Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

Hearing Room

1539

10:00 AM 2:00-0000

Chapter

#0.00 All hearings scheduled for today will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no preregistration is required **but you must still notify Chambers at**<u>Chambers SBluebond@cacb.uscourts.gov</u> of your appearance". The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond under the tab, "Telephonic Instructions."

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

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Docket 0

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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1539

10:00 AM

CONT... Chapter

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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1539

10:00 AM

2:20-20042 Fawn Lee Bishop

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting

declarations PERSONAL PROPERTY RE: 2015 Toyota Tundra

VIN# 5TFRY5F19FX179118

MOVANT: SAN DIEGO COUNTY CREDIT UNION

Docket 8

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

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Password: 322022

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

Grant without waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Fawn Lee Bishop Represented By

Neil R Hedtke

Movant(s):

San Diego County Credit Union Represented By

Lisa S Yun

Trustee(s):

Edward M Wolkowitz (TR) Pro Se

1/8/2021 10:55:41 AM

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1539

2:00 PM

2:18-20799 Kevin E. Peters

Chapter 7

Adv#: 2:18-01442 Martinez v. Peters et al

#200.00

Status Conference re: 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), 68 (Dischargeability - 523() (6), willful and malicious injury. Complaint by Sharon Martinez against Kevin Edmond Peters. Cinthia Veronica Gambino Peters

fr. 2-26-19, 5-14-19, 8-27-19, 12-3-19, 4-7-20, 7-14-20, 10-20-20

Docket

*** VACATED *** REASON: 12/28/2020 - ADV. DISMISSED

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

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Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

Continue status conference approximately 90 to 120 days. Discuss with parties the timing for sending the matter to mediation.

5/20/19 -- Court signed scheduling order with following dates:

Discovery cutoff -- October 31, 2019 Cont'd status conference -- August 27, 2019 at 2:00 p.m.

L/D to file joint status report -- August 13, 2019

Tentative Ruling for August 27, 2019:

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:00 PM

CONT... Kevin E. Peters

Chapter 7

Continue status conference approximately 90 days and order parties to complete a day of mediation prior to date of continued status conference.

9/11/19 -- Court approved stipulation for voluntary mediation before Judicate West.

Tentative Ruling for December 3, 2019:

Continue discovery cutoff to April 17, 2020 and continue status conference to late March or early April.

12/4/19 -- Court approved scheduling order with following dates:

L/D to complete fact discovery -- April 17, 2020 Cont'd status conference -- April 7, 2020 at 2:00 p.m. L/D to file joint status report -- March 24, 2020

3/30/20 -- Court approved scheduling order with following dates:

L/D to complete fact discovery -- July 10, 2020 Cont'd status conference -- July 14, 2020 at 2:00 p.m. L/D to file joint status report -- June 30, 2020

OFF CALENDAR FOR APRIL 7, 2020. NO APPEARANCE REQUIRED.

Tentative Ruling for July 14, 2020:

At parties' request, continue status conference to October 16, 2020 at 2:00 p.m. Set discovery cutoff for October 9, 2020. Parties should file an updated joint status report not later than October 2, 2020. APPEARANCES WAIVED ON JULY 14, 2020. PLAINTIFF SHOULD LODGE A SCHEDULING ORDER WITH THESE DATES.

7/15/20 -- Court signed scheduling order (with slightly different dates than above): Cont'd status conference -- October 20, 2020 at 2:00 p.m.

L/D to conduct fact discovery -- October 9, 2020

L/D to file joint status report -- October 6, 2020

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CONT... Kevin E. Peters

Chapter 7

Tentative Ruling for October 20, 2020:

Discovery cutoff for fact discovery was October 9. Are parties requesting extension of this deadline? Set deadlines for exchange of expert witness reports and completion of expert witness discovery. Set deadline for filing pretrial motions and joint pretrial order. Set pretrial conference date.

10/21/20 -- Court approved scheduling order with following dates:

Cont'd status conference -- January 12, 2021 at 2:00 p.m. Discovery cutoff for fact discovery extended to December 23, 2020; L/D to file joint status report -- December 29, 2020.

