

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:00 AM

2:16-19287 Francisco Anaya

Chapter 7

#1.00 Motion for Fines and/or Disgorgement of Fees against Bankruptcy Petition
Preparer Erick Porras

fr. 10-6-16

Docket No: 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for October 6, 2016:

Court finds that respondent is a bankruptcy petition preparer. The opposition is not supported by a declaration. The only sworn testimony from respondent is that contained in part II of Official Form 119 filed July 28, 2016, which is attached as part of Exhibit B to the motion. According to that testimony, respondent did indeed prepare the voluntary petition form and the other documents indicated on that form. Grant motion in its entirety.

Final Ruling from October 6, 2016:

Continue hearing to December 1, 2016 at 10:00 a.m. to see whether debtor can appear at hearing. BPP gave UST phone number for debtor's father. UST can file and serve any supplemental documents (e.g., transcript from 341(a) meeting) not later than November 23, 2016.

Tentative Ruling for December 1, 2016:

BPP has now offered a declaration from the debtor. Court will not admit declaration into evidence unless UST is given an opportunity to cross-examine debtor. If debtor appears and time permits, allow UST to conduct cross-examination. Otherwise, continue hearing and direct UST to subpoena debtor.

Party Information

**United States Bankruptcy Court
Central District of California
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Hearing Room 1539

10:00 AM

CONT... Francisco Anaya

Chapter 7

Debtor(s):

Francisco Anaya

Pro Se

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:00 AM

2:16-20178 Sunrise Logistic Group, Inc.

Chapter 11

#2.00 U.S. Trustee Motion to Dismiss, Convert or Appoint a Chapter 11 Trustee with an Order Directing Payment of Quarterly Fees and for Judgment thereon

Docket No: 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor has not opposed motion. Grant motion. Convert case to chapter 7.

Party Information

Debtor(s):

Sunrise Logistic Group, Inc.

Represented By
Steven A Schwaber
Long Z Liu

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:00 AM

2:16-20178 Sunrise Logistic Group, Inc.

Chapter 11

■
#3.00 Motion To Substitute Attorney Long Z. Liu for Attorney Steven A. Schwaber
fr. 11-2-16, 11-16-16

Docket No: 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Application finally makes clear that the debtor's principal, although he paid the retainer (as a capital contribution) and is guarantying payment of future fees, is not the client. Principal has signed acknowledgment to this effect.

Grant motion.

Party Information

Debtor(s):

Sunrise Logistic Group, Inc.

Represented By
Steven A Schwaber
Long Z Liu

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:00 AM

2:16-20178 Sunrise Logistic Group, Inc.

Chapter 11

#4.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr. 9-28-16, 11-2-16, 11-16-16

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

When court continued status conference to November 2 at 11:00 a.m., it directed replacement counsel to file status report not later than October 21, 2016. Where is status report? Hearing required.

Tentative Ruling for November 16, 2016:

Debtor still has not filed status report that was due October 21, 2016. Continue case status conference to December 1, 2016 at 10:00 a.m. to be heard concurrently with UST's motion to dismiss or convert.

Tentative Ruling for December 1, 2016:

Court never received the required status report. If court converts or dismisses case, take case status conference off calendar.

Party Information

Debtor(s):

Sunrise Logistic Group, Inc.

Represented By
Steven A Schwaber

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#50.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 210 and 244 - 248 South Orange Grove Boulevard and Rose Parade Easement located on 210 S. Orange Boulevard, Pasadena, California 91105

MOVANT: CANTOR GROUP, LLC.

fr. 9-27-16

Docket No: 388

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revisit motion after conclusion of related matters on calendar.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

Cantor Group, LLC

Represented By
Richard A Brownstein
Robert D Bass
David S Kupetz
Asa S Hami
Jessica Vogel

**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#50.10 Ex Parte Motion to Continue Hearings On Confirmation Hearing, Relief from Stay and to Extend Exclusivity

Docket No: 513

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

What is debtor's response to Cantor Group's contentions concerning status of attempts to procure exit financing and efforts to sell property of affiliate?
Hearing required.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#51.00 Motion to Approve Compromise of Controversy

Docket No: 448

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Regardless of whether the Court is required to approve related settlement agreement between parties not before the Court, Court would like responses to the questions raised in the opposition. Court would like a description of the larger global settlement of which this is a part before being called upon to evaluate the proposed settlement.

