1)(A) priority. Instead, the court focused on when the commitment to place and pay for the ads occurred. In so doing, the *Jartran* court emphasized that the purpose of § 503 is to grant priority only to the claims of those entities who are induced to do business with the debtor *post-petition*. Such claims receive priority because they enable the estate to continue for the benefit of existing creditors. *Id.* at 587, 588.

Similarly, in *In re Mammoth Mart, Inc.*, 536 F.2d 950 (1st Cir.1976), the First Circuit denied administrative expense priority for former employees' severance pay claims on the ground that such claims were based entirely upon services employees performed prior to bankruptcy filing. *Id.* at 955. In so holding, the court made clear that "[i]t is only when the debtor-in-possession's actions themselves—that is, considered apart from any obligation of the debtor—give rise to a legal liability that the claimant is entitled to the priority of a cost and expense of administration." *Id.* For purposes of administrative priority, the court therefore held that the employees' claims arose pre-petition, even though they were due and payable post-petition. As the court explained, "It is established that a debt is not entitled to priority as a cost and expense of administration simply because the claimant's right to payment arises after the debtor-in-possession has taken some action." *Id.* at 955.

Applying the principles set forth in *Jartran* and *Mammoth Mart* to the facts of the present case, it is clear that the non-normal [underfunding] cost component of Pension Benefit's claim, because it relates to the Debtors' actions prior to filing for bankruptcy, arose pre-petition, and therefore is not entitled to administrative priority under § 503(b)(1)(A).

In re Sunarhauserman, 126 F.3d 811, 818–19 (6th Cir. 1997).

As noted, *Sunarhauserman*'s approach has been adopted by other courts. In *Pension Ben. Guaranty Corp. v. Skeen (In re Bayly Corp.)*, the Tenth Circuit held that "PBGC's claim for unfunded benefit liabilities predicated on pre-petition employment represents a pre-petition contingent claim not entitled to administrative expense

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priority." 163 F.3d 1205, 1211 (10th Cir. 1998).

The issue addressed in *Sunarhauserman* also arises in the context of a claim for "withdrawal liability," a claim that is similar—though not identical—to the underfunding liability at issue here. "[W]ithdrawal liability represents an employer's obligation to pay its 'proportionate share of the plan's unfunded vested benefits' at the time of withdrawal" from a pension plan. *United Mine Workers of Am. v. Lexington Coal Co. (In re HNRC Dissolution Co.)*, 396 B.R. 461, 471 (B.A.P. 6th Cir. 2008). Similar to underfunding liability, withdrawal liability often—though not always—arises where an employer's contributions to a pension plan prove inadequate to pay the benefits promised. Therefore, the cases holding that withdrawal liability attributable to prepetition labor is not allowable as an administrative expense bolster the Court's conclusion that underfunding liability is not entitled to administrative expense status. Cases declining to accord administrative expense status to withdrawal liability attributable to prepetition labor include *Trustees of Amalgamated Ins. Fund v. McFarlin's, Inc.*, 789 F.2d 98, 99 (2d Cir. 1986), *In re Pulaski Highway Exp., Inc.*, 57 B.R. 502 (Bankr. M.D. Tenn. 1986), *LTV Corp. v. Pension Ben. Guaranty Corp. (In re Chateaugay Corp.)*, 130 B.R. 690 (S.D.N.Y. 1991), *United Mine Workers of Am. 1974 Plan and Trust v. Lexington Coal Co. (In re HNRC Dissolution Co.)*, 396 B.R. 461 (B.A.P. 6th Cir. 2008).

Based upon the foregoing, the Court finds that the underfunding component of the RPHE's claim is not entitled to administrative priority.

B. RPHE's Motion (A) For Reconsideration of the Distribution Order and (B) To Enforce the Confirmation Order is Denied

To a significant extent, RPHE's motion for reconsideration of the Distribution Order and to enforce the Confirmation Order is predicated upon its allegation that the Liquidating Trustee improperly allocated to the Administrative Claims Reserve payments of between \$8 and \$16 million that were made prior to the Effective Date. RPHE's allegations are based upon the December Status Report and April Status Report. The Liquidating Trustee has not responded to these allegations.

"[T]he provisions of a confirmed plan bind the debtor, any entity issuing securities under the plan, any entity acquiring property under the plan, and any creditor, equity security holder, or general partner of the debtor, whether or not the claim or interest of such creditor, equity security holder, or general partner is impaired under the plan and whether or not such creditor, equity security holder, or general partner has accepted the plan." § 1141(a).

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Courts have analogized a confirmed plan to a contract between the debtor and its creditors. *See, e.g., In re Campesinos Unidos, Inc.*, 219 B.R. 886, 888 (Bankr. S.D. Cal. 1998) ("The reward of confirmation of a Chapter 11 plan is that generally the debtor's pre-confirmation obligations are discharged.... In place of the old obligations is the reorganized debtor's new contract with its creditors. That contract is the plan, and generally provides within its four corners, like many contracts, the creditors' rights and procedures for enforcing its terms."); *Nat'l City Bank v. Troutman Enterprises, Inc. (In re Troutman Enterprises, Inc.)*, 253 B.R. 8, 11 (B.A.P. 6th Cir. 2000) ("The plan is essentially a new and binding contract between the Reorganized Debtor and the Petitioning Creditors."); *In re Chatham Parkway Self Storage, LLC*, 507 B.R. 13, 18 (Bankr. S.D. Ga. 2014) ("A confirmed plan of reorganization operates as a contract between a reorganized debtor and its creditors."); *In re Nylon Net Co.*, 225 B.R. 404, 406 (Bankr. W.D. Tenn. 1998) ("The chapter 11 plan becomes a binding contract between the debtor and its creditors, and governs their rights and obligations.").

When the confirmed Plan is viewed as a contract, RPHE's motion essentially amounts to a request that the Court impose a remedy for an alleged contractual breach by the Liquidating Trustee and/or the Debtors. The alleged breach is that the Liquidating Trustee and/or the Debtors paid between \$8 and \$16 million to administrative creditors sometime between August 12, 2021 (the Confirmation Date) and September 4, 2021 (the Effective Date), instead of waiting until after the Effective Date to make the payments. As a remedy for this alleged breach of making payments approximately three weeks early, RPHE seeks an order requiring the Liquidating Trustee to return the pre-Effective Date payments to the estate.

The extent to which the Liquidating Trustee and/or the Debtors may have paid amounts allocated to the Administrative Claims Reserve prior to the Effective Date is not clear from the record. Assuming *arguendo* that a portion of the funds subsequently allocated to the Administrative Claims Reserve were paid prior to the Effective Date, RPHE would not be entitled to the remedy it seeks. The Liquidating Trustee's payment approximately three weeks early of certain claims would, at most, amount to a non-material breach of the Plan. Such a non-material breach of contract cannot support the draconian remedy that RPHE requests—that is, that the Liquidating Trustee return between \$8 and \$16 million of non-existent funds to the Administrative Claims Reserve. Had the Liquidating Trustee waited until after the Effective Date to make all the payments at issue, the Administrative Claims Reserve would face the same shortfall in funds that gave rise to RPHE's Motion. That is, a decision to wait

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three weeks to pay certain administrative creditors would have had no effect on the amount of funds available in the Administrative Claims Reserve today.

Setting aside the fact that the Liquidating Trustee's alleged non-material breach cannot support the extreme remedy advocated by RPHE, there is an additional fatal defect to RPHE's Motion. RPHE has failed to identify a source of funds that could be restored to the Administrative Claims Reserve. The Court has already explained in the Memorandum why it is not appropriate to subject administrative creditors who have already been paid to disgorgement. Under the provisions of the Plan, 95% of all funds collected by the Liquidating Trustee must be distributed to the 2005 Bondholders, whose claims have priority to the claims of administrative creditors such as RPHE. The vast majority of the Debtors' assets were distributed in accordance with the Plan on the Effective Date. The Post-Effective Date Debtors and the Liquidating Trustee could not augment the Administrative Claims Reserve by the amount demanded by RPHE (between \$8 and \$16 million) even if the Court ordered them to do so.

RPHE next accuses the Liquidating Trustee of having grossly mismanaged the Administrative Claims Reserve by continuing to pay 100% of administrative claims subsequent to the December Status Report, after it became clear that the reserve was underfunded. RPHE demands that the Liquidating Trustee be ordered to provide an accounting of all payments made from the Administrative Claims Reserve subsequent to the December Status Report.

It is difficult to fathom what such an accounting would accomplish. An accounting will not change the fact that the Administrative Claims Reserve is underfunded and that not all administrative creditors will be paid in full. The April Status Report cast doubt upon whether the Liquidating Trust has sufficient funds to carry out its remaining obligations. *See* April Status Report at 8 ("The Liquidating Trust anticipates it will spend an additional potential \$8 million to fulfill its remaining obligations under the Plan and is in discussions with the 2005 Bondholders regarding funding of these efforts."). The Court will not order an expensive accounting that would do nothing other than potentially supply RPHE with additional information to use in possible future litigation against the Liquidating Trust.

Finally, RPHE requests an order directing payment in full of the \$862,910 August 2020 installment payment portion of RPHE's administrative claim. Peter C. Chadwick, the Debtors' Chief Financial Officer, represented in a declaration filed in support of confirmation of the Plan that the installment payment would be "funded in the ordinary course prior to the Effective Date" from "Effective Date Cash." Chadwick Decl. [Doc. No. 5385] at ¶ 35. As defined in Chadwick's Declaration,

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"Effective Date Cash" means the "\$445.5 million" in "immediately available funds" that the Debtors anticipated having on the Effective Date of the Plan. *Id.* at ¶ 22.

Neither the Liquidating Trustee or the Post-Effective Date Debtors have explained why the August 2020 installment payment was not made as represented in the Chadwick Declaration. The Liquidating Trustee states only that making the August 2020 payment in full would be inconsistent with the Distribution Order.

The Debtors' failure to make the August 2020 payment as represented in the Chadwick Declaration gives the Court far greater pause than the other issues raised by RPHE. Equally troubling is the fact that the Liquidating Trustee and the Post-Effective Date Debtors have offered no explanation for why the payment was not made, despite having been provided an opportunity to do so.

While the non-payment of the August 2020 installment and the absence of an explanation for that non-payment are of concern, the issue of the feasibility of the remedy advocated by RPHE remains. As discussed, RPHE has not identified any source of funds from which the August 2020 payment could plausibly be made. The Administrative Claims Reserve is insolvent, and as stated above the Court has already explained in the Memorandum why it is not appropriate to subject other administrative creditors to disgorgement. All of the Effective Date Cash from which the installment payment was supposed to have been made has been paid to other creditors, most of whose claims have priority over the RPHE's claim. It is also worth emphasizing that RPHE's situation is not materially different from that of other administrative creditors, who are also receiving only partial payment of their administrative claims under the Distribution Program. For these reasons, the Court declines to order payment in full of the \$862,910 August 2020 installment payment.

III. Conclusion

Based upon the foregoing, the Court finds (1) that the RPHE's underfunding liabilities are not allowable as an administrative expense, (2) and declines to grant the relief requested by RPHE in its combined motion to (a) alter or amend the Distribution Order and (b) enforce the Confirmation Order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Andrew Lockridge or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will

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determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

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Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

Trustee(s):

Howard Grobstein Liquidating

Represented By

James Cornell Behrens

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#9.00 Hearing re [6553] *Retirement Plan for Hospital Employees' Notice of Motion and Motion to Enforce Plan and Confirmation Order and to Alter or Amend Distribution Order*

Docket 0

Tentative Ruling:

8/3/2021

See Cal. No. 8, above, incorporated in full by reference.

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Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

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#10.00 Hearing
RE: [6536] Motion Blue Shield of California Promise Health Plan's Request for Allowance of Administrative Claims

fr. 7-14-21

Docket 6536

Tentative Ruling:

8/3/2021

Hearing **VACATED**. This matter has settled. *See* Doc. No. 6590.

Party Information

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Nicholas C Brown
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Richard Reding

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Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

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#11.00 Hearing
RE: [6535] Motion Blue Shield of California's Request for Allowance of
Administrative Claims

fr. 7-14-21

Docket 6535

Tentative Ruling:

8/3/2021

Hearing **VACATED**. This matter has settled. *See* Doc. No. 6590.

Party Information

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Richard Reding

Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

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#12.00 Hearing

RE: [6144] Motion for Allowance of Administrative Expense Claim and Request for Payment under 11 U.S.C. § 503(b) (Reynolds, Michael)

FR. 12-9-20; 12-16-20; 1-20-21; 2-17-21; 3-17-21; 5-12-21; 6-16-21; 7-14-21

Docket 6144

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 7-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#13.00 Hearing
RE: [6475] Motion to Authorize Liquidating Trustee to Undertake Final
Distribution Program for Administrative Claims re QuadraMed and Picis

fr. 6-2-21;7-14-21

Docket 6475

***** VACATED *** REASON: CONTINUED 9-1-21 AT 10:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, August 4, 2021

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CONT... Verity Health System of California, Inc.

Chapter 11

Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, August 4, 2021

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

#13.10 Hearing re

(1) Docket No. [4671], Application for Allowance of DaVita Inc.'s Administrative Expense Claim for Postpetition Services Provided to St. Vincent Medical Center; and

(2) Docket No. [5227], Application for Allowance of DaVita Inc.'s Administrative Expense Claim for Postpetition Services Provided to St. Francis Medical Center.

Docket 0

***** VACATED *** REASON: CONTINUED 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

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CONT... Verity Health System of California, Inc.

Chapter 11

Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

United States Bankruptcy Court
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Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:20-16475 Neumedicines, Inc.

Chapter 11

#14.00 Hearing
RE: [219] Motion of Debtor and Debtor In Possession for Order Authorizing
Debtor to Obtain Further Post-Petition Financing Pending Closing of Sale

Docket 219

*** VACATED *** REASON: MOTION VOLUNTARILY DISMISSED 7-
23-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Neumedicines, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
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Wednesday, August 4, 2021

Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

#15.00 HearingRE: [65] Application for Compensation for Robert M Yaspan, Debtor's Attorney, Period: 4/7/2021 to 7/9/2021, Fee: \$199,302.38, Expenses: \$4,351.32.

