

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

Tuesday, December 06, 2016

Hearing Room 1539

10:00 AM

2:16-19449 Stella Michelle Rhee

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1027 Arch St Apt 309 Philadelphia, Pennsylvania 19107

MOVANT: CAPITAL ONE, NA

fr. 11-8-16

Docket No: 13

Courtroom Deputy:

11/30/16 - Diana Torres-Brito, (818) 657-5227, has been approved for telephonic appearance on 12/6/16 @ 10am

Tentative Ruling:

Tentative Ruling for November 8, 2016:

Continue hearing to give movant an opportunity to file amended motion with information omitted from form motion.

Final Ruling for November 8, 2016:

Continue hearing to December 6, 2016 at 10:00 a.m. Movant should file and serve amended motion with missing information by November 18, 2016.

Tentative Ruling for December 6, 2016:

Movant has now filed amended motion, but BPO is not accompanied by a declaration and does not constitute admissible evidence of value. However, movant is junior lienholder and debtor intends to surrender. Grant motion without waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Stella Michelle Rhee

Represented By

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Central District of California
Los Angeles
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CONT... Stella Michelle Rhee

Chapter 7

Kelly R Cha

Movant(s):

Capital One N. A.

Represented By
Marian Garza
Diana Torres-Brito

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, December 06, 2016

Hearing Room 1539

10:00 AM

2:16-21452 Rose Marie Trott

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 16 San Sebastian, Newport Beach, California 92660

MOVANT: US BANK, NA

Docket No: 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

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| Party Information |
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Debtor(s):

Rose Marie Trott

Pro Se

Movant(s):

U.S. Bank NA, Successor Trustee to B&

Represented By
Joseph C Delmotte

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
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Tuesday, December 06, 2016

Hearing Room 1539

10:00 AM

2:16-21919 Jorge Alvarez Medrano and Sofia Medrano

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 622 E Jackman St, Lancaster, California 93535

MOVANT: DEUTSCHE BANK NATIONAL TRUST

Docket No: 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Deny motion as moot. Case has been dismissed. NO APPEARANCE REQUIRED. COURT WILL PREPARE ORDER.

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| Party Information |
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Debtor(s):

| | |
|-----------------------|--------|
| Jorge Alvarez Medrano | Pro Se |
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Joint Debtor(s):

| | |
|---------------|--------|
| Sofia Medrano | Pro Se |
|---------------|--------|

Movant(s):

| | |
|----------------------------|-----------------------------------|
| DEUTSCHE BANK NATIONAL TRU | Represented By Gilbert R Yabes |
|----------------------------|-----------------------------------|

Trustee(s):

| | |
|----------------------|--------|
| Alberta P Stahl (TR) | Pro Se |
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**United States Bankruptcy Court
Central District of California
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Tuesday, December 06, 2016

Hearing Room 1539

10:30 AM

2:16-24862 Nasty Gal Inc.

Chapter 11

#50.00 Debtor's Emergency Motion for Order Authorizing and Approving:

(A) Use of Cash Collateral

(B) Grant of Adequate Protection to Secured Creditor

fr 11-14-16

Docket No: 6

Courtroom Deputy:

11/22/16 - Robert Eisenbach, III, (415) 639-2094, has been approved for telephonic appearance on 12/6/16 @ 10:30am

11/22/16 - Marita S. Erbeck, (973) 549-7076, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Stuart Komrower, (201) 525-6331, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Taylor Harrison, (212) 390-7831, has been approved for telephonic appearance on 12/6/16 @ 10:30am

Tentative Ruling:

Tentative Ruling for November 14, 2016:

How was notice of this motion served? Has debtor filed a proof of service?

According to moving papers, debtor has the following capital structure:

3 classes of common stock (A, B & C)

3 classes of preferred stock (A, B & C)

(C resulted from \$4M equity infusion in February of 2015 from Stamos &

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**CONT... Nasty Gal Inc.
Johnson)**

Chapter 11

In November of 2015, Debtor obtained a senior lien from Hercules for \$15M. Debtor claims it has always been current on payments, but debtor is currently paying interest only at the default rate of 13 percent per annum. (What was the event of default?)