Hearing required.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#52.00 Objection to Claim #24 by Claimant City Ventures Communities, LLC in the amount of \$100,000.00

fr. 6-1-16, 6-15-16, 7-20-16, 9-7-16

Docket No: 165

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

5/23/16 -- Court signed order continuing hearing on objection to June 15, 2016 at 10:00 a.m. OFF CALENDAR FOR JUNE 1, 2016.

Tentative Ruling for June 15, 2016:

Court agrees that parties' respective obligations under nonbankruptcy law are to be resolved through arbitration, but court agrees with debtor that there does not appear to be any basis for the allowance of this claim. The opposition to the objection does not articulate one. Under what theory would claimant be entitled to recover its attorneys' fees for enforcing the settlement agreement? Claimant is not a party to the settlement agreement and the settlement agreement does not contain a prevailing party attorneys' fee clause.

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

What, if anything, has happened on this matter since June 15, 2016?

Tentative Ruling for December 1, 2016:

**United States Bankruptcy Court
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CONT... BGM Pasadena, LLC

Chapter 11

Court has reviewed debtor's status report. What is the status of this claim objection? Has it been carved out of the mediation? Is it now moot? Hearing required.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#53.00 Objection to Claim #9 by Claimant Citizens Business Bank in the amount of \$4,542,547.01

fr. 6-1-16, 6-15-16, 7-20-16, 9-7-16

Docket No: 169

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

5/26/16 -- Court approved stipulation continuing hearing to June 15, 2016 at 10:00 a.m. OFF CALENDAR FOR JUNE 1, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for June 15, 2016:

The Court approved a stipulation resolving amounts due with the exception of late fees and default interest, which is to be resolved in the context of a plan. Trail this hearing along with confirmation process for final resolution of this issue.

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

What, if anything, has happened on this matter since June 15, 2016?

Tentative Ruling for December 1, 2016:

The Ninth Circuit has recently resolved the Entz White issue. If there was a default, debtor will be required to pay default interest to cure that default.

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CONT... BGM Pasadena, LLC

Chapter 11

When/how did the parties anticipate the Court would resolve the question of whether there has been a default? Hearing required.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

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

2:15-27833 BGM Pasadena, LLC

Chapter 11

#54.00 Objection to Claim #29 by Claimant Pasadena Lots-70, LLC in the amount of \$44,755.88

fr. 6-15-16, 7-20-16, 9-7-16

Docket No: 220

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If there is a valid lien, the Court cannot/will not avoid that lien in response to a claim objection based on the lender's failure to attach a copy of the recorded lien. Debtor must commence an adversary proceeding under FRBP 7001 to determine the validity of a lien.

The fact that claimant may have paid the invoiced amounts post-petition does not make this into an administrative claim. There was no post-petition benefit to the estate. The claim relates back to services/benefits provided to the debtor for the post-petition period. The fact that no actionable cause of action may have accrued under nonbankruptcy law until after the petition was filed does not make this a post-petition claim.

Any state law issues should be resolved through arbitration, but whether any amounts due claimant are secured, unsecured or administrative claims must be resolved by this Court.

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

What, if anything, has happened on this matter since June 15, 2016?

**United States Bankruptcy Court
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CONT... BGM Pasadena, LLC

Chapter 11

Tentative Ruling for December 1, 2016:

Court has reviewed debtor's status report. It does not appear that anything has happened since the last hearing, except that the debtor has provided counsel for the claimants with drafts of a proposed case management order. Is that correct? What steps must be taken to bring this matter to a resolution?

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#55.00 Objection to Claim #21 by Claimant Pasadena Lots-70, LLC in the amount of \$299,923.59

fr. 6-1-16, 6-15-16, 7-20-16, 9-7-16

Docket No: 159

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

5/23/16 -- Court signed order continuing hearing on objection to June 15, 2016 at 10:00 a.m. OFF CALENDAR FOR JUNE 1, 2016.