12/28/20 -- Court approved stipulation re dismissal. OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Kevin E. Peters Represented By

M. Jonathan Hayes

Defendant(s):

Kevin Edmond Peters Represented By

M. Jonathan Hayes

Cinthia Veronica Gambino Peters Represented By

M. Jonathan Hayes

Joint Debtor(s):

Cinthia Veronica Gambino Peters Represented By

M. Jonathan Hayes

Plaintiff(s):

Sharon Martinez Represented By

John-Patrick M Fritz

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021 Hearing Room 1539

2:00 PM

CONT... Kevin E. Peters Chapter 7

Trustee(s):

David M Goodrich (TR) Pro Se

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

Hearing Room

1539

2:00 PM

2:20-10401 William K Spencer

Chapter 7

Adv#: 2:20-01103 Nolan v. Spencer

#201.00 Status Conference re: 62 (Dischargeability - 523(a)(2) false pretenses, false representation, actual fraud)) Complaint by Gwendolyn Nolan against William K

Spencer

fr. 6-30-20, 10-6-20

Docket 1

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

Password: 322022

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

7/1/20 -- Court signed order setting discovery cutoff of September 30, 2020.

Tentative Ruling for October 6, 2020:

Where is joint status report that should have been filed by September 22, 2020? Have parties completed their discovery? Does either party anticipate filing any pretrial motions? Is this an appropriate matter to be sent to mediation? Hearing required.

Final Ruling for October 6, 2020:

Continue status conference to January 12, 2021 at 2:00 p.m. Parties should file joint status report not later than December 29, 2020.

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:00 PM

CONT... William K Spencer

Chapter 7

Tentative Ruling for January 12, 2021:

Sanction counsel for each party \$150 for (again) failing to file joint status report in a timely manner. What is the status of this action? Have the parties now completed discovery? If not, are they requesting an extension of the discovery cutoff? Is this an appropriate matter to be sent to mediation? If not, why not.

Hearing required.

Party Information

Debtor(s):

William K Spencer Represented By

Daniel King

Defendant(s):

William K Spencer Pro Se

Plaintiff(s):

Gwendolyn Nolan Represented By

Lane M Nussbaum

Trustee(s):

Carolyn A Dye (TR) Pro Se

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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1539

2:00 PM

2:19-15575 Walter Steven Nevarez

Chapter 7

Adv#: 2:19-01271 Elizabeth K.. Beaver Recovable Trust v. Nevarez

#202.00 Motion for Default Judgment against Walter Steven Nevarez

Docket 56

*** VACATED *** REASON: CONT'D. TO 1/26/21 @2 PM

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

Password: 322022

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

Tentative Ruling for January 12, 2021:

Judge Bluebond was not served with a copy of the motion (which is 665 pages). Movant should have copy of papers delivered to Judge Bluebond. Continue hearing to January 26, 2021 at 2:00 p.m. to give court an opportunity to review and work up motion.

Appearances waived on January 12, 2021.

Party Information

Debtor(s):

Walter Steven Nevarez Represented By

Richard A Avetisyan

Defendant(s):

Walter Steven Nevarez Pro Se

1/8/2021 10:55:41 AM

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Los Angeles

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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2:00 PM

CONT... Walter Steven Nevarez

Chapter 7

Movant(s):

Elizabeth K.. Beaver Recovable Represented By

Anton R E Richardson

Plaintiff(s):

Elizabeth K.. Beaver Recovable Represented By

Anton R E Richardson

Trustee(s):

Edward M Wolkowitz (TR) Pro Se

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:00 PM

2:19-15575 Walter Steven Nevarez

Chapter 7

Adv#: 2:19-01271 Elizabeth K.. Beaver Recovable Trust v. Nevarez

#203.00 Status Conference re: 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)) Complaint by Elizabeth K. Beaver Recovable Trust against Walter Steven Nevarez

fr. 10-15-19, 1-28-20, 5-5-20, 8-4-20, 10-6-20, 11-17-20

Docket 1

*** VACATED *** REASON: CONT'D. TO 1/26/21 @ 2PM

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

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Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

Tentative Ruling for October 15, 2019:

(Unilateral status reports are to be accompanied by a declaration.)

Explain to defendant the consequences of failing to participate in preparation of joint status report and failure to comply with local rules. Does defendant intend to employ counsel to represent him in this matter or will he be representing himself? Hearing required.

Final Ruling for October 15, 2019:

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:00 PM

CONT... Walter Steven Nevarez

Chapter 7

Continue status conference to January 28, 2020 at 2:00 p.m. Parties are to file joint status report not later than January 14, 2020.

Tentative Ruling for January 28, 2020:

Once again, plaintiff has filed a unilateral status report without an accompanying declaration. Impose sanctions of \$150 on counsel for plaintiff for failing to supply this declaration. Issue order to show cause why defendant's answer should not be stricken and plaintiff permitted to proceed by way of default based on defendant's failure to participate in preparation of joint status report.

2/5/20 -- Court approved scheduling order setting following dates:

Cont'd status conference -- May 5, 2020 at 2:00 p.m.