In April of 2016, Debtor obtained a \$5M unsecured convertible bridge loan from Stamos Capital that can be converted into Class D preferred (with a 3x liquidation preference) when debtor issues Class D preferred shares.

According to the declaration of Joe Scirocco in support of the first day motions, for the year ended 1/31/15, the debtor had EBITDA of negative \$6.3M. For the year ended 1/30/16, the debtor's EBITDA was negative \$15.4M. Through August of 2016, the debtor reports EBITDA of negative \$3.3M. And the debtor projects that, for the year ended 1/27/17, it will have EBITDA of negative \$1.4M.

Debtor asserts that, if it is permitted to use cash collateral in accordance with its budget through February 4, 2017, its cash will increase by approximately \$3.5M with only a \$2M diminution in inventory. (During the 4-week interim period, debtor represents that its cash will increase by \$3.1M with only a \$1.3M decrease in inventory.)

What will be happening to the debtor's payables during this period? The recurring cash infusions and persistent negative EBITDA suggests that the debtor's operations had a pretty significant cash burn rate prepetition. What happened that enabled the debtor to turn that around so that it no longer has a negative cash flow?

Was there any particular event or occurrence that occasioned the bankruptcy filing?

Hearing required.

Final Ruling for November 14, 2016:

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CONT... Nasty Gal Inc.

Chapter 11

Court authorized use of cash collateral on interim basis. See orders entered November 15, 2016 -- docket nos. 48 and 52 -- for terms.

Tentative Ruling for December 6, 2016:

Objections filed by Prologis and 523 West 6th Street are not oppositions to debtor's request for authority to use cash collateral. If lessors would like the court to grant other relief, such as ordering the debtor to pay rent for the stub period, they will need to bring their own motions seeking such relief or object to a motion that bears on this issue. Overrule objections.

Objection from Hercules makes reference to the debtor's "latest budget" and how it differs from the budget attached to the original motion. Hercules also refers to a second interim stipulation. The Court has not seen either of these documents. The Court denied the debtor's motion to file its budget under seal. Has the debtor filed an updated budget? If not, is it seeking authority to use cash collateral in accordance with the original budget? What is the Court being asked to approve at this point? How has the debtor's actual performance varied, if at all, from what the debtor projected at the emergency hearing?

Hearing required.

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| Party Information |
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Debtor(s):

Nasty Gal Inc.

Represented By
Scott F Gautier
Kevin Meek
Lorie A Ball

Movant(s):

Nasty Gal Inc.

Represented By
Scott F Gautier
Kevin Meek
Lorie A Ball

**United States Bankruptcy Court
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2:16-24862 Nasty Gal Inc.

Chapter 11

#51.00 Debtor's Emergency Motion for an Order pursuant to 11 U.S.C. §§ 105(a), 345, 363, 1107 AND 1108 Authorizing the Debtor to:

- 1) Continue Using Existing Cash Management System
- 2) Maintain Certain Existing Bank Accounts for Limited Period
- 3) Continue Use of Existing Business Forms

fr. 11-15-16

Docket No: 11

Courtroom Deputy:

11/22/16 - Robert Eisenbach, III, (415) 639-2094, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Stuart Komrower, (201) 525-6331, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Taylor Harrison, (212) 390-7831, has been approved for telephonic appearance on 12/6/16 @ 10:30am

Tentative Ruling:

Tentative Ruling for November 15, 2016:

Provided notice was adequate, grant motion, with the following proviso. If prepetition checks are outstanding on any of the accounts that the debtor seeks to leave open, debtor must take steps to ensure that the bank does not honor any of these outstanding prepetition checks.