Tentative Ruling for June 15, 2016:

Sustain objection insofar as it notes that a claim for attorneys' fees as the prevailing party is premature. Arbitration Award #11 does not include such fees. Any amounts due the prevailing party for these particular claims should be resolved through arbitration.

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

What, if anything, has happened on this matter since June 15, 2016?

Tentative Ruling for December 1, 2016:

Court has reviewed debtor's status report. It does not appear that anything has happened since the last hearing, except that the debtor has provided counsel for the claimants with drafts of a proposed case management order.

**United States Bankruptcy Court
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CONT... BGM Pasadena, LLC

Chapter 11

Is that correct? What steps must be taken to bring this matter to a resolution?

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

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

2:15-27833 BGM Pasadena, LLC

Chapter 11

#56.00 Objection to Claim #23 by Claimant Pasadena Lots-7o, LLC in the amount of \$160,000.00

fr. 6-1-16, 6-15-16, 7-20-16, 9-7-16

Docket No: 163

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

5/23/16 -- Court signed order continuing hearing on objection to June 15, 2016 at 10:00 a.m. OFF CALENDAR FOR JUNE 1, 2016.

Tentative Ruling for June 15, 2016:

Court agrees that parties' respective obligations under nonbankruptcy law are to be resolved through arbitration, but court agrees with debtor that there does not appear to be any basis for the allowance of this claim. The opposition to the objection does not articulate one. Under what theory would claimant be entitled to recover its attorneys' fees for enforcing the settlement agreement? The settlement agreement does not contain a prevailing party attorneys' fee clause.

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

What, if anything, has happened on this matter since June 15, 2016?

Tentative Ruling for December 1, 2016:

**United States Bankruptcy Court
Central District of California
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CONT... BGM Pasadena, LLC

Chapter 11

Court has reviewed debtor's status report. It does not appear that anything has happened since the last hearing, except that the debtor has provided counsel for the claimants with drafts of a proposed case management order. Is that correct? What steps must be taken to bring this matter to a resolution?

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#57.00 Objection to Claim #22 by Claimant Pasadena Lots-70, LLC in the amount of \$69,527.98

fr. 6-1-16, 6-15-16, 7-20-16, 9-7-16

Docket No: 161

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

5/23/16 -- Court signed order continuing hearing on objection to June 15, 2016 at 10:00 a.m. OFF CALENDAR FOR JUNE 1, 2016.

Tentative Ruling for June 15, 2016:

Can/should the Court adjudicate this claim before the parties have completed their arbitration? Hearing required.

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

What, if anything, has happened on this matter since June 15, 2016?

Tentative Ruling for December 1, 2016:

Court has reviewed debtor's status report. It does not appear that anything has happened since the last hearing, except that the debtor has provided counsel for the claimants with drafts of a proposed case management order. Is that correct? What steps must be taken to bring this matter to a resolution?

United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

CONT... BGM Pasadena, LLC

Chapter 11

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1539 Calendar**

Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#58.00 Objection to Claim #28 by Claimant Pasadena Lots-70, LLC in the amount of \$150,988.96

fr. 6-15-16, 7-20-16, 9-7-16

Docket No: 218

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

With regard to calendar no. #8 (claim no. 28), was a lien actually recorded? Has anyone done a lien check? If there is a valid lien, the Court cannot/will not avoid that lien in response to a claim objection based on the lender's failure to attach a copy of the recorded lien. Debtor must commence an adversary proceeding under FRBP 7001 to determine the validity of a lien.

The attachment to the proof of claim, page 44 of 7, states that the claim is an administrative claim because the work was done and the invoices were paid post-petition. The debtor disputes this and claims that all but one invoice is for work done prepetition. Neither contention appears to be correct. Page 7 of 7 has a signature date and an order date that are prepetition (October 13, 2015). Court cannot determine whether the work had already been completed at the time the invoice was issued or not. Page 6 of 7 has an invoice date of February 11, 2016 and an order date of February 10, 2016. This appears to be a post-petition invoice, but when was the work actually performed? Court cannot determine from page 5 of 7 when the work was done. There do not appear to be any dates whatsoever on the document, other than the final line of the document, which reads, "Cost basis: January 29, 2014." The Court does not know what this means and there does not appear to be any evidence in the record to explain this notation.