L/D to file joint status report -- April 21, 2020

L/D to lodge order appointing mediators -- February 28, 2020

L/D to complete mediation -- May 5, 2020

3/3/20 -- Court approved order appointing mediators.

Tentative Ruling for May 5, 2020:

Plaintiff's counsel seems to be confused about the meaning of question 5 on the status report form. The term "Claims Documents" is defined in question A(1) of the form and refers to the complaint and counterclaim and not to any proof of claim filed in the case.

Court cannot read defendant's response to question E(1) on the status report. The handwriting is too small and the quality of the photocopy is poor. What is defendant trying to say?

Court ordered parties to participate in a mediation. Court understands that the parties are not able to attend a mediation in person, but have they discussed with the mediator the prospect of conducting a virtual mediation via Zoom or some other video platform? (The mediator filed a certificate of completion, stating that a mediation did

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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CONT... Walter Steven Nevarez

Chapter 7

take place during the week of March 23, 2020. Plaintiff reports that the mediator spoke to each of the parties separately on the phone, but that no mediation took place.)

Plaintiff represents that it plans to bring a motion for summary judgment. Is the plaintiff in a position to do that now, or does plaintiff need to conduct some discovery first?

Hearing required.

5/6/20 -- Court approved scheduling order with following dates:

Plaintiff is to provide defendant with copies of documents on which claims are based. Parties shall file joint status report not later than July 21, 2020. Parties shall complete a day of mediation by person or by video by August 4, 2020. Status conference continued to August 4, 2020 at 2:00 p.m.

Tentative Ruling for August 4, 2020:

Court is reluctant to impose sanctions on defendant for not participating in this adversary proceeding after he filed chapter 13 bankruptcy on June 30, 2020, as an automatic stay arose upon the filing of the new bankruptcy case. Plaintiff should obtain relief from stay in chapter 13 bankruptcy case to proceed with this adversary proceeding. (The outcome of this proceeding is still relevant in that debtor will not obtain a discharge in his chapter 13 case, having received one in this chapter 7 case.) Once plaintiff has obtained relief from stay, court will renew order directing defendant to participate in mediation and will impose sanctions if debtor fails to do so.

Final Ruling for August 4, 2020:

Continue status conference to October 6, 2020 at 2:00 p.m. Parties should file joint status report by September 22, 2020. Court will extend deadline to complete mediation to October 6, 2020. Plantiff should move for relief from stay to authorize the continuation of this litigation. Scheduling order should say that, once relief from stay has been granted, mediation should be completed by extended date, and court will enforce its order that mediation be completed by this date once relief from stay has been granted. Plaintiff should lodge scheduling order.

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CONT... Walter Steven Nevarez

Chapter 7

Tentative Ruling for October 6, 2020:

Relief from stay was granted in debtor's chapter 13 case on September 18, 2020 and order included waiver of 14-day stay. Impose sanctions of \$150 on debtor for failing to participate in preparation of joint status report. Did mediation proceed on October 1, 2020 as scheduled? Hearing required. If defendant failed to appear at mediation, impose additional sanctions of \$250 and issue order to show cause why his answer to complaint should not be stricken and plaintiff entitled to proceed by way of default. Set hearing on OSC for same date as a continued status conference.

Tentative Ruling for November 17, 2020:

If court concludes that defendant's answer to complaint should be stricken based on his failure to cooperate in the adjudication of this action, set deadline for plaintiff to bring motion for default judgment and continue status conference to date of hearing on motion for default judgment. Deny request for further monetary sanctions.

12/1/20 -- Court entered an order striking defendant's answer to complaint and authorizing plaintiff to proceed by way of default.

12/1/20 -- Court entered scheduling order setting following dates:

L/D for plaintiff to file motion for default judgment -- December 22, 2020 Hearing on motion for default judgment and status conference -- January 12, 2020 at 2:00 p.m. (No joint status report is required.)

Tentative Ruling for January 12, 2021:

Continue status conference to January 26, 2021 at 2:00 p.m. to be heard concurrently with motion for default judgment.