Docket 65

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$199,302.38 (the Applicant received a pre-petition retainer and is now authorized to draw down upon and apply the remainder of those funds being held in the client trust account to the balance of fees due.) [*see* Doc. No. 65]

Expenses: \$4,351.32 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The applicant shall submit a conforming order within seven days of the

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CONT... Corporate Colocation Inc
hearing.

Chapter 11

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

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Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

#16.00 Hearing
RE: [63] Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and
Disclosure Statement

Docket 63

***** VACATED *** REASON: CONTINUED 9-15-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

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Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

#17.00 Hearing

RE: [59] Motion to Use Cash Collateral and grant replacement liens

Docket 59

***** VACATED *** REASON: CONTINUED 9-15-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

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Wednesday, August 4, 2021

Hearing Room 1568

11:00 AM

2:20-18949 Mark Zalewski

Chapter 7

#100.00 APPLICANT: Trustee: David M Goodrich

Hearing re [29] and [30] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$1,750 [*see* Doc. No. 29]

Total Trustee's Expenses: \$79.30 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

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11:00 AM

CONT... Mark Zalewski

Chapter 7

Debtor(s):

Mark Zalewski

Represented By
Sevan Gorginian

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, August 4, 2021

Hearing Room 1568

11:00 AM

2:21-11234 Urban Commons Gramercy, LLC

Chapter 11

#101.00 HearingRE: [44] Motion For Sale of Property of the Estate under Section 363(b) - No Fee Notice of Motion and Motion For Order Authorizing, (1) Sale of Real Property Located at 3377 W. Olympic Boulevard, Los Angeles, CA 90019, Free and Clear of Interest Pursuant to 11 U.S.C. §§ 363(b), (f); (2) Approving Overbid Procedures;(3) Approving Buyer, Successful Bidder, and Back-Up Bidder as Good Faith Purchasers Pursuant to 11 U.S.C. § 363(m); and (4) Authorizing Payment of Undisputed Liens and Ordinary Costs of Sale; Memorandum of Points and Authorities; Declaration of Howard Wu in Support Thereof

Docket 44

Tentative Ruling:

8/3/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Sale Motion is **GRANTED IN PART**. Should any overbidders present themselves at the hearing, the Court will conduct the sale auction in accordance with the procedures set forth below.

Key Sale Terms:

- 1) Proposed purchaser: Bandus Holdings Corp., or its assignee.
- 2) Property for sale: 3377 W. Olympic Boulevard, Los Angeles, CA 90019
- 3) Purchase price: \$12,225,000
- 4) Overbids: the minimum overbid amount shall be \$12,275,000. Subsequent overbids shall be in increments of \$50,000.

Pleadings Filed and Reviewed:

- 1) Debtor's Motion for Order: (1) Sale of Real Property Located at 3377 W. Olympic Boulevard, Los Angeles, CA 90019, Free and Clear of Interest

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CONT...

Urban Commons Gramercy, LLC

Chapter 11

- Pursuant to 11 U.S.C. §§ 363(b), (f); (2) Approving Overbid Procedures; (3) Approving Buyer, Successful Bidder, and Back-Up Bidder as Good Faith Purchasers Pursuant to 11 U.S.C. § 363(m); and (4) Authorizing Payment of Undisputed Liens and Ordinary Costs of Sale; Memorandum of Points and Authorities; Declaration of Howard Wu in Support Thereof [Doc. No. 44] (the "Sale Motion")
- 2) Notice of Sale of Estate Property [Doc. No. 45]
 - 3) Response and Limited Objection to the Debtor's Sale Motion; Declaration in Support [Doc. No. 47] (the "Limited Objection")
 - 4) Declaration of Carolyn A. Dye, Chapter 7 Trustee of the Estate of Urban Commons, LLC, the Managing Member of Urban Commons Gramercy LLC Re Sale Motion Filed by Urban Commons Gramercy, LLC [Doc. No. 52] (the "Dye Declaration")
 - 5) Stipulation Between Carolyn Dye, Chapter 7 Trustee of the Estate of Urban Commons, LLC, the Managing Member of Urban Commons Gramercy LLC to Remove Howard Wu as the Purported Authorized Representative of the Debtor-in-Possession [Doc. No. 50] (the "Stipulation")
 - 6) Order Approving the Stipulation [Doc. No. 51]
 - 7) Notice of Motion and Motion for Relief from the Automatic Stay with Supporting Declarations REAL PROPERTY RE: 3377 West Olympic Boulevard and 974 South Gramercy Drive, Los Angeles, CA 90019 [Doc. No. 32] (the "RFS Motion")
 - 8) Debtor's Response to the RFS Motion [Doc. No 35] (the "Debtor's RFS Response")
 - 9) Reply of Movant 77 West LLC to Debtor's Response to the RFS Motion; Declaration in Support [Doc. No. 36] ("77 West's RFS Reply")

I. Facts and Summary of Pleadings

A. Background

Urban Commons Gramercy, LLC (the "Debtor"), filed a voluntary Chapter 11 petition on February 16, 2021 (the "Petition Date"). The Debtor asserts that its authorized representative is Howard Wu. The Debtor's business is Single Asset Real Estate as defined in 11 U.S.C. § 101(27A). The Debtor owns a 34.60% interest as a tenant-in-common in commercial property located at 3377 W. Olympic Boulevard, Los Angeles, CA 90019 (the "Property"). Sale Motion at 7. The remaining interests in the Property are held by tenants-in-common Pacific Laurel Virgil LP (54.37%) and

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CONT... Urban Commons Gramercy, LLC

Chapter 11

David A. Macleod and Nancy J. Macleod as Trustees of The Macleod Family Trust established February 6, 2004 (11.03%). *Id.*

There is only one loan secured against the property (the "Secured Claim"), which is currently held by 77 West, LLC ("77 West"). 77 West's predecessor-in-interest was EverTrust Bank. On or about September 22, 2020, EverTrust Bank recorded a Notice of Default on the underlying loan asserting that the principal amount of \$7,055,000 was due on May 1, 2020, and that the total amount inclusive interest that was due as of September 16, 2020 was \$7,396,373.47. *Id.* at 8. On or about December 23, 2020, the Secured Claim was transferred by EverTrust Bank to 77 West. *See* Dye Declaration at 18. Leading up to the Petition Date, the Debtor asserts that 77 West provided the Debtor with at least four different payoff amounts ranging from \$7,370,786 to \$8,131,923, with significantly varying amounts for items such as interest, attorneys' fees, and miscellaneous fees. Sale Motion at 8.

Both before and after the Petition Date, the Debtor engaged with potential lenders for refinancing to pay off the Secured Claim in full. In its recent RFS Motion, 77 West claimed that total claim amount (inclusive of both pre-petition and post-petition interest) was \$7,990,783.98. *See* RFS Motion at 15. According to the Debtor, it secured offers between \$7.6 and \$8.15 million before the Petition Date but was unable to finalize the transaction due to inconsistent payoff demands and miscommunications. *See* Sale Motion at 8.

The Debtor obtained an opinion of value from a licensed real estate broker familiar with commercial property sales in the area that concluded that the selling price of the Property would be between \$11,881,100 and \$14,685,300, with an expected selling price of \$12,500,000. Debtor's RFS Response at 21. 77 West obtained an appraisal in connection with its RFS Motion that valued the Subject Property at \$10,630,000. *See* RFS Motion at 15. At the hearing on the RFS Motion, the Court determined that the Property had a value of \$10,630,000. RFS Ruling [Doc. No. 37-1] at 5. Because the value is greater than the liens against the Property, the Court denied the RFS Motion, but included the following language in the RFS Order:

Debtor is required to have received entry of an order by this Court approving the sale of the subject property by no later than September 30, 2021.

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CONT... Urban Commons Gramercy, LLC

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In the event that an order approving the sale of the subject property is not entered on or before September 30, 2021, 77 West may file a declaration to that effect and lodge a proposed order, and relief from stay will be granted without further notice or hearing for 77 West to pursue its available remedies.

RFS Order [Doc. No. 41] at 2.

Finally, in addition to the Secured Claim, the Debtor scheduled a Franchise Tax Board claim in the amount of \$183,825. The Los Angeles County Treasurer and Tax Collector filed two proofs of claim for \$856.55 and \$465,571.25; Zurich American Insurance Company filed a proof of claim for \$1; Datasite LLC filed a proof of claim for \$49,368.79; and the Franchise Tax Board filed a proof of claim in the amount of \$800.

B. The Sale Motion

On July 14, 2021, the Debtor filed this Sale Motion. The Debtor seeks: authorization to sell the Property pursuant to 11 U.S.C. § 363(b) & (f) free and clear of all liens and encumbrances; approving Bandus Holdings Corp, or its assignee (the "Buyer") as a "good-faith purchaser" as that is defined in 11 U.S.C. § 363(m); approval of the terms of the asset purchase agreement; approval of overbid procedures; authorization of the distribution of sale proceeds; and a waiver of the 14-day stay. *See* Sale Motion at 5 & 16. The Property is currently unoccupied with no rental income derived therefrom and was marketed for its value as a vacant land given it has a "tear down" status. The Debtor seeks to sell the Property for \$12,225,000 to the Buyer. The Sale Motion states that the Buyer has made an initial deposit of \$100,000, which is being held in escrow [**Note 1**]. All escrow fees owed to the escrow agent will be paid on a 50/50 basis between the tenants-in-common and the Buyer. The Property will be sold in an "as is" condition, without any representations or warranties whatsoever, except that it shall be free and clear of all liens, claims and encumbrances of any nature under 11 U.S.C. § 363(f), including, without limitation, the claims of the Debtor's creditors. *Id.* at 10. The Debtor will make full payments to the costs of sale, property taxes, and the Secured Claim of 77 West [**Note 2**]. Any remaining balance from the sale proceeds shall be disbursed to the tenants-in-common in accordance with their respective interests. The sale is subject to overbids,

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CONT... **Urban Commons Gramercy, LLC**
procedures for which are discussed in § II.B., below.

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C. 77 West's Limited Objection

On July 21, 2021, 77 West filed its Limited Objection. While 77 West acknowledges that the sale price of \$12,225,000 would be enough to pay off its claim, 77 West has a few concerns. First, 77 West argues that it is not clear from the Sale Motion that the Debtor intends to pay the entirety of the Secured Claim at the closing of the sale. Limited Objection at 2. While the Debtor states that the Property will be sold free and clear of all liens and encumbrances, it "does not specify any grounds for a sale free and clear of the interest of 77 West." *Id.* 77 West argues that at a minimum, any order approving the sale "should provide that all amounts not subject to bona fide dispute must be paid from escrow at the closing of the sale, and that all remaining sale proceeds must be held pending the resolution of any disputes and payment of the amounts as determined." *Id.* at 3.

Next, 77 West is concerned that this is merely an illusory sale. If the Court enters an order approving the sale, such sale remains subject to a due diligence contingency to be applicable *after* the entry of said order. In addition, 77 West argues that the Buyer has not provided a deposit (as there is no sworn declaration asserting as such), and it is only required to do so within three days of Court approval of the sale. Because the buyer could walk away from the sale without losing any deposit, 77 West believes that the Debtor may be playing games in order to sidestep this Court's order denying 77 West's RFS Motion. In that RFS Order, the Court stated:

Debtor is required to have received entry of an order by this Court approving the sale of the subject property by no later than September 30, 2021.

In the event that an order approving the sale of the subject property is not entered on or before September 30, 2021, 77 West may file a declaration to that effect and lodge a proposed order, and relief from stay will be granted without further notice or hearing for 77 West to pursue its available remedies.

RFS Order at 2. If the Court approves the Sale Motion but the Buyer then pulls out, the Debtor would still be in compliance with the RFS Order. Therefore, 77 West urges

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the Court to require a sale that is not subject to contingencies before approving it by an entered order. Limited Objection at 4.

Finally, 77 West requests that the Court deny the Debtor's request for § 363(m) protections, as the Debtor has not provided any declaration supporting such protections. *Id.*

D. The Stipulation and Dye Declaration

On July 26, 2021, Carolyn A. Dye ("Dye") filed her Stipulation. Dye, who is also the chapter 7 trustee for the related bankruptcy case Urban Commons LLC (2:21-bk-13523-ER), learned that the managing member of Urban Commons Gramercy LLC is Urban Commons LLC, not Howard Wu nor Taylor Woods. Stipulation at 2. Therefore, because neither of the individuals are the managing members or authorized representatives of the Debtor, Dye and Wu stipulated to remove Wu from his position and vest all rights, power, and authority to manage the Debtor's business affairs in Dye, as the managing member of Urban Commons LLC. *Id.* The Court approved the Stipulation on July 26, 2021, and requested that Dye submit a declaration as to how she wished to proceed with respect to the Sale Motion.

On July 27, 2021, Dye filed her Declaration. Dye approves of the sale with certain slight modifications. First, Dye has become aware of several lawsuits against Urban Commons LLC and she has not had the opportunity to fully investigate every equity holder in Urban Commons Gramercy LLC. Dye Declaration at 4-5. Therefore, Dye requests that the only claim paid out of escrow be 77 West's Secured Claim, in addition to closing costs. The remainder of the funds ought to be held in reserve while Dye continues investigating the interrelated claims in Urban Commons LLC and Urban Commons Gramercy LLC. *Id.* at 5. The next concern Dye has is the lack of deposit paid by the Buyer. However, Dye spoke with Amy Lee ("Lee") of Slash Real Estate, the broker representing the Buyer of the Property, on July 27, 2021. Lee stated to Dye that the Buyer has already expended over \$30,000 doing phase I and II analysis, core drilling samples (to check for methane gases, etc.) and certain other due diligence. *Id.* at 6. Under the terms of the sale, no later than 5 days after the inspections are approved, the Buyer will send its deposit to escrow and then it will close 15 days later. Lee is also to receive 1.5% of the purchase price. Finally, Lee alerted Dye that there are certain abatement orders issued by the City of Los Angeles relating to fires and problems cause by homeless people in the area. The Buyer

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requests that these orders be paid by the Debtor, and Dye does not object. *Id.* at 6-7.