Final Ruling for November 15, 2016:

Grant motion on terms set forth in tentative, authorizing debtor to keep accounts open through December 6, 2016. Set matter for final hearing as to

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CONT... **Nasty Gal Inc.**

Chapter 11

money market accounts on December 6, 2016 at 10:30 a.m.
Any opposition from the UST as to the debtor's money market accounts must be filed and served by November 29, 2016. Any replies from the debtor will be due by December 2, 2016. If debtor seeks further extension after December 6, debtor should file and serve a supplemental declaration explaining efforts made to comply with December 6 deadline and any problems being encountered.

Tentative Ruling for December 6, 2016:

Has the debtor provided the information that the UST requested? What is the debtor's position with regard to the status of this motion? The court has papers from the UST and Pacific Western Bank, but nothing from the debtor. Hearing required.

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|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Nasty Gal Inc.

Represented By
Scott F Gautier
Kevin Meek
Lorie A Ball

Movant(s):

Nasty Gal Inc.

Represented By
Scott F Gautier
Kevin Meek
Lorie A Ball

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2:16-24862 Nasty Gal Inc.

Chapter 11

#52.00 Debtor's Emergency Motion for Entry of Order Approving the Debtors Key Employee Retention Plan

fr. 11-15-16

Docket No: 12

Courtroom Deputy:

11/22/16 - Robert Eisenbach, III, (415) 639-2094, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Stuart Komrower, (201) 525-6331, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Taylor Harrison, (212) 390-7831, has been approved for telephonic appearance on 12/6/16 @ 10:30am

Tentative Ruling:

At hearing held November 15, 2016, court continued hearing to December 6, 2016 at 10:30 and ordered that any oppositions be filed by November 29, 2016 and any replies by December 2, 2016.

On December 1, 2016, Hercules and Committee filed and served oppositions to the motion. What is the debtor's response to the objections raised in those oppositions? Hearing required.

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| Party Information |
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Debtor(s):

Nasty Gal Inc.

Represented By
Scott F Gautier
Kevin Meek
Lorie A Ball

Movant(s):

Nasty Gal Inc.

Represented By

**United States Bankruptcy Court
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CONT... Nasty Gal Inc.

Chapter 11

Scott F Gautier
Kevin Meek
Lorie A Ball

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2:16-24862 Nasty Gal Inc.

Chapter 11

#53.00 Debtor's Emergency Motion for Entry of Order Authorizing Maintenance Administration and Continuation of Certain Customer Programs

fr. 11-15-16

Docket No: 15

***** VACATED *** REASON: CONT'D. TO 12/20/16 @ 10:30AM**

Courtroom Deputy:

11/22/16 - Robert Eisenbach, III, (415) 639-2094, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Stuart Komrower, (201) 525-6331, has been approved for telephonic appearance on 12/6/16 @ 10:30am

12/5/16 - Taylor Harrison, (212) 390-7831, has been approved for telephonic appearance on 12/6/16 @ 10:30am

Tentative Ruling:

Parties have filed a stipulation requesting a continuance to December 21, but that is not a good date. At request of parties, continue hearing to December 20, 2016 at 10:30 a.m. Oppositions will be due December 13, 2016. Replies will be due December 15, 2016. (Court approved stipulation to this effect.) OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Nasty Gal Inc.

Represented By
Scott F Gautier
Kevin Meek
Lorie A Ball

Movant(s):

Nasty Gal Inc.

Represented By
Scott F Gautier

**United States Bankruptcy Court
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CONT... Nasty Gal Inc.

Chapter 11

Kevin Meek
Lorie A Ball

**United States Bankruptcy Court
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Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:11-58156 Alexander Escandari

Chapter 7

#200.00 Order to Show Cause Why: 1) Reza Dowlatshahi, 2) Soraya Dowlatshahi, 3) Neil Gieleghem and 4) The Gieleghem Law Office Should Not be Held in Contempt for Violation of 11 U.S.C. Section 524 [The Discharge Injunction]

fr. 6-29-16, 9-27-16

Docket No: 72

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for June 29, 2016:

There is no dispute that the individual has the benefit of a discharge in bankruptcy and that the law firm itself does not. Why is the individual named in the lawsuit at all? Is there some reason that he needs to be included?