Party Information

Debtor(s):

Walter Steven Nevarez

Represented By Richard A Avetisyan

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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1539

<u>2:00 PM</u>

CONT... Walter Steven Nevarez

Chapter 7

Defendant(s):

Walter Steven Nevarez Pro Se

Plaintiff(s):

Elizabeth K.. Beaver Recovable Represented By

Anton R E Richardson

Trustee(s):

Edward M Wolkowitz (TR) Pro Se

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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1539

2:00 PM

2:11-61640 Ramesh Akhtarzad

Chapter 11

Adv#: 2:12-01538 8451 Melrose Property, LLC v. Akhtarzad

#204.00

Status Conference re: Complaint by 8451 Melrose Property, LLC against Ramesh Akhtarzad to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2)(A) & (B) and 523(a)(6) Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

fr. 11-18-20

Docket 1

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

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ZoomGov Appearance by:

Tentative Ruling:

12/22/20 -- Court approved stipulation confirming that nothing precludes claimants from liquidating the amount of their claim in state court.

Tentative Ruling for January 12, 2021:

Court has reviewed the parties' respective briefs. Court rejects claimants' argument that damages arising from the debtor's abandonment of the lease, as represented by the state court judgment, are not capped by 502(b)(6). They are lease termination damages within the meaning of that section and applicable case law. Kupfer does not stand for the proposition that, if the

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2:00 PM

CONT... Ramesh Akhtarzad

Chapter 11

landlord elects to treat a lease as abandoned rather than terminated, it can avoid the cap. Moreover, this argument was never advanced before Judge Neiter and was waived. Judge Neiter calculated the maximum amount of damage for lease termination damages under section 502(b)(6) and this amount will not increase because the state court judgment came out higher. There is nothing to litigate on these issues. Judge Neiter's order capping the damages at \$1,066,000 remains the law of the case.

Judge Neiter did not enter an order that was intended to be final on the issue of the extent to which the legal fees should be included within the cap (*i.e.*, the 90/10 split). Give parties an opportunity to conduct discovery before court conducts an evidentiary hearing on this issue.

State court's decision to make an award of fees and costs jointly and severally in favor of Melrose and Simantob does not make the cap of section 502(b)(6) inapplicable. With regard to both claimants, court will need to determine extent to which fees relate to litigation over lease termination damages (and are therefore within cap) and extent to which fees relate to other disputes (and are therefore not capped).

With regard to interest accruals, court agrees with debtor that interest cannot accrue from and after November 21, 2013 on unpaid attorneys fees and costs that were incurred after November 21, 2013. Interest accrues at the rate of 5 percent per annum from the later of November 21, 2013 and the date the relevant fees were awarded (or if there was no award, the date they were due).

The fraud claim that Melrose seeks to assert is that it was fraudulently induced to enter into the lease. Its damage claims therefore remain subject to the 502(b)(6) cap. If Melrose can demonstrate that it was fraudulently induced to enter into the lease (if this claim is not barred by any applicable statute of limitations), the capped claim would become nondischargeable, but the amount of the claim would remain capped to the same extent as its breach of lease claim. The additional tort theory of recovery does not change the amount of the damage. If the capped claim has already been or will be paid in full, there is no need to determine whether or not the claim should be excepted from the discharge. The court recently approved a stipulation

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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2:00 PM

CONT... Ramesh Akhtarzad

Chapter 11

between the parties. Is it their intention to resolve the extent to which a fraud claim is or is not barred by the statute of limitations in state court? Similarly, is it the parties' intention to litigate the malicious prosecution claims in state court?

In light of the foregoing, the only open issues for this court to resolve appear to be the split between capped and noncapped attorneys' fees (whether the 90/10 split is appropriate) and the interest calculations on fees and charges incurred after November 21, 2013. Set deadline for the completion of discovery and a further status conference on these issues.

Party Information

Debtor(s):

Ramesh Akhtarzad Represented By

David L. Neale

John-patrick M Fritz

Defendant(s):

Sina Akhtarzad Represented By

John-patrick M Fritz David L. Neale

Joint Debtor(s):

Sina Akhtarzad Represented By

David L. Neale John-patrick M Fritz

Plaintiff(s):

8451 Melrose Property, LLC Represented By

Jeffrey I Golden Beth Gaschen Kyra E Andrassy Michael A. Taitelman Lewis R Landau

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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2:00 PM

CONT... Ramesh Akhtarzad

Chapter 11

Trustee(s):

Thomas C Hebrank (TR)

Represented By
J. Barrett Marum
Robert K Sahyan
Aaron J Malo

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

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1539

2:00 PM

2:11-61640 Ramesh Akhtarzad and Sina Akhtarzad

Chapter 11

#205.00

Disbursing Agent's Motion for Instructions Regarding Amount to be Disbursed on Account of Melrose Claim

fr. 11-18-20

Docket 521

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

Password: 322022

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

Tentative Ruling for November 18, 2020:

Conduct hearing as a status conference and discuss with the parties the open issues and the best approach for resolving them. (And does anyone have a copy of Judge Neiter's tentative ruling for matter no. 5 on his September 10, 2013 calendar? The October 15, 2013 order (docket no. 409) states that it is attached as an exhibit to the order, but it wasn't.)