II. Findings and Conclusions

A. The Proposed Sale is Partially Approved

Section 363(b) permits the Debtor to sell estate property out of the ordinary course of business, subject to court approval. The Debtor must articulate a business justification for the sale. *In re Walter*, 83 B.R. 14, 19-20 (9th Cir. BAP 1988).

Whether the articulated business justification is sufficient "depends on the case," in view of "all salient factors pertaining to the proceeding." *Id.* at 19-20.

The Debtor has demonstrated sufficient business justification for the sale. This is a single asset real estate case where the sole purpose from before the Petition Date was to obtain financing and/or sell the Property to resolve the issue with 77 West. Sale Motion at 14. Therefore, the sale is consistent with the Debtor's goal and will allow for a successful liquidation and payment of all allowed claims in full (subject to the modifications set forth below). Section 363(f) provides that estate property may be sold free and clear of liens, claims, and interests, providing one of the following conditions is satisfied:

- 1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- 2) Such entity consents;
- 3) Such interest is a lien and the price at which such property is sold is greater than the aggregate value of all liens on such property;
- 4) Such interest is in bona fide dispute; or
- 5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Section 363(f) was drafted in the disjunctive; therefore, the Debtor needs to satisfy only one of the five subsections of § 363(f) in order for the sale to be free and clear of all interests. *See e.g., Citicorp Homeowners Services, Inc. v. Elliot (In re Elliot)*, 94 B.R. 343, 345 (Bankr. E.D. Pa. 1988). The exact value of all liens and encumbrances is in dispute. In addition, 77 West has expressed concern that the Sale Motion "does not specify any grounds for a sale free and clear of the interest of 77 West." Limited Objection at 2. However, for a property to be sold free and clear of liens and encumbrances under § 363(f)(3), the sale price need only be higher than the aggregate

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value of all liens against the property. *See In re Boston Generating, LLC*, 440 B.R. 302, 332 (Bankr. S.D.N.Y. 2010) (allowing a sale of a property where the sale price was higher than the aggregate value of all liens against the property). Therefore, even if all potential claims are paid in full (totaling approximately \$8,885,918.04) [Note 3], \$12,225,000 is more than enough to pay all liens and encumbrances. Therefore, pursuant to § 363(f)(3), the sale is free and clear of the liens and encumbrances because the Property's sale will generate proceeds exceeding the value of the liens and encumbrances.

However, even though the sale price of \$12,225,000 is enough to pay all liens and encumbrances, Dye has reservations about how to distribute the remaining proceeds, and no party has expressed any opinion as to the specific treatment of the Debtor's tax liens or other claimants' claims. Dye Declaration at 4-5. In addition, 77 West requests confirmation that its Secured Claim will be paid out of escrow. Considering that Dye is now the managing member of the Debtor and has requested more time to fully investigate the interrelated claims, disputes, and equity holders of Urban Commons LLC and Urban Commons Gramercy LLC, the Court will defer to Dye. Therefore, the Debtor shall only pay 77 West's lien and closing costs out of escrow. The undisputed amount of 77 West's Secured Claim shall be paid from escrow at the closing of the sale, and all remaining proceeds will be held in reserve pending the resolution of any disputes and Dye's investigations. *See generally In re Scimeca Foundation, Inc.*, 497 B.R. 753 (Bankr. E.D. Pa. 2013) (approving a sale and allowing the trustee to pay all undisputed claims, but setting the remainder of funds aside pending resolution of all disputes). Because no party has provided information about the specific treatment and amount of the various scheduled and unscheduled tax liens and other claims, Dye is ordered to appear at the August 4, 2021 hearing on this Sale Motion to provide clarity as to how such encumbrances will be dealt with.

Next, the Court understands and agrees with 77 West and Dye's concern regarding the apparent lack of deposit paid. Dye is confident that because the Buyer has already expended over \$30,000, that is evidence of the Buyer's willingness to follow through with the sale. Nevertheless, 77 West's concern about the Debtor skirting this Court's June 26, 2021 RFS Order remains. The original RFS Order reads as follows:

Debtor is required to have received entry of an order by this Court

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approving the sale of the subject property by no later than September 30, 2021.

In the event that an order approving the sale of the subject property is not entered on or before September 30, 2021, 77 West may file a declaration to that effect and lodge a proposed order, and relief from stay will be granted without further notice or hearing for 77 West to pursue its available remedies.

RFS Order at 2. To assuage 77 West's concerns, the Court hereby modifies the RFS Order to read as follows (changes in bold):

Debtor is required to have received entry of an order by this Court approving the sale of the subject property by no later than September 30, 2021.

Debtor is required to have closed the sale of the subject property by no later than October 31, 2021.

In the event that an order approving the sale of the subject property is not entered on or before September 30, 2021 **and the sale is not closed by October 31, 2021**, 77 West may file a declaration to that effect and lodge a proposed order, and relief from stay will be granted without further notice or hearing for 77 West to pursue its available remedies.

Therefore, should the Buyer pull out of the transaction despite this Court having issued an order, the Debtor will still have consummation deadline to comply with before relief from stay will be granted for 77 West.

B. Auction Procedures

In the event that any qualified overbidders emerge, the Court will conduct an auction in accordance with the procedures set forth in the Sale Motion. The qualifications to bid or overbid, **which differ from those laid out in the Sale Motion**, are set forth as follows: 1) to be a Qualifying Bidder (as that term is defined in the Sale Motion), prior to the hearing on the Sale Motion, **both the Buyer and the Qualifying Bidder** must submit a deposit of \$100,000 to Dye; 2) the initial

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CONT... Urban Commons Gramercy, LLC

Chapter 11

overbid shall be \$12,275,000, and each subsequent overbid must then be in increments of \$50,000; 3) each initial overbid shall be submitted in writing, setting forth the terms and conditions of the offer that are at least as favorable to the Debtor [Note 4] as those set forth in the purchase agreement, including the provision that any buyer is purchasing the Property "as is," "where is" and "with all faults;" 4) any Qualifying Bidder must be financially qualified, in the Debtor's exercise of its sound business judgement, to timely close the sale; 5) an earnest money deposit of at least \$150,000 plus the amount of the proposed overbid must be made and received by Dye at least 48 hours prior to the hearing on this Sale Motion; 6) should an overbid be deemed a "Successful Bid" as defined in the Sale Motion, the \$150,000 deposit is non-refundable; 7) should the Buyer submit a Successful Bid, its \$100,000 deposit is non-refundable; 8) any unsuccessful bidder shall receive a refund on its deposit; 9) at the hearing on the Sale Motion the Court shall confirm the successful bidder and may also acknowledge a back-up bidder in case the successful bidder should fail to close escrow on the sale. See Sale Motion at 10-11.

C. Good Faith Purchaser

Section 363(m) protects the rights of good faith purchasers in a § 363(b) sale, mandating that "reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale under such authorization to an entity that purchased or leased such property in good faith" See *In re Ewell*, 958 F.2d 276, 279 (9th Cir. 1992). Courts traditionally define a "good faith purchaser" as one who buys the property in "good faith" and for "value." *In re Kings Inn, Ltd.*, 37 B.R. 239, 243 (9th Cir. BAP 1984). Lack of good faith can be found through "fraud, collusion between the purchaser and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders." *In re Ewell*, 958 F.2d at 281; *In re Suchy*, 786 F.2d 900, 902 (9th Cir. 1985). The Debtor has not provided a sworn declaration as to the relation of the Debtor to the Buyer. Therefore, the Court cannot make a § 363(m) finding in favor of the Debtor and the Buyer at this time. The Court will, however, take testimony as to § 363(m) protections at the hearing on this Sale Motion.

III. Conclusion

Based upon the foregoing, and subject to the modifications set forth above, the Sale Motion is **GRANTED IN PART**. The Debtor's request for a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) is GRANTED, as this would facilitate

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Chapter 11

the conclusion of this case within the timeframe contemplated by the Court.

The Debtor is directed to lodge a proposed order, incorporating this tentative ruling, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Note 1: There is no evidence submitted to support the assertion that the Buyer has paid a deposit. The purchase agreement instead states that the Buyer will provide the deposit within three days of an order issued by this Court. Sale Motion at 45.

Note 2: Debtor's counsel is currently engaged in communications with 77 West's counsel to determine the proper balance due on the Secured Claim. Sale Motion at 12.

Note 3: The total amount of potential claims is calculated as follows:

- Zurich American Insurance Company - \$1 (Claim 1-1)
- Los Angeles County Treasurer - \$856.55 (Claim 2-1)
- Los Angeles County Treasurer - \$465,571.25 (Claim 3-1)
- Datasite LLC - \$49,368.79 (Claim 4-1)
- Franchise Tax Board - \$800 (Claim 5-1)
- Franchise Tax Board - \$183,825 (Petition at 16)
- 77 West's Secured Claim - \$8,185,495.45 (*See* Limited Objection at 2)
- Total - \$8,885,918.04**

Note 4: Following Court approval of the Stipulation, the "Debtor" now refers to Dye as the trustee and managing member of Urban Commons LLC, who represents the controlling interest in the Debtor.

Party Information

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Chapter 11

Debtor(s):

Urban Commons Gramercy, LLC

Represented By
Yi S Kim

**United States Bankruptcy Court
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Tuesday, August 10, 2021

Hearing Room 1568

10:00 AM

2:18-20111 Jeremy Wyatt LeClair

Chapter 7

Adv#: 2:18-01425 Cortes v. LeClair

#1.00 Status Conference

RE: [1] Adversary case 2:18-ap-01425. Complaint by Alvaro Cortes against Jeremy Wyatt LeClair. false pretenses, false representation, actual fraud)),(11 (Recovery of money/property - 542 turnover of property)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Weissman, I)

fr. 5-15-19; 11-13-19; 4-14-20; 9-15-20; 3-9-21

Docket 1

***** VACATED *** REASON: CONTNUED 11-16-21 AT 10:00 AM.**

Party Information

Debtor(s):

Jeremy Wyatt LeClair

Represented By
Michael K Elliot

Defendant(s):

Jeremy Wyatt LeClair

Pro Se

Plaintiff(s):

Alvaro Cortes

Represented By
I Donald Weissman

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01521 St. Vincent Medical Center et al v. Endologix, Inc.

#2.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01521. Complaint by St. Vincent Medical Center, O'Connor Hospital against Endologix, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21

Docket 1

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Endologix, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr

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CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1568

10:00 AM

2:20-16475 Neumedicines, Inc.

Chapter 11

Adv#: 2:21-01066 Neumedicines, Inc. v. Leif Larsson, solely in his capacity as administra

#3.00 Status Hearing

RE: [1] **licensing agreement** re Adversary case 2:21-ap-01066. Complaint by Neumedicines, Inc. against Leif Larsson, solely in his capacity as administrator of the Estate of Lena A. Basile. (\$350.00 Fee Charge To Estate). Complaint for Breach of Fiduciary Duty; Equitable Subordination Nature of Suit: (14 (Recovery of money/property - other)),(81 (Subordination of claim or interest)) (Komorsky, Jason)

fr. 7-13-21

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 7-30-21**

Party Information

Debtor(s):

Neumedicines, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

Defendant(s):

Leif Larsson, solely in his capacity

Pro Se

Plaintiff(s):

Neumedicines, Inc.

Represented By
Jason B Komorsky

**United States Bankruptcy Court
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Hearing Room 1568

11:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#100.00 Pre-Trial Conference
RE: [26] Amended Complaint First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

FR. 5-11-21

Docket 26

***** VACATED *** REASON: CONTINUED 10-12-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

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Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01196 Seton Medical Center v. Anesthesia Care Consultants, Inc.

#101.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01196. Complaint by Seton Medical Center against Anesthesia Care Consultants, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-1-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Anesthesia Care Consultants, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01198 St. Francis Medical Center v. Arthur J. Edelstein, M.D., A Professional

#102.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01198. Complaint by St. Francis Medical Center against Arthur J. Edelstein, M.D., A Professional Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 3-3-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Arthur J. Edelstein, M.D., A

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01199 St. Vincent Medical Center v. Axiom Anesthesia Group, Inc.

#103.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01199. Complaint by St. Vincent Medical Center against Axiom Anesthesia Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Axiom Anesthesia Group, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01200 O'Connor Hospital v. Bridge Medical Consultants, Inc.

#104.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01200. Complaint by O'Connor Hospital against Bridge Medical Consultants, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-27-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bridge Medical Consultants, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01201 Seton Medical Center v. California Advanced Imaging Medical Associates,

#105.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01201. Complaint by Seton Medical Center against California Advanced Imaging Medical Associates, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

California Advanced Imaging

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01202 Seton Medical Center v. Fred F. Naraghi, M.D., Inc.

#106.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01202. Complaint by Seton Medical Center
against Fred F. Naraghi, M.D., Inc.. (14 (Recovery of money/property - other))
(Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 3-29-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Fred F. Naraghi, M.D., Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01203 St. Vincent Medical Center v. Harris & Batra Cardiology Medical Group,

#107.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01203. Complaint by St. Vincent Medical Center against Harris & Batra Cardiology Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Harris & Batra Cardiology Medical

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01204 St. Francis Medical Center v. Hossein Eftekhari MD Inc

#108.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01204. Complaint by St. Francis Medical Center against Hossein Eftekhari MD Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hossein Eftekhari MD Inc

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01205 St. Vincent Medical Center v. RehabCare Group of California, LLC

#109.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01205. Complaint by St. Vincent Medical Center against RehabCare Group of California, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

RehabCare Group of California,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01206 Seton Medical Center v. Scribner, MD

#110.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01206. Complaint by Seton Medical Center against Robert G. Scribner, MD. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-25-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Robert G. Scribner, MD

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01207 Seton Medical Center v. Seton Emergency Physicians, Inc.