Hearing required.

Final Ruling for June 29, 2016:

Granted in part and continued in part. Interim order to follow. Balance of relief set for hearing on September 27, 2016 at 2:00 p.m.

Interim order will grant motion insofar as it requests an order directing respondent to dismiss the individual debtor as a defendant in the underlying state court lawsuit and finding that it was a violation of the discharge injunction for plaintiff to have named him.

Movant will be awarded his costs for bringing this motion and for writing a letter explaining why the action should be dismissed, his costs for bringing/arguing the demur in state court. In addition, on an appropriate showing movant may be entitled to recover consequential damages, if he can establish that his malpractice premiums are now higher than they would have

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CONT... Alexander Escandari

Chapter 7

been had he not been named individually in the action, and punitive damages.

Movant should file and serve not later than August 9, 2016, a memorandum of points and authorities and one or more declarations on above issues and amounts. Any response from respondent must be filed and served not later than September 2. Any replies must be filed and served not later than September 13.

Hearing on September 27 will not be an evidentiary hearing. Court will only resolve as many of these issues as to which there are no genuine issues of material fact.

Tentative Ruling for September 27, 2016:

No interim order was ever lodged. No supplemental declarations or memoranda of points and authorities were ever filed? Why not? Hearing required.

Final Ruling for September 27, 2016:

Since hearing in June, parties have been discussing consensual resolution of this and underlying matter. Have not yet reached a resolution, but are talking. At parties' request, continue matter to December 6, 2016 at 2:00 p.m.

Tentative Ruling for December 6, 2016:
Nothing further has been filed. Court cannot resolve any of the remaining issues on this record. What is the status of this matter?

Party Information

Debtor(s):

Alexander Escandari

Represented By
M Jonathan Hayes
Jeffrey B Smith

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
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CONT... Alexander Escandari

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Hearing Room 1539

2:00 PM

2:15-11061 John C Garza

Chapter 7

#201.00 Status Conference re: Motion re: Objection to Claim Number 4 for \$525,669.00
by Claimant Lisa Theres Reyes

fr. 8-3-16, 8-17-16, 9-7-16

Docket No: 101

Courtroom Deputy:

11/9/16 - Michael Younge, (714)242-4027, has been approved for telephonic appearance on 12/6/16 @ 2pm

Tentative Ruling:

Tentative Ruling for August 3, 3016:

Opposition does not address all of the arguments advanced in the motion. Is claimant conceding (as reply contends) that all claims are time-barred other than claims set forth in her second, fifth and sixth claims for relief?

With regard to the sixth claim for relief, what are the unfair business practices of which claimant complains, other than failing to pay minimum wage for the time for which she wasn't paid, or is the failure to pay the minimum wage the only unfair business practice? Is claimant asserting that sexual harrassment is actionable under the Unfair Competition Law? Claimant argues that the fifth claim for relief is not time-barred, as it is alleged as part of/related to/arising out of the sixth claim for relief. If there is no viable sixth claim for relief, this argument will not work. If the only alleged unfair business practice is the failure to pay minimum wage, can this be brought as a UCL claim? Does claimant have any authority for this proposition?

Hearing required.

Final Ruling for August 3, 2016:

Continue hearing to August 17, 2016 at 11:00 a.m. Claimant shall file and serve by August 10, 2016, a breakdown of the components of the claim if the

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2:00 PM

CONT...

John C Garza

Chapter 7

damages sought related only to the four-year period prior to the filing of the claim. Debtor shall file and serve by August 10, 2016 memorandum of points and authorities in response to the claimant's argument that it is appropriate to use a 4-year UCL statute of limitations to recover damages for wage and hour violations. Any replies must be filed and served not later than August 15, 2016.