Final Ruling from November 18, 2020:

Continue hearing to January 12, 2021 at 2:00 p.m. as a holding date. Plaintiff 8451 Melrose shall file and serve not later than December 8, 2020 a motion on the docket of the adversary proceeding identifying the claims that it believes it may pursue that are not barred or capped. Responses must be

Courtroom 1539 Calendar

Judge Sheri Bluebond, Presiding

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CONT... Ramesh Akhtarzad and Sina Akhtarzad

Chapter 11

filed and served by December 29, 2020. Any replies must be filed and served by January 5, 2021.

Tentative Ruling for January 12, 2021:

As court directed that briefing occur in the context of the adversary proceeding, see tentative ruling for matter no. 204. Revisit status of this motion after conclusion of hearings on related matters on calendar.

Party Information

Debtor(s):

Ramesh Akhtarzad Represented By

David L. Neale John-patrick M Fritz

Joint Debtor(s):

Sina Akhtarzad Represented By

David L. Neale John-patrick M Fritz

Movant(s):

Thomas C. Hebrank, Disbursing Represented By

J. Barrett Marum

Trustee(s):

Thomas C Hebrank (TR)

Represented By

J. Barrett Marum Robert K Sahyan Aaron J Malo

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

Hearing Room

1539

<u>2:00 PM</u>

2:11-61640 Ramesh Akhtarzad and Sina Akhtarzad

Chapter 11

#206.00 Status Conference re: Claim 14

fr. 11-18-20

Docket 519

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

Password: 322022

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

Tentative Ruling:

Court has already entered an order granting motion. OFF CALENDAR.

Party Information

Debtor(s):

Ramesh Akhtarzad Represented By

David L. Neale

John-patrick M Fritz

Joint Debtor(s):

Sina Akhtarzad Represented By

David L. Neale

John-patrick M Fritz

Movant(s):

Jack Simantob, 8451 Melrose Represented By

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Los Angeles Judge Sheri Bluebond, Presiding

Courtroom 1539 Calendar

Tuesday, January 12, 2021

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<u>2:00 PM</u>

CONT... Ramesh Akhtarzad and Sina Akhtarzad

Chapter 11

Dean G Rallis Jr Kyra E Andrassy Lewis R Landau

Trustee(s):

Thomas C Hebrank (TR)

Represented By
J. Barrett Marum
Robert K Sahyan
Aaron J Malo

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

Tuesday, January 12, 2021

Hearing Room

1539

2:00 PM

2:15-20351 CLARK WARREN BAKER

Chapter 7

Adv#: 2:15-01535 Murtagh v. BAKER et al

#207.00 Plaintiff's Motion to Reopen Discovery

Docket 742

Courtroom Deputy:

1/12/21 - Hearing conducted by ZOOMGov.

Video/audio web address: https://cacb.zoomgov.com/j/1606828825

ZoomGov meeting number: 160 682 8825

Password: 322022

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666 (when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

1/6/21 - Jessica Ponce, (619)302-3032

1/6/21 - Peter Arhangelsky, (602)334-4416

Tentative Ruling:

Court is not concerned about any hardship or delay continued discovery may impose on Baker in that he is responsible for the problems that have arisen during the course of discovery in this matter. And the court does not share Baker's view that it should vacate Baker's default if it were to reopen discovery.

However, plaintiff has known that third parties might have relevant documents or information in their possession for months if not years. If plaintiff wanted to request the production of documents directly from Steele, Leppo, Dunn or others, why didn't he begin that discovery months ago? And how would any information that plaintiff hopes to obtain from these third parties affect what

Judge Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:00 PM

CONT... CLARK WARREN BAKER

Chapter 7

the court's judgment would be in this case? Any injunction issued by this court can enjoin any parties acting in concert with Baker from engaging in the prohibited activity. Is plaintiff attempting to obtain information with which to add other defendants to this action? Court needs more information about what plaintiff hopes to obtain through additional discovery and how that would be relevant to the outcome of this adversary proceeding.

Hearing required.

Party Information

Debtor(s):

CLARK WARREN BAKER Represented By

Alan F Broidy - DISBARRED -

Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER Represented By

Jessica Ponce

Plaintiff(s):

James Murtagh Represented By

David P Bleistein Lisa Hiraide

Douglas M Neistat Michael J Conway Derek Linke

Derek A Newman

Trustee(s):

Sam S Leslie (TR) Represented By

Carolyn A Dye