#111.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01207. Complaint by Seton Medical Center against Seton Emergency Physicians, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Seton Emergency Physicians, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01209 Verity Health System of California, Inc. v. 360 Management Group, LLC

#113.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01209. Complaint by Verity Health System of California, Inc. against 360 Management Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4/12/21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

360 Management Group, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01210 St. Vincent Medical Center v. 360 Support Services

#114.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01210. Complaint by St. Vincent Medical Center against 360 Support Services. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

360 Support Services

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01211 Verity Health System of California, Inc. v. 3M Health Information Systems,

#115.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01211. Complaint by Verity Health System of California, Inc. against 3M Health Information Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

3M Health Information Systems,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01212 St. Vincent Medical Center v. A B C Agueros Builders Company, Inc.

#116.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01212. Complaint by St. Vincent Medical Center against A B C Agueros Builders Company, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A B C Agueros Builders Company,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

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11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01213 St. Francis Medical Center v. A Team Security, Inc.

#117.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01213. Complaint by St. Francis Medical Center against A Team Security, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 5-4-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A Team Security, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01214 St. Francis Medical Center v. ACCO Engineered Systems, Inc.

#118.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01214. Complaint by St. Francis Medical Center against ACCO Engineered Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-22 AT 11:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ACCO Engineered Systems, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01215 St. Vincent Medical Center v. Advanced Bionics, LLC

#119.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01215. Complaint by St. Vincent Medical Center against Advanced Bionics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Advanced Bionics, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01216 St. Vincent Medical Center v. Advanced Cardiothoracic Surgery Medical

#120.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01216. Complaint by St. Vincent Medical Center against Advanced Cardiothoracic Surgery Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Advanced Cardiothoracic Surgery

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01217 Seton Medical Center v. Alevio, LLC

#121.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01217. Complaint by Seton Medical Center against Alevio, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alevio, LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01218 Verity Medical Foundation v. Ramirez, MD

#122.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01218. Complaint by Verity Medical Foundation against Alfredo F. Ramirez, MD. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alfredo F. Ramirez, MD

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01219 St. Francis Medical Center v. Alliance Environmental Group, LLC

#123.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01219. Complaint by St. Francis Medical Center against Alliance Environmental Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-11-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alliance Environmental Group, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01220 St. Vincent Medical Center v. AmerisourceBergen Corporation

#124.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01220. Complaint by St. Vincent Medical Center against AmerisourceBergen Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: PRETRIAL 1-11-22 AT 11:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AmerisourceBergen Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01222 St. Vincent Medical Center v. AOSS Medical Supply, L.L.C.

#125.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01222. Complaint by St. Vincent Medical Center against AOSS Medical Supply, L.L.C.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

AOSS Medical Supply, L.L.C.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01223 Verity Health System of California, Inc. v. Applied Statistics & Management

#126.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01223. Complaint by Verity Health System of California, Inc. against Applied Statistics & Management Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Applied Statistics & Management

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01224 St. Vincent Medical Center v. Ascend Clinical, LLC

#127.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01224. Complaint by St. Vincent Medical Center against Ascend Clinical, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Ascend Clinical, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01225 St. Vincent Medical Center v. Atlantic Business Organizations Corp.

#128.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01225. Complaint by St. Vincent Medical Center against Atlantic Business Organizations Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 4-28-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Atlantic Business Organizations

Represented By

Arnold L Graff

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01226 St. Francis Medical Center v. Automac Parking, Inc.

#129.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01226. Complaint by St. Francis Medical Center against Automac Parking, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-3-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Automac Parking, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01227 Verity Medical Foundation v. Automatic Data Processing, Inc.

#130.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01227. Complaint by Verity Medical Foundation against Automatic Data Processing, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-1-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Automatic Data Processing, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01228 O'Connor Hospital v. BioFire Diagnostics, LLC

#131.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01228. Complaint by O'Connor Hospital against BioFire Diagnostics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

BioFire Diagnostics, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01229 Seton Medical Center v. Bioventus LLC

#132.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01229. Complaint by Seton Medical Center against Bioventus LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-25-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bioventus LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01230 Verity Health System of California, Inc. v. Blackbaud, Inc.

#133.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01230. Complaint by Verity Health System of California, Inc. against Blackbaud, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blackbaud, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01231 Verity Health System of California, Inc. v. Blue Shield of California

#134.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01231. Complaint by Verity Health System of California, Inc. against Blue Shield of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 9-14-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Blue Shield of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01233 Verity Health System of California, Inc. v. Gray

#135.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01233. Complaint by Verity Health System of California, Inc. against Bryan Lee Gray. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Bryan Lee Gray

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01234 Verity Health System of California, Inc. v. California Statewide

#136.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01234. Complaint by Verity Health System of California, Inc. against California Statewide Communities Development Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-22 AT 11:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

California Statewide Communities

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01235 Verity Health System of California, Inc. v. Canadian Travel Nurses

#137.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01235. Complaint by Verity Health System of California, Inc. against Canadian Travel Nurses. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 1-11-22 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Canadian Travel Nurses

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01236 St. Francis Medical Center v. Cardio Medical Consultants Medical Group of

#138.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01236. Complaint by St. Francis Medical Center against Cardio Medical Consultants Medical Group of Long Beach, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Cardio Medical Consultants Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01237 O'Connor Hospital v. Centinel Spine, LLC

#139.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01237. Complaint by O'Connor Hospital against Centinel Spine, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Centinel Spine, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01238 Verity Health System of California, Inc. v. Cerner Health Services Inc.

#140.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01238. Complaint by Verity Health System of California, Inc. against Cerner Health Services Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cerner Health Services Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01239 Verity Health System of California, Inc. v. Change Healthcare Engagement

#141.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01239. Complaint by Verity Health System of California, Inc. against Change Healthcare Engagement Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Engagement

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01240 Verity Health System of California, Inc. v. Change Healthcare Technologies,

#142.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01240. Complaint by Verity Health System of California, Inc. against Change Healthcare Technologies, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 11:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Technologies,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01241 O'Connor Hospital v. Chem-Aqua, Inc.

#143.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01241. Complaint by O'Connor Hospital against Chem-Aqua, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 4-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigitte G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Chem-Aqua, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01242 Verity Health System of California, Inc. v. Cigna Dental Health, Inc.

#144.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01242. Complaint by Verity Health System of California, Inc. against Cigna Dental Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Cigna Dental Health, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01243 Verity Health System of California, Inc. v. Cigna Healthcare, Inc.

#145.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01243. Complaint by Verity Health System of California, Inc. against Cigna Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 4-21-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Cigna Healthcare, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01244 Verity Business Services v. Ciox Health, LLC

#146.00 Pre-Trial Conference

RE: [1] Adversary case 2:20-ap-01244. Complaint by Verity Business Services against Ciox Health, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 7-28-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Ciox Health, LLC

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01245 St. Vincent Medical Center v. Citiguard Inc.

#147.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01245. Complaint by St. Vincent Medical Center against Citiguard Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Citiguard Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01246 St. Francis Medical Center v. City of Lynwood, California

#148.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01246. Complaint by St. Francis Medical Center against City of Lynwood, California. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

City of Lynwood, California

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01247 Verity Health System of California, Inc. v. Clinicomp International, Inc.

#149.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01247. Complaint by Verity Health System of California, Inc. against Clinicomp International, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clinicomp International, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#150.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01616. Complaint by Official Committee of Unsecured Creditors of Verity Health System of California, Inc., et al. against Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (91 (Declaratory judgment)) (Behrens, James)

FR. 6-15-21

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 8-17-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Integrity Healthcare, LLC, John Doe

Pro Se

Plaintiff(s):

Official Committee of Unsecured

Represented By

James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 10, 2021

Hearing Room 1568

11:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#151.00 Pre-Trial Conference
RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Docket 1

*** VACATED *** REASON: Continued to 10/12/2021 at 11:00 AM

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-13579 Mehrdad Shirafkan

Chapter 7

#1.00 Show Cause Hearing re [25] Requiring Citibank, Na And Hunt & Henriques To Appear And Show Cause Why They Should Not Be Held In Civil Contempt For Violation Of The Automatic Stay Pursuant To 11 U.S.C. § 362.

Docket 0

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 7-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mehrdad Shirafkan

Represented By
Arash Shirdel

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-12447 Med Equity, LLC

Chapter 11

#2.00 Status Hearing
RE: [1] Chapter 11 **Subchapter V** Voluntary Petition Non-Individual.

FR. 5-18-21; 6-23-21

Docket 1

Tentative Ruling:

8/10/2021

Order entered. Status Conference **CONTINUED** to September 8, 2021 at 11:00 a.m.

Party Information

Debtor(s):

Med Equity, LLC

Represented By
Alan W Forsley

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-14648 Isaac Sanchez

Chapter 7

#3.00 HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Yamaha YZF-R6 / 2018 Kawasaki Ninja ZX-6R ABS .

Docket 11

Tentative Ruling:

8/10/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

CONT... Isaac Sanchez

Chapter 7

case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Isaac Sanchez

Pro Se

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-15666 WonHo Lee

Chapter 7

#4.00 HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 924 S. Park View Street, Los Angeles, CA 90006 .

Docket 10

Tentative Ruling:

8/10/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after a notice to quit was served upon him. The Movant filed an unlawful detainer action on January 17, 2020.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

CONT... WonHo Lee

Chapter 7

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The Court finds that this bankruptcy case was filed in bad faith because there have been other bankruptcy cases filed in which an interest in the Property was asserted (2:20-bk-21137-VZ; 2:21-bk-14950-ER). Therefore, this order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

WonHo Lee

Represented By
Nnana Awa

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

CONT... WonHo Lee

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-14298 Jack Eghbalieh

Chapter 7

#5.00 HearingRE: [24] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 2175 S Beverly Glen #208 90025 Los Angeles, CA .

Docket 24

Tentative Ruling:

8/10/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

The Motion is DENIED without prejudice. Pursuant to Judge Robles' self-calendaring procedures, for an unlawful detainer relief from stay motion heard on shortened notice, the Movant must "serve the motion and supporting documents by: . . . posting or personal service on debtor" and "overnight mail to debtor's counsel." See Self-Calendaring Instructions for Judge Ernest M. Robles, <https://www.cacb.uscourts.gov/judges/self-calendaring/robles-e> at § III. The Movant's proof of service indicates that the Debtor was not served with this Motion and the Debtor's counsel was not served by overnight mail. Doc. No. 24 at 26. Movant may refile the Motion with service upon the Debtor and any other interested party in accordance with applicable local, federal, and Court-specific rules.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

CONT... Jack Eghbalieh

Chapter 7

Debtor(s):

Jack Eghbalieh

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-13523 Urban Commons LLC

Chapter 7

#6.00 Hearing

RE: [77] Motion for Relief from the Automatic Stay Under 11 U.S.C. Section 362 (with supporting declarations) (ACTION IN NONBANKRUPTCY FORUM) To Commence Complaint in the U.S. District Court for the Southern District of New York Filed by Creditor Gruppo Italiano Progetti SRL

Docket 82

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION
FILED 7-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urban Commons LLC

Represented By
Justin C Bentley

Trustee(s):

Carolyn A Dye (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

2:21-13523 Urban Commons LLC

Chapter 7

#7.00 Hearing
RE: [84] Amended motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: To Commence Complaint In The U.S. District Court For The Southern District Of New York

Docket 82

Tentative Ruling:

8/10/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2) . The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. Movant seeks to recover primarily from third parties and agrees that the stay will remain in effect as to the enforcement of any resulting judgment against the Debtor or the Debtor's bankruptcy estate, except that the Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

CONT... **Urban Commons LLC**
§ 523 or § 727 in this bankruptcy case.

Chapter 7

In addition, the Movant seeks clarification with regard to the automatic stay *vis-à-vis* certain non-debtor parties. The automatic stay does not apply, and has never applied, to the non-debtors who will be parties to the S.D.N.Y. litigation. *See In re Chugach Forest Prods.*, 23 F.3d 241, 246 (9th Cir. 1994) (finding "[t]he automatic stay of section 362(a) protects only the debtor, property of the debtor or property of the estate. It does not protect non-debtor parties or their property. Thus, section 362(a) does not stay actions against guarantors, sureties, corporate affiliates, or other non-debtor parties liable on the debts of the debtor.").

Finally, the Movant requests that the stay be retroactively annulled to the petition date. "[T]he proper standard for determining 'cause' to annul the automatic stay retroactively is a 'balancing of the equities' test." *Fjeldsted v. Lien (In re Fjeldsted)*, 293 B.R. 12, 24 (B.A.P. 9th Cir. 2003). In weighing the equities, the general trend has been to focus on two factors: "(1) whether the creditor was aware of the bankruptcy petition; and (2) whether the debtor engaged in unreasonable or inequitable conduct, or prejudice would result to the creditor." *Id.* Here, the Movant sent a demand letter to the Debtor on the same day the petition was filed; however, the Movant did not have notice of the petition until shortly after sending the letter. *See* Motion, Doc. No. 84-2, at ¶¶ 23-26. Therefore, the stay is retroactively annulled because the Movant was unaware of the instant bankruptcy proceeding and the Debtor did not alert the Movant as to the filing of the bankruptcy petition.

The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 11, 2021

Hearing Room 1568

10:00 AM

CONT... Urban Commons LLC

Chapter 7

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Urban Commons LLC

Represented By
Justin C Bentley

Trustee(s):

Carolyn A Dye (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:17-21270 Keystone Textile, Inc.

Chapter 7

Adv#: 2:19-01387 Mastan, Chapter 7 Trustee v. Bank of Hope et al

#1.00 Status Hearing

RE: [1] Adversary case 2:19-ap-01387. Complaint by Peter J. Mastan, Chapter 7 Trustee against Bank of Hope, Jason Young Cho. (Charge To Estate).
Complaint for: (1) Avoidance of Actual Fraudulent Transfers [11 U.S.C. 544(b) 548(a)(1)(A) and 550(a), and Cal. Civ. Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 548(a)(1) (B), and 550(a), and Cal. Civ. Code §§ 3439.04(b) or 3439.05 and Cal. Civ. Code § 3439.07]; and (3) Recovery of Avoided Transfer [11 U.S.C. § 550(a)] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Triplett, Meghann)

FR. 5-11-21; 8-17-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Keystone Textile, Inc.