Tentative Ruling for August 17, 2016:

Court has reviewed the parties' filings. Does claimant have any authority for the proposition that sexual harrasment or an assault of the nature she describes constitutes a civil rights violation? What is the applicable statute of limitations for a physical battery or for intentional infliction of emotional distress?

Court rejects debtor's arguments about lack of evidence to support claims. The court now has competing declarations concerning what occurred at debtor's place of business with regard to wage and overtime claims. Court will need to set an evidentiary hearing to resolve these disputes.

Although debtor requested an opportunity to further brief this issue, debtor did not provide any authorities to counter claimant's contention that it is appropriate to prosecute wage and overtime claims under the UCL's four-year statute of limitation. Court assumes that debtor has conceded this issue.

Hearing required.

Final Ruling for August 17, 2016:

Debtor concedes that a four year statute is applicable to a UCL claim based on failure to pay overtime. Court raised issue of whether the physical injury that claimant asserts in her civil rights claim constitutes a personal injury within the meaning of 28 U.S.C. section 157(b)(5), which must be tried in the district court. Court discussed with the parties whether it was possible for the parties, by consent, to have such a claim tried in bankruptcy court, but the debtor stated that it was not willing to consent to the bankruptcy court's hearing a claim within the scope of section 157(b)(5), rendering the question

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CONT... **John C Garza**

Chapter 7

of whether consent works to override section 157(b)(5) moot.

Court continued hearing to September 7, 2016 at 11:00 a.m. and directed parties to file a brief on the issue of whether claimant's civil rights claim (as distinguished from her UCL claim) falls within the scope of section 157(b)(5) not later than August 31, 2016.

Tentative Ruling for September 7, 2016:

Court reviewed parties' supplemental briefs. Debtor disregarded instructions entirely and did not brief 157(b)(5) issue. Claimant submitted a brief that argues that the requirement that a case be tried in district court is not jurisdictional and can be waived by the parties either expressly or by failing to raise the issue. Claimant argues that debtor has failed to raise the issue in time and should be deemed to have waived the right to have issue tried in district court. In support of her position, claimant cites an unpublished decision by Judge Kwan in this district called Mi Jin Shim v. Lee (In re Lee), decided March 19, 2015.

This Court agrees with Judge Kwan that section 157(b)(5) is not jurisdictional; however, that does not mean that the parties can consent to have a matter that falls within the scope of that section heard by the bankruptcy court. This is not a case in which the matter has already been adjudicated and the question is whether the judgment or order of the bankruptcy court is void. The issue has been raised in time for the court to direct that the matter be tried in the correct place.

Bankruptcy jurisdiction resides in the district court, and section 157 authorizes the district court to "refer" that jurisdiction to the bankruptcy court -- subject to certain exceptions. Section 157(b)(5) is one of them. The language of that section does not allow for any flexibility or ambiguity. The district court is not permitted to refer jurisdiction over personal injury tort claims to the bankruptcy court. The district court must order such matters to be tried in the district court in the district in which the claim arose. The parties cannot consent to authorize the district court to do something that Congress does not permit the district court to order. Therefore, if the claimant's civil rights claim is a personal injury tort claim, it must be tried in district court.

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CONT... **John C Garza**

Chapter 7

The Court's conclusion, based on its own research is that, yes, if the civil rights claim involves an allegation of an actual bodily injury, it constitutes a personal injury tort claim that must be tried in the district court. See, e.g., In re Nifong, Case No. 1:08-VCV-441 (M.D.N.C. 2008) (August 15, 2008) (rejecting argument that claim should be tried in district court because allegations of physical injury in civil rights claim were unworthy of belief, violations of Rule 11 that could not withstand common sense scrutiny).

In light of the foregoing, require parties to prepare pretrial order on civil rights claims and enter order directing that these claims be tried in district court. Court will retain jurisdiction over wage and hour/UCL claims. Set continued hearing for review of pretrial order.