How does claimant arrive at the total \$150,998.96, as the attached invoices total \$145,988.96? Is the balance interest?

**United States Bankruptcy Court
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CONT... BGM Pasadena, LLC
Hearing required.

Chapter 11

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

Court entered order June 22, 2016 authorizing payment of arbitration fees so that arbitration could go forward to resolve this claim. What, if anything, has happened since then? Hearing required.

Tentative Ruling for December 1, 2016:

Court has reviewed debtor's status report. It does not appear that anything has happened since the last hearing, except that the debtor has provided counsel for the claimants with drafts of a proposed case management order. Is that correct? What steps must be taken to bring this matter to a resolution?

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

Movant(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
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Thursday, December 01, 2016

Hearing Room 1539

10:30 AM

2:15-27833 BGM Pasadena, LLC

Chapter 11

#59.00 Confirmation Hearing re: Fifth Amended Chapter 11 Plan off Reorganization

Docket No: 445

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Rulings on Cantor Group's Evidentiary Objections:

(Court has numbered the objections)

1. Overrule.
2. Overrule.
3. Overrule.
4. Sustain.
5. Overrule.
6. Overrule.
7. Overrule to the extent declarant is testifying to the debtor's receipt of a letter from Citizens. Sustain to the extent that declarant is testifying as to the contents or legal significance of the letter.
8. Overrule to the extent that declarant is testifying to the fact that a letter was sent. Sustain as to the balance.
9. Sustain (best evidence rule).
10. Overrule (but court reads testimony as meaning that this statement is true, to the best of declarant's knowledge).
11. Overrule.
12. Overrule.
13. Overrule.
14. Overrule.
15. Overrule.
16. Overrule.
17. Overrule.
18. Overrule.
19. Overrule.
20. Sustain (best evidence rule).
21. Overrule.

**United States Bankruptcy Court
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CONT... BGM Pasadena, LLC

Chapter 11

- 22. Overrule.
- 23. Overrule.

Tentative Ruling on the Merits:

If court does not grant motion to continue, permit Cantor Group to cross-examine Galletly on issues of feasibility, as this seems to be the most central issue. If Court concludes that plan is feasible, it will address balance of objections raised by objecting parties. Court notes that, with the exception of EWB, with which the debtor has negotiated a compromise, there are only three noninsider creditors, whose claims total approximately \$21,000 who support the debtor's plan.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:15-27833 BGM Pasadena, LLC

Chapter 11

#60.00 Scheduling and Case Management Conference in a Chapter 11 Case
fr. 3-9-16, 4-13-16, 6-1-16, 6-15-16, 7-20-16, 9-7-16

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

1/26/16 -- At hearing held this date, Court agreed to move status conference to 2:00 p.m. on March 9, 2016 and debtor to file motion and set it for hearing at 2:00 p.m. on March 9, 2016. **MOVED TO AFTERNOON CALENDAR.**

Tentative Ruling for March 9, 2016:

Continue case status conference to April 13, 2016 at 2:00 p.m. to be heard concurrently with whatever motion debtor has filed and set for hearing on that date.

Tentative Ruling for April 13, 2016:

Revisit status of case after conclusion of related matters on calendar. If court grants relief from stay in response to motions on calendar this afternoon, will there be anything left of this case? Hearing required.

5/23/16 -- Court signed order continuing status conference to June 15, 2016 at 10:00 a.m. **OFF CALENDAR FOR JUNE 1, 2016.**

6/8/16 -- At hearing held this date, Court continued case status conference to date of continued hearing on disclosure statement, namely, July 20, 2016 at 2:00 p.m. **OFF CALENDAR FOR JUNE 15, 2016. NO APPEARANCE REQUIRED.**

**United States Bankruptcy Court
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10:30 AM

CONT... BGM Pasadena, LLC

Chapter 11

7/18/16 -- Court approved stipulation continuing hearing to September 7, 2016 at 2:00 p.m. OFF CALENDAR FOR JULY 20, 2016. NO APPEARANCE REQUIRED.

Tentative Ruling for September 7, 2016:

Revisit status of case after conclusion of related matters on calendar.

Party Information

Debtor(s):

BGM Pasadena, LLC

Represented By
James A Tiemstra
Lisa Lenherr