Represented By
Christian T Kim

Defendant(s):

Bank of Hope

Represented By
J. Alexandra Rhim

Jason Young Cho

Pro Se

Youngduk Duk Cho

Pro Se

DOES 1-10 inclusive

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Keystone Textile, Inc.

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:19-14464 Kevin Garnier

Chapter 7

Adv#: 2:19-01234 Li v. Garnier

#2.00 Status Conference RE: [1] Adversary case 2:19-ap-01234. Complaint by Qi Li against Kevin Garnier. false pretenses, false representation, actual fraud)) (Wolk, Sarah)

fr. 10-15-19; 11-19-19; 4-14-20; 10-13-20; 6-15-21

Docket 1

***** VACATED *** REASON: DISMISSED 8-3-21**

Party Information

Debtor(s):

Kevin Garnier

Represented By
Misty Wilks

Defendant(s):

Kevin Garnier

Pro Se

Plaintiff(s):

Qi Li

Represented By
Sarah R Wolk
Zachary Levine

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:19-15413 Jane Z Jin

Chapter 7

Adv#: 2:21-01083 MENCHACA v. JIN

#3.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01083. Complaint by JOHN J MENCHACA against ZHUGUANG JIN. (\$350.00 Fee Charge To Estate). Trustee's Complaint to Avoid and Recover Fraudulent Transfers Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (D'Alba, Michael)

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Jane Z Jin Pro Se

Defendant(s):

ZHUGUANG JIN Pro Se

Plaintiff(s):

JOHN J MENCHACA Represented By
Michael G D'Alba

Trustee(s):

John J Menchaca (TR) Represented By
Uzzi O Raanan ESQ
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01627 Menchaca, Chapter 7 Trustee v. Sida

#4.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01627. Complaint by John J Menchaca, Chapter 7 Trustee against Alon Sida. (\$350.00 Fee Charge To Estate). Complaint for Avoidance and Recovery of Fraudulent Transfers and Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547(b), 548, 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

FR. 12-15-20; 4-13-21

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

Alon Sida

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:19-18382 Shoezoo.com, LLC

Chapter 7

Adv#: 2:20-01628 Menchaca, Chapter 7 Trustee v. Sida

#5.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01628. Complaint by John J Menchaca, Chapter 7 Trustee against Talya Adika Sida. (\$350.00 Fee Charge To Estate). Complaint for Avoidance and Recovery of Fraudulent Transfers and Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547(b), 548, 550 and 551 Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

FR. 12-15-20; 4-13-21

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Shoezoo.com, LLC

Represented By
Charles Shamash

Defendant(s):

Talya Adika Sida

Pro Se

Plaintiff(s):

John J Menchaca, Chapter 7 Trustee

Represented By
Steven Werth

Trustee(s):

John J Menchaca (TR)

Represented By
Steven Werth
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-10778 Ezequiel Abisai Portillo Rivera

Chapter 7

Adv#: 2:21-01081 BMO Harris Bank N.A. v. Rivera

#6.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01081. Complaint by BMO Harris Bank N.A. against Ezequiel Abisai Portillo Rivera. false pretenses, false representation, actual fraud)) (Anderson, Melody)

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Ezequiel Abisai Portillo Rivera

Represented By
George C Panagiotou

Defendant(s):

Ezequiel Abisai Portillo Rivera

Pro Se

Plaintiff(s):

BMO Harris Bank N.A.

Represented By
Melody G Anderson

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-11120 Rafael Contreras

Chapter 7

Adv#: 2:21-01091 Parcels Law Firm v. Contreras et al

#7.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01091. Complaint by Parcels Law Firm against Rafael Contreras, Claudia Evette Horta De Contreras. (d),(e)) (Brownstein, David)

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 8-16-21**

Party Information

Debtor(s):

Rafael Contreras

Represented By
Michael E Clark

Defendant(s):

Rafael Contreras

Pro Se

Claudia Evette Horta De Contreras

Pro Se

Joint Debtor(s):

Claudia Yvette Horta de Contreras

Represented By
Michael E Clark

Plaintiff(s):

Parcels Law Firm

Represented By
David I Brownstein

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-11268 Paul Conrad Benesh

Chapter 7

Adv#: 2:21-01096 DOE v. Benesh

#8.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01096. Complaint by JANE DOE against Paul Conrad Benesh. willful and malicious injury)) (Lovretovich, Joseph)

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-22 AT 10:00 A.M.**

Party Information

Debtor(s):

Paul Conrad Benesh

Represented By
David Lozano

Defendant(s):

Paul Conrad Benesh

Pro Se

Joint Debtor(s):

Lorraine Frances Vill

Represented By
David Lozano

Plaintiff(s):

JANE DOE

Represented By
Joseph Mark Lovretovich

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-11985 James B Cho

Chapter 7

Adv#: 2:21-01097 Travelers Express Company Inc. now known as Moneyg v. Cho et al

#9.00 Status Hearing
RE: [1] Adversary case 2:21-ap-01097. Complaint by Travelers Express Company Inc. now known as Moneygram Payment Systems, Inc. against James B Cho, Anna Sang Cho. fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Rentto, Robert)

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

James B Cho

Represented By
Young K Chang

Defendant(s):

James B Cho

Pro Se

Anna Sang Cho

Pro Se

Plaintiff(s):

Travelers Express Company Inc.

Represented By
Robert L Rentto

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12190 Sehee Bang

Chapter 7

Adv#: 2:21-01098 Na v. Bang et al

#10.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01098. Complaint by Hyun Woo Na, Sehee Bang against Sehee Bang, Ari Apparel, Inc, Charming You Boutique. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Khang, Joon)

Docket 1

***** VACATED *** REASON: CONTINUED 9-22-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Sehee Bang

Represented By
Young K Chang

Defendant(s):

Sehee Bang

Pro Se

Ari Apparel, Inc

Pro Se

Charming You Boutique

Pro Se

DOES 1-10, Inclusive

Pro Se

Plaintiff(s):

Hyun Woo Na

Represented By
Joon M Khang

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#11.00 Hearing re [6348] Further Post-confirmation Status Conference

FR. 3-9-21; 4-20-21

Docket 0

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01214 St. Francis Medical Center v. ACCO Engineered Systems, Inc.

#12.00 Status Conference

RE: [1] Adversary case 2:20-ap-01214. Complaint by St. Francis Medical Center against ACCO Engineered Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ACCO Engineered Systems, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01220 St. Vincent Medical Center v. AmerisourceBergen Corporation

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01220. Complaint by St. Vincent Medical Center against AmerisourceBergen Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AmerisourceBergen Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01231 Verity Health System of California, Inc. v. Blue Shield of California

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01231. Complaint by Verity Health System of California, Inc. against Blue Shield of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: DISMISSED 8-16-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blue Shield of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01234 Verity Health System of California, Inc. v. California Statewide

#15.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01234. Complaint by Verity Health System of California, Inc. against California Statewide Communities Development Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

California Statewide Communities

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01240 Verity Health System of California, Inc. v. Change Healthcare Technologies,

#16.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01240. Complaint by Verity Health System of California, Inc. against Change Healthcare Technologies, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Technologies,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01244 Verity Business Services v. Ciox Health, LLC

#17.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01244. Complaint by Verity Business Services against Ciox Health, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-28-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Ciox Health, LLC

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01247 Verity Health System of California, Inc. v. Clinicomp International, Inc.

#18.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01247. Complaint by Verity Health System of California, Inc. against Clinicomp International, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-3-20; 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clinicomp International, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01251 St. Francis Medical Center v. Cope Health Solutions

#19.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01251. Complaint by St. Francis Medical Center against Cope Health Solutions. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cope Health Solutions

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01256 St. Francis Medical Center v. Lemay, M.D., Ph.D., Inc.

#20.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01256. Complaint by St. Francis Medical Center against Daniel R. Lemay, M.D., Ph.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Daniel R. Lemay, M.D., Ph.D., Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01260 St. Francis Medical Center v. Friedberg, M.D., Inc.

#21.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01260. Complaint by St. Francis Medical Center against David Friedberg, M.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

David Friedberg, M.D., Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01261 Verity Health System of California, Inc. v. Delta Dental of California

#22.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01261. Complaint by Verity Health System of California, Inc. against Delta Dental of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Delta Dental of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01262 Seton Medical Center v. Diagnostica Stago Inc.

#23.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01262. Complaint by Seton Medical Center against Diagnostica Stago Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Diagnostica Stago Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01268 Verity Health System of California, Inc. et al v. DYSEC 360, Corp. et al

#24.00 Status Hearing

RE: [7] Amended Complaint by Gary D Underdahl on behalf of Howard Grobstein against Global 360 Protective Services. (RE: related document(s)1 Adversary case 2:20-ap-01268. Complaint by Verity Health System of California, Inc. against DYSEC 360, Corp.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Underdahl, Gary)

fr: 11-10-20; 2-2-21; 4-20-21

Docket 7

***** VACATED *** REASON: DISMISSED 7-6-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

DYSEC 360, Corp.

Pro Se

Global 360 Protective Services

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Howard Grobstein

Represented By
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01276 Verity Holdings, LLC et al v. Environmental Service Partners, Inc.

#25.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01276. Complaint by Verity Holdings, LLC against Environmental Service Partners, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy
Brigette G McGrath
Gary D Underdahl
Nicholas C Brown
Anna Kordas
Mary H Haas
Robert E Richards
Lawrence B Gill
Richard Reding

Defendant(s):

Environmental Service Partners, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Stephan A Barber

Plaintiff(s):

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Howard Grobstein, Liquidating

Represented By
Gary D Underdahl

Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01294 Verity Health System of California, Inc. v. Grant Thornton LLP

#26.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01294. Complaint by Verity Health System of California, Inc. against Grant Thornton LLP. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 11-10-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Grant Thornton LLP

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01314 St. Francis Medical Center v. J.A. Neurodiagnostics Medical Services, Inc.

#27.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01314. Complaint by St. Francis Medical Center against J.A. Neurodiagnostics Medical Services, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-1-20; 2-2-21; 6-8-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

J.A. Neurodiagnostics Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01356 Seton Medical Center v. Nehi Construction, Inc.

#28.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01356. Complaint by Seton Medical Center against Nehi Construction, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 6-15-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Nehi Construction, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01360 Verity Health System of California, Inc. v. NThrive Solutions, Inc.

#29.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01360. Complaint by Verity Health System of California, Inc. against NThrive Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-7-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

NThrive Solutions, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01379 Verity Health System of California, Inc. v. Picis Clinical Solutions, Inc.

#30.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01379. Complaint by Verity Health System of California, Inc. against Picis Clinical Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 5-13-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Picis Clinical Solutions, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01386 St. Vincent Medical Center v. Providence Medical Institute

#31.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01386. Complaint by St. Vincent Medical Center against Providence Medical Institute. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 6-14-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Providence Medical Institute

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01388 Verity Health System of California, Inc. v. Quadramed Corporation

#32.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01388. Complaint by Verity Health System of California, Inc. against Quadramed Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Quadramed Corporation

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01391 Verity Medical Foundation v. Questivity, Inc.

#33.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01391. Complaint by Verity Health System of California, Inc. against Questivity, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Questivity, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Tania M Moyron

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01394 St. Vincent Medical Center v. RadAdvantage, a Professional Corporation,

#34.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01394. Complaint by St. Vincent Medical Center against RadAdvantage, a Professional Corporation, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-8-20; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-21-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

RadAdvantage, a Professional

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01406 Seton Medical Center v. Shamrock Surgical

#35.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01406. Complaint by Seton Medical Center against Shamrock Surgical. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-6-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Shamrock Surgical

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01427 St. Francis Medical Center et al v. Kone Inc.

#36.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01427. Complaint by St. Francis Medical Center, Verity Holdings, LLC, Seton Medical Center against Kone Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:0 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Kone Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01431 St. Vincent Medical Center et al v. Penumbra, Inc.

#37.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01431. Complaint by St. Vincent Medical Center, Seton Medical Center, O'Connor Hospital against Penumbra, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20; 4-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Penumbra, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01437 St. Vincent Medical Center et al v. T.R.L. Systems, Incorporated

#38.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01437. Complaint by St. Vincent Medical Center, St. Francis Medical Center, Verity Holdings, LLC against T.R.L. Systems, Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 12-22-20; 4-6-20

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

T.R.L. Systems, Incorporated

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Verity Holdings, LLC

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01438 Verity Medical Foundation et al v. TCPrince, LLC

#39.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01438. Complaint by Verity Medical Foundation, Verity Health System of California, Inc., Saint Louise Regional Hospital against TCPrince, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 2-2-21; 4-20-21

Docket 1

*** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 5-10-21

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

TCPrince, LLC

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Saint Louise Regional Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, August 17, 2021

Hearing Room 1575

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01453 O'Connor Hospital v. Summers and Sons Electric, Incorporated

#40.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of O'Connor Hospital against Summers and Sons Electric, Incorporated. (RE: related document(s)1 Adversary case 2:20-ap-01453. Complaint by O'Connor Hospital against Summers and Sons Electric, Incorporated. (14 (Recovery of money/property - other)) filed by Plaintiff O'Connor Hospital). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: DISMISSED 5-24-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Summers and Sons Electric,

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1575 Calendar**

Tuesday, August 17, 2021

Hearing Room 1575

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01454 Verity Health System of California, Inc. v. Sunquest Information Systems,

#41.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Sunquest Information Systems, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01454. Complaint by Verity Health System of California, Inc. against Sunquest Information Systems, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: DISMISSED 4-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sunquest Information Systems, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01463 Verity Medical Foundation v. TheraCom, L.L.C.