Final Ruling for September 7, 2016:

Court will deem matter to be an adversary proceeding for procedural purposes. Parties must complete discovery by December 9, 2016. Court determined that civil rights claim is a personal injury tort claim that must be tried in District Court. When matter is ready for trial, court will bifurcate civil rights claim from wage and hour/UCL claims. Continue status conference to December 6, 2016 at 2:00 p.m. Parties are to file joint status report by November 22, 2016. Court will prepare scheduling order.

Tentative Ruling for December 6, 2016:

Parties have consented to the entry of a final order in bankruptcy court, but, as they Court has previously explained, parties cannot agree to waive the provisions of section 157(d)(5). Parties are now done with discovery. Set pretrial conference and require parties to file two separate pretrial orders -- one for the issues that will be tried in bankruptcy court and one for the issues that will be sent to district court. Order parties to complete a day of mediation under the bankruptcy court's mediation program prior to the date of the pretrial conference.

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CONT... John C Garza

Chapter 7

Debtor(s):

John C Garza

Represented By
Michael A Younge

Movant(s):

John C Garza

Represented By
Michael A Younge

Trustee(s):

David A Gill (TR)

Represented By
John N Tedford
Kevin Meek

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:16-10560 Jina J Kim

Chapter 7

Adv#: 2:16-01193 Developers Surety and Indemnity Company v. Kim

■

#202.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) (14 (Recovery of money/property - other))
Complaint by Developers Surety and Indemnity Company against Jina J Kim

fr. 6-28-16, 9-27-16, 10-18-16

Docket No: 1

Courtroom Deputy:

12/5/16 - Rachel Brown, (949) 537-3803, has been approved for telephonic appearance on 12/6/16 @ 2pm

Tentative Ruling:

Continue status conference to a date that can be used as date of hearing on plaintiff's motion to strike defendant's answer and permit plaintiff to proceed by way of default.

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| Party Information |
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Debtor(s):

Jina J Kim

Represented By
Young K Chang

Defendant(s):

Jina J Kim

Pro Se

Plaintiff(s):

Developers Surety and Indemnity Com

Represented By
Jeffrey D Hook
Ali Salamid

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, December 06, 2016

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2:00 PM

2:13-15021 Castle Trading, Inc

Chapter 7

Adv#: 2:14-01022 Diamond As Trustee v. Greater Atlantic Bank, a revoked Virginia Corporat

■
#203.00 Motion for Attorney Fees and Costs

fr. 11-8-16

Docket No: 245

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

10/24/16 -- Court approved stipulation continuing hearing to December 6, 2016 at 2:00 p.m. OFF CALENDAR FOR NOVEMBER 8, 2016.

Tentative Ruling for December 6, 2016:

Court agrees that the fact that movant is a law firm seeking to recover its own time is not dispositive; however, movant has not bothered to attach the contract that contains the attorneys' fee clause that they seek to enforce in this matter. Motion could be denied on that ground alone; however, motion should also be denied on the merits.

Court would not have awarded the trustee attorneys' fees as the prevailing party had the trustee prevailed. Attorneys' fees are not available in a fraudulent transfer context. This is not an action on a contract. (Nature of trustee's appeal is not dispositive. If the trustee prevails on appeal, the matter is remanded and the court rehears this matter as an action on a contract, there might be a different result at that time, but that is not the situation now.)

Deny motion.