#42.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Medical Foundation against TheraCom, L.L.C.. (RE: related document(s)1 Adversary case 2:20-ap-01463. Complaint by Verity Medical Foundation against TheraCom, L.L.C.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Medical Foundation). (Attachments: # 1 Exhibit A) (Moyron, Tania)

fr. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

TheraCom, L.L.C.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01467 St. Vincent Medical Center v. Trane U.S. Inc.

#43.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Trane U.S. Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01467. Complaint by St. Vincent Medical Center against Trane U.S. Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: DISMISSED 7-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Trane U.S. Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01468 St. Vincent Medical Center v. Transplant Connect, Inc.

#44.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against Transplant Connect, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01468. Complaint by St. Vincent Medical Center against Transplant Connect, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Transplant Connect, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01480 Verity Health System of California, Inc. v. Vision Service Plan

#45.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Vision Service Plan. (RE: related document(s)1 Adversary case 2:20-ap-01480. Complaint by Verity Health System of California, Inc. against Vision Service Plan. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Vision Service Plan

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01483 Verity Health System of California, Inc. v. Voicebrook, Inc.

#46.00 Status Hearing
RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Voicebrook, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01483. Complaint by Verity Health System of California, Inc. against Voicebrook, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Voicebrook, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01487 Verity Health System of California, Inc. v. Wellsky Corporation

#47.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of Verity Health System of California, Inc. against Wellsky Corporation. (RE: related document(s)1 Adversary case 2:20-ap-01487. Complaint by Verity Health System of California, Inc. against Wellsky Corporation. (14 (Recovery of money/property - other)) filed by Plaintiff Verity Health System of California, Inc.). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-16-21

Docket 2

***** VACATED *** REASON: DISMISSED 7-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Wellsky Corporation

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01488 St. Vincent Medical Center v. West Medical Inc.

#48.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Vincent Medical Center against West Medical Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01488. Complaint by St. Vincent Medical Center against West Medical Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Vincent Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

West Medical Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01491 St. Francis Medical Center v. Zoubero, Inc.

#49.00 Status Hearing

RE: [2] Amended Complaint by Tania M Moyron on behalf of St. Francis Medical Center against Zoubero, Inc.. (RE: related document(s)1 Adversary case 2:20-ap-01491. Complaint by St. Francis Medical Center against Zoubero, Inc.. (14 (Recovery of money/property - other)) filed by Plaintiff St. Francis Medical Center). (Attachments: # 1 Exhibit A) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 2

***** VACATED *** REASON: DISMISSED 6-29-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Zoubero, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01492 St. Francis Medical Center et al v. Abbott Rapid Diagnostics Informatics,

#50.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01492. Complaint by St. Francis Medical Center, O'Connor Hospital against Abbott Rapid Diagnostics Informatics, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-1-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Abbott Rapid Diagnostics

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01497 Verity Medical Foundation et al v. American Express Company

#51.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01497. Complaint by Verity Medical Foundation, Verity Health System of California, Inc. against American Express Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-5-21; 4-20-21

Docket 1

***** VACATED *** REASON: DISMISSED 4-26-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

American Express Company

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01503 Verity Health System of California, Inc. et al v. AT&T Inc.

#52.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01503. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against AT&T Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-9-21; 5-4-21

Docket 1

***** VACATED *** REASON: DISMISSED 5-4-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AT&T Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01549 St. Vincent Medical Center et al v. Otis Elevator Company

#53.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01549. Complaint by St. Vincent Medical Center, St. Francis Medical Center against Otis Elevator Company. (14 (Recovery of money/property - other)) (Moyron, Tania)

fr: 1-19-21; 2-2-21; 4-20-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 5-24-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Otis Elevator Company

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

St. Francis Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01553 Verity Health System of California, Inc. et al v. Peregrine Lab Corp.

#54.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01553. Complaint by Verity Health System of California, Inc., St. Vincent Medical Center against Peregrine Lab Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21; 4-6-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-15-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Peregrine Lab Corp.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01558 Verity Health System of California, Inc. et al v. Sagewell Healthcare Benefits

#55.00 Status Hearing
RE: [1] Adversary case 2:20-ap-01558. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Sagewell Healthcare Benefits Trust. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21; 4-6-21

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sagewell Healthcare Benefits Trust

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT...

Verity Health System of California, Inc.

Tania M Moyron

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01577 St. Francis Medical Center et al v. Cellco Partnership

#56.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01577. Complaint by St. Francis Medical Center, Verity Health System of California, Inc., O'Connor Hospital, St. Vincent Medical Center against Cellco Partnership. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21; 5-18-21

Docket 1

*** VACATED *** REASON: DISMISSED 5-13-21

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cellco Partnership

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

Verity Health System of California,

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01596 Verity Health System of California, Inc. et al v. CDW Government LLC

#57.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01596. Complaint by Verity Health System of California, Inc., St. Francis Medical Center, Seton Medical Center, O'Connor Hospital, St. Vincent Medical Center against CDW Government LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-26-21; 5-18-21

Docket 1

***** VACATED *** REASON: DISMISSED 5-19-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

CDW Government LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

St. Francis Medical Center

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#58.00 Status Hearing

RE: [23] Amended Complaint (First Amended Complaint) by Anthony Bisconti on behalf of Howard B Grobstein against Assured Investment Management LLC (f/k/a BlueMountain Capital Management, LLC) and affiliated entities, Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (Bisconti, Anthony)

fr. 2-9-21; 6-15-21

Docket 23

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Integrity Healthcare, LLC, John Doe

Represented By

Bruce Bennett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc. Chapter 11

Assured Investment Management	Pro Se
Bluemountain Guadalupe Peak Fund	Pro Se
Bluemountain Summit Opportunities	Pro Se
BMSP L.P., A Delaware Limited	Pro Se
Bluemountain Foinaven Master	Pro Se
Bluemountain Logan Opportunities	Pro Se
Bluemountain Monteners Master	Pro Se
John Doe Individuals 1 50	Pro Se
John Doe Companies 1 50	Pro Se
Integrity Healthcare, Llc, A	Represented By Bruce Bennett

Plaintiff(s):

Official Committee of Unsecured	Represented By James Cornell Behrens Steven J. Katzman
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:19-20836 Michael Bonert and Vivien Bonert

Chapter 11

#59.00 Hearing re Post-Confirmation Status Conference

fr. 4-7-21

Docket 0

***** VACATED *** REASON: PER ORDER ENTERED 8-13-21**

Party Information

Debtor(s):

Michael Bonert

Represented By
Alan W Forsley

Joint Debtor(s):

Vivien Bonert

Represented By
Alan W Forsley

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:20-10264 450 S. Western, LLC, a California limited liabilit

Chapter 11

#60.00 Post confirmation status conference

fr. 4-20-21

Docket 316

***** VACATED *** REASON: CONTINUED 9-1-21 AT 11:00 A.M.**

Party Information

Debtor(s):

450 S. Western, LLC, a California

Represented By

Aram Ordubegian

Christopher K.S. Wong

M Douglas Flahaut

Amelia Puertas-Samara

Dylan J Yamamoto

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01022 Iovita v. Monge et al

#61.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01022. Complaint by Titus Emil Iovita against Siboney Monge, Malibu Reconveyance, LLC. (\$350.00 Fee Charge To Estate). (1) Objecting to Claim of Siboney Monge; (2) Quiet Title in Property of the Estate; (3) Declaratory Relief (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) (Khojayan, Vahe)

FR. 4-13-21; 6-15-21

Docket 1

***** VACATED *** REASON: PER ORDER ENTERED 8-13-21**

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Siboney Monge

Pro Se

Malibu Reconveyance, LLC

Pro Se

Plaintiff(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:20-19727 Titus Emil Iovita

Chapter 11

Adv#: 2:21-01024 Monge v. Iovita

#62.00 Status Hearing

RE: [27] Amended Complaint by Siboney Monge against Titus Emil Iovita. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other))

fr.6/15/21

Docket 27

***** VACATED *** REASON: PER ORDER ENTERED 8-13-21**

Party Information

Debtor(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Defendant(s):

Titus Emil Iovita

Represented By
Vahe Khojayan

Plaintiff(s):

Siboney Monge

Represented By
Arnold L Graff
Olivier J Labarre

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12463 J.H. Bryant Jr., Inc.

Chapter 11

#63.00 Status Hearing
RE: [1] Subchapter V Chapter 11 Voluntary Petition Non-Individual. Inc.

FR. 5-18-21

Docket 1

***** VACATED *** REASON: CONTINUED 10-4-21 AT 10:00 A.M.**

Party Information

Debtor(s):

J.H. Bryant Jr., Inc.

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12775 Guiora, LLC

Chapter 11

Adv#: 2:21-01080 Guiora, LLC v. Wells Fargo Bank, N.A.

#64.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01080. Complaint by Guiora, LLC against Wells Fargo Bank, N.A.. (\$350.00 Fee Not Required). Complaint for Declaratory Relief and for Disallowance of Claim (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (91 (Declaratory judgment)) (Novian, Farhad)

Docket 1

***** VACATED *** REASON: DISMISSED 7-23-21**

Party Information

Debtor(s):

Guiora, LLC

Represented By
Hamid R Rafatjoo

Defendant(s):

Wells Fargo Bank, N.A.

Pro Se

Plaintiff(s):

Guiora, LLC

Represented By
Farhad Novian

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

Adv#: 2:21-01118 530 6th Street LLC v. Corporate Colocation Inc

#65.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01118. Notice of Removal by 530 6th Street LLC. Nature of Suit: (14 (Recovery of money/property - other)) (Yaspan, Robert)

Docket 1

***** VACATED *** REASON: CONTINUED 9-15-21 AT 10:00 AM.**

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Defendant(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Plaintiff(s):

530 6th Street LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

Adv#: 2:21-01119 530 6th Street LLC v. Corporate Colocation Inc

#66.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01119. Notice of Removal by 530 6th Street LLC. Nature of Suit: (14 (Recovery of money/property - other)) (Yaspan, Robert)

Docket 1

***** VACATED *** REASON: CONTINUED 9-15-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Defendant(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Plaintiff(s):

530 6th Street LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

Adv#: 2:21-01120 530 6th Street LLC v. Corporate Colocation Inc

#67.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01120. Notice of Removal by 530 6th Street LLC. Nature of Suit: (14 (Recovery of money/property - other)) (Yaspan, Robert)

Docket 1

***** VACATED *** REASON: CONTINUED 9-15-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Defendant(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Plaintiff(s):

530 6th Street LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, August 17, 2021

Hearing Room 1568

10:00 AM

2:21-12812 Corporate Colocation Inc

Chapter 11

Adv#: 2:21-01121 Corporate Colocation Inc v. 530 6th Street LLC et al

#68.00 Status Hearing
RE: [1] Adversary case 2:21-ap-01121. Notice of Removal by Corporate Colocation Inc. Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Yaspan, Robert)

Docket 1

***** VACATED *** REASON: CONTINUED 9-15-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

Defendant(s):

530 6th Street LLC

Pro Se

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

Corporate Colocation Inc

Represented By
Robert M Yaspan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

#1.00 APPLICANT: Trustee: ROSENDO GONZALEZ

Hearing re [90] and [91] Trustee's Final Report and Applications for Compensation

Docket 0

Tentative Ruling:

8/17/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

No objection has been filed in response to the Trustee's Final Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$7,075 [*see* Doc. No. 90]

Total Trustee's Expenses: \$451.21 [*see id.*]

Franchise Tax Board: \$613.00 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

CONT...

Christina Marie Uzeta

Chapter 7

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

#2.00 APPLICANT: Other: Franchise Tax Board

Hearing re [90] and [91] Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

8/17/2021

See calendar number 1, above, incorporated by reference in full.

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

2:18-10408 Christina Marie Uzeta

Chapter 7

**#3.00 APPLICANT: Accountant for Trustee: SLBIGGS, A
Division of SingerLewak**

Hearing re [90] and [91] Trustee's Final Report and Applications for
Compensation

Docket 0

Tentative Ruling:

8/17/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

Having reviewed the first and final application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$6,404.50 approved [Doc. No. 76]

Expenses: \$166.72 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

CONT... Christina Marie Uzeta

Chapter 7

Party Information

Debtor(s):

Christina Marie Uzeta

Represented By
Heather J Canning
David Brian Lally

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:21-01101 AppleCare Medical Group, Inc. et al v. ST. FRANCIS MEDICAL CENTER,

#4.00 Hearing re [2] and [20] re motion for preliminary injunction.

Docket 0

***** VACATED *** REASON: DISMISSED 7-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

Defendant(s):

ST. FRANCIS MEDICAL

Pro Se

Howard Grobstein

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 18, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

James Cornell Behrens

Plaintiff(s):

AppleCare Medical Group, Inc.

Represented By
Susan I Montgomery

Apple Care Medical Group St.

Represented By
Susan I Montgomery

Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:20-10987 Steve Lewis

Chapter 7

Adv#: 2:20-01114 LANGLOIS FAMILY LAW APC v. LEWIS

#1.00 Trial Date Set

RE: [26] Amended Complaint First Amended Complaint objecting to the debtors discharge pursuant to 11 U.S.C., Section 727 (a)(4) by Ray B Bowen Jr on behalf of LANGLOIS FAMILY LAW APC against STEVE LEWIS. (Bowen, Ray)

Docket 26

***** VACATED *** REASON: CONTINUED 10-25-21 AT 9:00 A.M.**

Party Information

Debtor(s):

Steve Lewis

Represented By
Allan D Sarver

Defendant(s):

STEVE LEWIS

Represented By
Allan D Sarver

Plaintiff(s):

LANGLOIS FAMILY LAW APC

Represented By
Ray B Bowen Jr

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01196 Seton Medical Center v. Anesthesia Care Consultants, Inc.

#2.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01196. Complaint by Seton Medical Center against Anesthesia Care Consultants, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-1-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Anesthesia Care Consultants, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01198 St. Francis Medical Center v. Arthur J. Edelstein, M.D., A Professional

#3.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01198. Complaint by St. Francis Medical Center against Arthur J. Edelstein, M.D., A Professional Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 3-3-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Arthur J. Edelstein, M.D., A

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01199 St. Vincent Medical Center v. Axiom Anesthesia Group, Inc.

#4.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01199. Complaint by St. Vincent Medical Center against Axiom Anesthesia Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Axiom Anesthesia Group, Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01200 O'Connor Hospital v. Bridge Medical Consultants, Inc.

#5.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01200. Complaint by O'Connor Hospital against Bridge Medical Consultants, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-27-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bridge Medical Consultants, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01201 Seton Medical Center v. California Advanced Imaging Medical Associates,

#6.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01201. Complaint by Seton Medical Center against California Advanced Imaging Medical Associates, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

California Advanced Imaging

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01202 Seton Medical Center v. Fred F. Naraghi, M.D., Inc.

#7.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01202. Complaint by Seton Medical Center against Fred F. Naraghi, M.D., Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 3-29-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Fred F. Naraghi, M.D., Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1639 Calendar**

Monday, August 23, 2021

Hearing Room 1639

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01203 St. Vincent Medical Center v. Harris & Batra Cardiology Medical Group,

#8.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01203. Complaint by St. Vincent Medical Center against Harris & Batra Cardiology Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-22-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Harris & Batra Cardiology Medical

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01204 St. Francis Medical Center v. Hossein Eftekhari MD Inc

#9.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01204. Complaint by St. Francis Medical Center against Hossein Eftekhari MD Inc. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Hossein Eftekhari MD Inc

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01205 St. Vincent Medical Center v. RehabCare Group of California, LLC

#10.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01205. Complaint by St. Vincent Medical Center against RehabCare Group of California, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

RehabCare Group of California,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.
Adv#: 2:20-01206 Seton Medical Center v. Scribner, MD

Chapter 11

#11.00 Trial Date Set
RE: [1] Adversary case 2:20-ap-01206. Complaint by Seton Medical Center against Robert G. Scribner, MD. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-25-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By
Samuel R Maizel
John A Moe II
Tania M Moyron
Claude D Montgomery
Sam J Alberts
Shirley Cho
Patrick Maxcy
Steven J Kahn
Nicholas A Koffroth
Kerry L Duffy

Defendant(s):

Robert G. Scribner, MD

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01207 Seton Medical Center v. Seton Emergency Physicians, Inc.

#12.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01207. Complaint by Seton Medical Center against Seton Emergency Physicians, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Seton Emergency Physicians, Inc.

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01208 St. Vincent Medical Center v. Sun Clinical Laboratories

#13.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01208. Complaint by St. Vincent Medical Center against Sun Clinical Laboratories. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-15-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Sun Clinical Laboratories

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01209 Verity Health System of California, Inc. v. 360 Management Group, LLC

#14.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01209. Complaint by Verity Health System of California, Inc. against 360 Management Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4/12/21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

360 Management Group, LLC

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01210 St. Vincent Medical Center v. 360 Support Services

#15.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01210. Complaint by St. Vincent Medical Center against 360 Support Services. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

360 Support Services

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01211 Verity Health System of California, Inc. v. 3M Health Information Systems,

#16.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01211. Complaint by Verity Health System of California, Inc. against 3M Health Information Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-8-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

3M Health Information Systems,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01212 St. Vincent Medical Center v. A B C Aguerro's Builders Company, Inc.

#17.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01212. Complaint by St. Vincent Medical Center against A B C Aguerro's Builders Company, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A B C Aguerro's Builders Company,

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01213 St. Francis Medical Center v. A Team Security, Inc.

#18.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01213. Complaint by St. Francis Medical Center against A Team Security, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 5-4-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

A Team Security, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01214 St. Francis Medical Center v. ACCO Engineered Systems, Inc.

#19.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01214. Complaint by St. Francis Medical Center against ACCO Engineered Systems, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 11-16-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

ACCO Engineered Systems, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01215 St. Vincent Medical Center v. Advanced Bionics, LLC

#20.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01215. Complaint by St. Vincent Medical Center against Advanced Bionics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Advanced Bionics, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01216 St. Vincent Medical Center v. Advanced Cardiothoracic Surgery Medical

#21.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01216. Complaint by St. Vincent Medical Center against Advanced Cardiothoracic Surgery Medical Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Advanced Cardiothoracic Surgery

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01217 Seton Medical Center v. Alevio, LLC

#22.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01217. Complaint by Seton Medical Center against Alevio, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alevio, LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01218 Verity Medical Foundation v. Ramirez, MD

#23.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01218. Complaint by Verity Medical Foundation against Alfredo F. Ramirez, MD. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 4-12-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alfredo F. Ramirez, MD

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01219 St. Francis Medical Center v. Alliance Environmental Group, LLC

#24.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01219. Complaint by St. Francis Medical Center against Alliance Environmental Group, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-11-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Alliance Environmental Group, LLC

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01220 St. Vincent Medical Center v. AmerisourceBergen Corporation

#25.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01220. Complaint by St. Vincent Medical Center against AmerisourceBergen Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 1-24-22 AT 9:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

AmerisourceBergen Corporation

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01222 St. Vincent Medical Center v. AOSS Medical Supply, L.L.C.

#26.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01222. Complaint by St. Vincent Medical Center against AOSS Medical Supply, L.L.C.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

AOSS Medical Supply, L.L.C.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01223 Verity Health System of California, Inc. v. Applied Statistics & Management

#27.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01223. Complaint by Verity Health System of California, Inc. against Applied Statistics & Management Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Applied Statistics & Management

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01224 St. Vincent Medical Center v. Ascend Clinical, LLC

#28.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01224. Complaint by St. Vincent Medical Center against Ascend Clinical, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-30-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Ascend Clinical, LLC

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01225 St. Vincent Medical Center v. Atlantic Business Organizations Corp.

#29.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01225. Complaint by St. Vincent Medical Center against Atlantic Business Organizations Corp.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 4-28-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Atlantic Business Organizations

Represented By

Arnold L Graff

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01226 St. Francis Medical Center v. Automac Parking, Inc.

#30.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01226. Complaint by St. Francis Medical Center against Automac Parking, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-3-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Automac Parking, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01227 Verity Medical Foundation v. Automatic Data Processing, Inc.

#31.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01227. Complaint by Verity Medical Foundation against Automatic Data Processing, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 10-1-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Automatic Data Processing, Inc.

Pro Se

Plaintiff(s):

Verity Medical Foundation

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01228 O'Connor Hospital v. BioFire Diagnostics, LLC

#32.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01228. Complaint by O'Connor Hospital against BioFire Diagnostics, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-17-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

BioFire Diagnostics, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01229 Seton Medical Center v. Bioventus LLC

#33.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01229. Complaint by Seton Medical Center against Bioventus LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 9-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Bioventus LLC

Pro Se

Plaintiff(s):

Seton Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01230 Verity Health System of California, Inc. v. Blackbaud, Inc.

#34.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01230. Complaint by Verity Health System of California, Inc. against Blackbaud, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 3-18-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Blackbaud, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01231 Verity Health System of California, Inc. v. Blue Shield of California

#35.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01231. Complaint by Verity Health System of California, Inc. against Blue Shield of California. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 8-16-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Blue Shield of California

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01233 Verity Health System of California, Inc. v. Gray

#36.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01233. Complaint by Verity Health System of California, Inc. against Bryan Lee Gray. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-5-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Bryan Lee Gray

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01234 Verity Health System of California, Inc. v. California Statewide

#37.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01234. Complaint by Verity Health System of California, Inc. against California Statewide Communities Development Corporation. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 10-25-21 AT 9:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

California Statewide Communities

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01235 Verity Health System of California, Inc. v. Canadian Travel Nurses

#38.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01235. Complaint by Verity Health System of California, Inc. against Canadian Travel Nurses. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE 1-11-22 AT 10:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Canadian Travel Nurses

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01236 St. Francis Medical Center v. Cardio Medical Consultants Medical Group of

#39.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01236. Complaint by St. Francis Medical Center against Cardio Medical Consultants Medical Group of Long Beach, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Cardio Medical Consultants Medical

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01237 O'Connor Hospital v. Centinel Spine, LLC

#40.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01237. Complaint by O'Connor Hospital against Centinel Spine, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-2-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Centinel Spine, LLC

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01238 Verity Health System of California, Inc. v. Cerner Health Services Inc.

#41.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01238. Complaint by Verity Health System of California, Inc. against Cerner Health Services Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 11-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cerner Health Services Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01239 Verity Health System of California, Inc. v. Change Healthcare Engagement

#42.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01239. Complaint by Verity Health System of California, Inc. against Change Healthcare Engagement Solutions, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 12-24-20**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Engagement

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01240 Verity Health System of California, Inc. v. Change Healthcare Technologies,

#43.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01240. Complaint by Verity Health System of California, Inc. against Change Healthcare Technologies, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: CONTINUED 10-25-21 AT 9:00 AM.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Change Healthcare Technologies,

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01241 O'Connor Hospital v. Chem-Aqua, Inc.

#44.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01241. Complaint by O'Connor Hospital against Chem-Aqua, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 4-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Chem-Aqua, Inc.

Pro Se

Plaintiff(s):

O'Connor Hospital

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01242 Verity Health System of California, Inc. v. Cigna Dental Health, Inc.

#45.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01242. Complaint by Verity Health System of California, Inc. against Cigna Dental Health, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-5-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Cigna Dental Health, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01243 Verity Health System of California, Inc. v. Cigna Healthcare, Inc.

#46.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01243. Complaint by Verity Health System of California, Inc. against Cigna Healthcare, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 4-21-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Cigna Healthcare, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01244 Verity Business Services v. Ciox Health, LLC

#47.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01244. Complaint by Verity Business Services against Ciox Health, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 7-28-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Ciox Health, LLC

Pro Se

Plaintiff(s):

Verity Business Services

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01245 St. Vincent Medical Center v. Citiguard Inc.

#48.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01245. Complaint by St. Vincent Medical Center against Citiguard Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 2-22-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Defendant(s):

Citiguard Inc.

Pro Se

Plaintiff(s):

St. Vincent Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01246 St. Francis Medical Center v. City of Lynwood, California

#49.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01246. Complaint by St. Francis Medical Center against City of Lynwood, California. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 1-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

City of Lynwood, California

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01247 Verity Health System of California, Inc. v. Clinicomp International, Inc.

#50.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01247. Complaint by Verity Health System of California, Inc. against Clinicomp International, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

Docket 1

***** VACATED *** REASON: DISMISSED 7-20-21**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Clinicomp International, Inc.

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01616 Official Committee of Unsecured Creditors of Verit v. Integrity Healthcare,

#51.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01616. Complaint by Official Committee of Unsecured Creditors of Verity Health System of California, Inc., et al. against Integrity Healthcare, LLC, John Doe Individuals 1 50, And John Doe Companies 1 50. (91 (Declaratory judgment)) (Behrens, James)

FR. 6-28-21

Docket 1

***** VACATED *** REASON: CONTINUED 3-28-22 AT 9:00 A.M.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Integrity Healthcare, LLC, John Doe

Pro Se

Plaintiff(s):

Official Committee of Unsecured

Represented By

James Cornell Behrens

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 23, 2021

Hearing Room 1568

9:00 AM

2:20-14485 Michael Stuart Brown

Chapter 11

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

#52.00 Trial Date Set

RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Docket 1

***** VACATED *** REASON: Continued to 10/25/2021 at 9:00 AM;**

Party Information

Debtor(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Defendant(s):

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

Plaintiff(s):

Michael Stuart Brown

Represented By
Michael F Chekian

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 25, 2021

Hearing Room 1568

10:00 AM

2:21-16378 Josefina Lopez

Chapter 7

#1.00 HearingRE: [7] Motion for Relief from Stay NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. SECTION 362.

Docket 7

Tentative Ruling:

8/25/2021 10:28 AM (revised to include latest pleading)

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is **GRANTED**.

Pleadings Filed and Reviewed:

- 1) Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (with supporting declarations) (ACTION IN NONBANKRUPTCY FORUM) (the "RFS Motion") [Doc. No. 7]
- 2) Application for Order Setting Hearing on Shortened Notice (LBR 9075-1(B)) [Doc. No. 8]
- 3) Order Setting Hearing on Motion for Relief from the Automatic Stay on Shortened Notice [Doc. No. 9]
- 4) Hearing Set Re: Motion for Relief Form Stay and Receipt of Motion for Relief From Stay [Doc. No. 10]
- 5) Declaration of Bradley E. Brook Re Service of Motion for Relief from Automatic Stay and Order Setting Hearing on Motion for Relief from the Automatic Stay on Shortened Notice [Doc. No. 12]
- 6) Debtor's Opposition to Movants Eric Bejar and Christina Bejar's

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 25, 2021

Hearing Room 1568

10:00 AM

CONT...

Josefina Lopez

Chapter 7

Motion for Relief from the Automatic Stay [Doc. No. 14] (the "Opposition")

7) **Stipulation Between Bejars and Chapter 7 Trustee Re Bejars' Motion for Relief from the Automatic Stay [Doc. No. 17] (the "Stipulation")**

I. Facts and Summary of Pleadings

Josefina Lopez ("Debtor") filed a voluntary chapter 7 petition on August 11, 2021. Debtor listed Movants as the only general unsecured creditors, alleging liability on the claims of \$700,000. On August 16, 2021, Eric Bejar and Christina Bejar ("Movants") filed the RFS Motion seeking permission to continue an action in a non-bankruptcy forum that is currently pending in the Los Angeles Superior Court, briefly entitled *Eric Bejar, et. al. v. Josefina Lopez, et. al.*, case no. 675339 ("State Court Action"). Movants concurrently filed an ex parte application seeking to have the hearing on the RFS Motion held on shortened time.

In its RFS Motion, Movants request relief from the automatic stay with respect to the State Court Action. The State Court Action was initiated on September 17, 2017 by Movants who suffered personal injuries resulting from an accident which they allege Debtor was at fault. Prior to initiating the State Court Action, Movants offered to settle their claims against Debtor in exchange for the liability insurance limits of her policy with Nationwide Insurance. Nationwide did not settle the claim against the Debtor and as a consequence under California law is now liable for all damages awarded to Plaintiffs in the State Court Action.

As a result, Debtor retains a "bad faith" cause of action against Nationwide Insurance for failure to settle which is a personal property right belonging to the Debtor. From the commencement of the State Court Action through 2020, Movants offered Debtor a covenant to not execute a judgement in the State Court Action in exchange for an assignment of Debtor's rights against Nationwide Insurance.

On October 13, 2020, the Superior Court set a trial date of September 7, 2021 for a multi-week trial. On August 13, 2021, Movants' attorney spoke with the trial judge in the State Court Action and was informed that if the RFS Motion was granted by August 18, 2021, the trial would not be delayed. If the RFS Motion was not granted on August 18, 2021, the judge requested an update regarding the Movants

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, August 25, 2021

Hearing Room 1568

10:00 AM

CONT... **Josefina Lopez**
efforts to obtain relief from stay.

Chapter 7

Debtor filed the chapter 7 petition less than on month prior to the trial date, as a result Movants assert all trial preparation has been completed. Movants state all discovery has been completed, all experts have been deposed, pre-trial motions have been filed and are ready to be heard. Movants assert that hundreds of hours and thousands of dollars have been spent in preparation for this trial and failure to obtain relief from the stay would substantially prejudice if all the work need be replicated at a later date. In addition, Movants fear the backup of trials created by COVID 19 will result in trial dates in 2022 or 2023. Movants request the RFS Motion be granted to avoid undue burden and prejudice.

Debtor's Opposition

On August 23, 2021, Debtor filed an Opposition to the RFS Motion. Debtor asserts the August 11, 2021 filing was not in bad faith, that cause does not exist to grant relief from the automatic stay, and that the court should not waive the 14 day stay.

In support, Debtor asserts the chapter 7 filing was not in bad faith but was to avoid the ongoing emotional and financial cost associated with a month-long jury trial. In addition, Debtor states that the *Curtis* factors weigh in favor of denying the RFS Motion. The Debtor argues that relief from stay will result in a waste of resources through the state court litigation, that there is no reason for the Debtor to be involved in liquidating Movants' claim, that the Debtors already agreed to pay the maximum under their insurance policy, that the state court litigation is essentially moot because this is a no-asset case, and that in balance allowing the trial to go on would prejudice the Debtor and insurance provider.

On August 24, 2021, the Trustee filed its Stipulation stating that it has no objection to relief from stay as to the Debtor's estate.

II. Findings of Fact and Conclusions of Law

As a preliminary matter, the Court emphasizes the notion that motions for relief from the automatic stay are "summary proceeding[s]" that should not involve "an adjudication of the merits of claims." *In re Luz Intern., Ltd.*, 219 B.R. 837, 842 (9th Cir. BAP 1998); *see also Grella v. Salem Five Cent Sav. Bank*, 42 F.3d 26, 31

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(1st Cir. 1994) and *In re Johnson*, 756 F.2d 738, 740 (9th Cir. 1985). The Court will not consider the merits of any action currently pending in state court, and will simply focus on whether the Movants have made a sufficient showing for relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) & (d)(2).

Debtor's argument is predicated on the assertion that the insurance policy limit of \$15,000 has already been extended to Movants and is the maximum recoverable through Nationwide Insurance. Movants assert that due to Nationwide Insurance's failure to settle the claim, Debtor has a cause of action against Nationwide Insurance for the total amount of any judgment entered in the State Court Action. It is not appropriate for this Court to determine the amount of Nationwide Insurance's potential liability; that question involves issues of state law that will be determined in connection with the State Court Action. However, Movants have made a sufficient showing of the possibility that they may be able to obtain a significant recovery against Nationwide Insurance to entitle them to stay relief. T

Additionally, as a basis for its argument Debtor asserts this is a no-asset case. As there has yet to be a § 341 meeting of the creditors, this cannot be determined. Finally, Debtor reasons that this filing was to ". . . avoid the ongoing cost (both emotional and financial) of a month long jury trial. . . ." Debtor's Opposition at 4:16-18. The Bankruptcy Code is not meant as mechanism to block third parties from pursuing state court actions and to utilize it as such would be detrimental to the purpose of the Bankruptcy Code.

A. Bad Faith Finding Under 11 U.S.C. § 362(d)(1)

As many cases have recognized, a "debtor's lack of good faith in filing a petition for bankruptcy may be the basis for lifting the automatic stay" under § 362(d)(1). *In re Laguna Assocs. Ltd. P'ship*, 30 F.3d 734, 737 (6th Cir. 1994); *see also Carolin Corp. v. Miller*, 886 F.2d 693, 699 (4th Cir. 1989) ("Section 362(d)(1)'s 'for cause' language authorizes the court to determine whether, with respect to the interests of a creditor seeking relief, a debtor has sought the protection of the automatic stay in good faith."); *In re Arnold*, 806 F.2d 937, 939 (9th Cir. 1986) ("The debtor's lack of good faith in filing a bankruptcy petition has often been used as a cause for removing the automatic stay."). "Good faith is an amorphous notion, largely defined by factual inquiry. In a good faith analysis, the infinite variety of factors facing any particular debtor must be weighed carefully." *In re Okoreeh-Baah*, 836 F.2d 1030, 1033 (6th Cir. 1988). The determination of bad faith depends on an

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amalgam of various factors and not upon a single fact. *See Matter of Littlecreek Development Co.*, 779 F.2d 1068, 1072 (5th Cir.1986). Bankruptcy courts should examine factors that may include "the debtor's financial condition, motives, and the local financial realities." *Id.*

Movants request relief from the automatic stay alleging Debtor's bad faith in filing the chapter 7 petition on the eve of trial. Granting relief from the automatic stay on bad faith grounds requires substantial analysis of the factors surrounding Debtor's filing of the petition. Under the present facts and circumstances, the Court does not have sufficient evidence to make a finding of bad faith in this matter.

B. For Cause Finding Under 11 U.S.C. § 362(d)(1)

This Court finds adequate cause to grant relief from the automatic to allow the State Court Action to proceed. Denial of the RFS Motion may result in undue prejudice against the Movants. Duplication of trial preparation could result in significant monetary costs as well as potential discovery issues. Additionally, with Covid-19 and the back log of cases in the courts, the matter may not be heard for a substantial time which would both hinder the resolution of the State Court Action and the progression of this chapter 7 bankruptcy. Cause exists to grant relief from the automatic stay, both in the interest of judicial efficiency and to avoid undue prejudice to the Movants.

C. Jurisdiction and a Preemptory Discussion on Abstention

Additionally, no proof of claim has been filed for the State Court Action therefore this Court does not have jurisdiction to hear the matter. If this Court had jurisdiction to hear the matter it would elect to abstain and allow the matter to be tried in the appropriate state court. Title 28 U.S.C. § 1334(c)(1) provides in relevant part: "[N]othing in this section prevents a district court in the interest of justice, or in the interest of comity with State courts or respect for State law, from abstaining from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11." In *Christensen v. Tucskon Estates, Inc. (In re Tucskon Estates)*, the Ninth Circuit set forth the factors the Court should consider in determining whether to permissively abstain:

(1) the effect or lack thereof on the efficient administration of the estate

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if a Court recommends abstention,

(2) the extent to which state law issues predominate over bankruptcy issues,

(3) the difficulty or unsettled nature of the applicable law,

(4) the presence of a related proceeding commenced in state court or other nonbankruptcy court,

(5) the jurisdictional basis, if any, other than 28 U.S.C. § 1334,

(6) the degree of relatedness or remoteness of the proceeding to the main bankruptcy case,

(7) the substance rather than form of an asserted "core" proceeding,

(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,

(9) the burden on [the bankruptcy court's] docket,

(10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties,

(11) the existence of a right to a jury trial, and

(12) the presence in the proceeding of nondebtor parties.

912 F.2d 1162, 1167 (9th Cir. 1990).

Not all the factors are relevant in every case, and the Court is not required to give equal weight to each factor. *Truebro, Inc. v. Plumberex Specialty Products, Inc.* (*In re Plumberex Specialty Products, Inc.*), 311 B.R. 551, 560 (Bankr. C.D. Cal. 2004).

Factor 1- The effect or lack thereof on the efficient administration of the estate if a Court recommends abstention

This factor weighs in favor of abstention as the multi-week trial will determine the Debtor's liability towards the Movants. A resolution in state court will allow this Court to efficiently import the amount of liability into the formulation of the Debtor's estate. The resolution of this matter in state court will allow this Court to focus on the resolution of bankruptcy related matters as it applies to the Debtor, Debtor's estate, and its creditors.

Factor 2- The extent to which state law issues predominate over bankruptcy issues

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The matter at hand in the State Court Action is a question of personal liability. Personal liability suits concern state law, nothing in the State Court Action suit alleges matters of Bankruptcy Law. Therefore this factor weighs highly in favor of abstention because state law issues predominate over bankruptcy issues, making the state court forum the arena for resolution.

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

This Court has no jurisdictional basis to try the State Court Action because no proof of claim has been filed with this Court. Under 28 U.S.C. § 1334, this Court would have exclusive jurisdiction to hear matters concerning property of the estate and matters relating to claims or causes of action against the estate. No proof of claim has been filed, therefore this Court lacks jurisdiction to try the case.

Factor 11- The existence of a right to a jury trial

The State Court Action is a question of personal liability, a matter almost exclusively tried by juries. This factor weighs in favor of abstention as the state court is best situated to provide the Movants a jury trial.

Factor 12- The presence in the proceeding of nondebtor parties

This factor weighs in favor of abstention as the Movants are nondebtor parties and the resolution of their State Court Action does not involve this Court or the Bankruptcy Code.

This Court does not have jurisdiction to hear this matter as no proof of claim has been filed in this Court. If this Court had jurisdiction to hear this matter, it would elect to permissibly abstain from hearing the matter for the reasons stated above.

D. Debtor's Evidentiary Objections

The Debtor objects to multiple paragraphs of the declaration submitted by the Movants' counsel, Daniel Eli ("Eli"), on the grounds that the declaration misstates and mischaracterizes discussions between the parties, and improperly states legal conclusions. To the extent the declaration asserts legal conclusions regarding the insurer's potential liability, the Court construes the declaration only as legal argument, not evidence. Furthermore, as much of the declaration simply contains background information about the state court action, the Court is not relying on those aspects of

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Eli's declaration. Therefore, it is not necessary for the Court to rule upon the evidentiary objections. *See Operating Engineers' Pension Trust Fund v. Clark's Welding & Mach.*, 688 F. Supp. 2d 902, 907 (N.D. Cal. 2010) ("Because the Court does not rely on the statements in this declaration, it is not necessary for the Court to rule on these objections.").

III. Conclusion

Based on the foregoing, the Court **GRANTS** the Motion pursuant to 11 U.S.C. § 362(d)(1) to permit the Movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. The Movant may not pursue any deficiency claim or any other claim against the Debtor or property of the estate, except that the Movant will retain the right to file a proof of claim and/or an adversary complaint under §§ 523 or 727. This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. Notwithstanding Bankruptcy Rule 4001(a)(3), the order granting relief from stay shall take effect immediately upon entry.

In light of the pending trial on September 7, 2021, Movant is directed to lodge a proposed order promptly after the hearing, incorporating this tentative ruling by reference.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

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Debtor(s):

Josefina Lopez

Represented By
Michael H Colmenares

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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10:00 AM

2:21-14298 Jack Eghbalieh

Chapter 7

#1.00 HearingRE: [27] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Infiniti QX60 . (Nagel, Austin)

Docket 27

Tentative Ruling:

8/30/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-

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day stay prescribed by FRBP 4001(a)(3) is waived.
All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jack Eghbalieh

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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2:21-14298 Jack Eghbalieh

Chapter 7

#2.00 HearingRE: [30] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 2175 S Beverly Glen #208 90025 Los Angeles, CA .

Docket 30

Tentative Ruling:

8/30/2021

Tentative Ruling:

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

This Motion for relief from the automatic stay has been set on a shortened notice in accordance with Judge Robles' procedures. Oppositions, if any, will be considered at the hearing.

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the Debtor and the Debtor's bankruptcy estate with respect to the Movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The Debtor continues to occupy the property after Movant caused a notice to quit to be served on the Debtor. The Movant filed an unlawful detainer action on May 7, 2021.

This Motion has been filed to allow the Movant to proceed with the unlawful

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detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed. See *In re Butler*, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002). Movant requested annulment of the Stay, however the Movant failed to adequately plead grounds for annulment of the stay. "[T]he proper standard for determining 'cause' to annul the automatic stay retroactively is a 'balancing of the equities' test." *Fjeldsted v. Lien (In re Fjeldsted)*, 293 B.R. 12, 24 (B.A.P. 9th Cir. 2003). In weighing the equities, the general trend has been to focus on two factors: "(1) whether the creditor was aware of the bankruptcy petition; and (2) whether the debtor engaged in unreasonable or inequitable conduct, or prejudice would result to the creditor." *Id.*

This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The court finds this case was not filed in bad faith because Debtor had numerous creditors filed under his creditor matrix, therefore all other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge, the Judge's law clerks, at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Jack Eghbalieh

Represented By
Rosendo Gonzalez

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Trustee(s):

Carolyn A Dye (TR)

Pro Se

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11:00 AM

2:19-17062 Shamim Ahemmed

Chapter 7

Adv#: 2:19-01423 Cruz v. Ahemmed

#100.00 Pre-Trial Conference

RE: [29] **Second Amended** Complaint Objecting to Discharge Pursuant to 11 USC 523 (a)2(A) and (6) by Michael N Berke on behalf of Miguel Hernandez Cruz against Shamim Ahemmed. (Berke, Michael)

FR. 11-17-20; 4-13-21; 5-11-21

Docket 29

***** VACATED *** REASON: CONTINUED 11-9-21 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shamim Ahemmed

Represented By
Julie J Villalobos

Defendant(s):

Shamim Ahemmed

Represented By
Lawrence R Fieselman
Julie J Villalobos

Plaintiff(s):

Miguel Hernandez Cruz

Represented By
Michael N Berke

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se