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| Party Information |
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Debtor(s):

Castle Trading, Inc

Represented By

**United States Bankruptcy Court
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Los Angeles
Chief Judge Sheri Bluebond, Presiding
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CONT... Castle Trading, Inc

Chapter 7

David L Oberg

Defendant(s):

| | |
|------------------------------------------|------------------------------------------------|
| Office of the Attorney General | Pro Se |
| State Of California Franchise Tax Boar | Represented By Todd M Bailey Stephen Lew |
| Attorney General United States Dept of | Pro Se |
| Civil Process Clerk | Pro Se |
| Meadow Shores Property Owners' Assc | Pro Se |
| Sonabank, N.A., Virginia Corporation | Pro Se |
| Greater Atlantic Bank, a revoked Virgini | Pro Se |
| Mesisca, Riley & Kreitenberg, LLP, a C | Represented By Dennis P Riley |
| Federal Deposit Insurance Corporation. | Pro Se |

Movant(s):

| | |
|----------------------------------------|----------------------------------|
| Mesisca, Riley & Kreitenberg, LLP, a C | Represented By Dennis P Riley |
|----------------------------------------|----------------------------------|

Plaintiff(s):

| | |
|------------------------------|-----------------------------------------------------------------------|
| Richard K Diamond As Trustee | Represented By Kevin Meek George E Schulman Michael G D'Alba |
|------------------------------|-----------------------------------------------------------------------|

Trustee(s):

| | |
|------------------------|----------------------------------------------------------------------------------------|
| Richard K Diamond (TR) | Represented By Eric P Israel Kevin Meek George E Schulman Michael G D'Alba |
|------------------------|----------------------------------------------------------------------------------------|

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:13-15021 Castle Trading, Inc

Chapter 7

Adv#: 2:14-01122 Diamond v. Mesisca, Riley & Kreitenberg, LLP, a California Li

■
#204.00 Motion for Attorney Fees and Costs

fr. 11-8-16

Docket No: 205

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

10/24/16 -- Court approved stipulation continuing hearing to December 6, 2016 at 2:00 p.m. OFF CALENDAR FOR NOVEMBER 8, 2016.

See tentative ruling for matter no. 203.

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Castle Trading, Inc

Represented By
David L Oberg

Defendant(s):

Meadow Shores Property Owners' Assc

Pro Se

Mesisca, Riley & Kreitenberg, LLP, a C

Represented By
Dennis P Riley

Movant(s):

Mesisca, Riley & Kreitenberg, LLP, a C

Represented By
Dennis P Riley

Plaintiff(s):

Richard K. Diamond

Represented By
Kevin Meek
George E Schulman

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... Castle Trading, Inc

Chapter 7

Michael G D'Alba

Trustee(s):

Richard K Diamond (TR)

Represented By
Eric P Israel
Kevin Meek
George E Schulman
Michael G D'Alba

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:13-15021 Castle Trading, Inc

Chapter 7

Adv#: 2:14-01312 Diamond v. Mesisca, Riley & Kreitenberg, LLP, a California Li

■
#205.00 Motion for Attorney Fees and Costs

fr. 11-8-16

Docket No: 203

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

10/24/16 -- Court approved stipulation continuing hearing to December 6, 2016 at 2:00 p.m. OFF CALENDAR FOR NOVEMBER 8, 2016.

See tentative ruling for matter no. 203.

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Castle Trading, Inc

Represented By
David L Oberg

Defendant(s):

Meadow Shores Property Owners' Assc

Pro Se

Mesisca, Riley & Kreitenberg, LLP, a C

Represented By
Dennis P Riley

Movant(s):

Mesisca, Riley & Kreitenberg, LLP, a C

Represented By
Dennis P Riley

Plaintiff(s):

Richard K Diamond

Represented By
Kevin Meek
George E Schulman

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... Castle Trading, Inc

Chapter 7

Michael G D'Alba

Trustee(s):

Richard K Diamond (TR)

Represented By
Eric P Israel
Kevin Meek
George E Schulman
Michael G D'Alba

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:13-25661 Chonghee Jane Kim

Chapter 7

Adv#: 2:16-01195 Wolkowitz, Chapter 7 Trustee v. TD Foreclosure Services, Inc. et al

■
#206.00 Status Conference re: 14 (Recovery of money/property - other),(91 (Declaratory judgment)) Complaint by Edward M Wolkowitz, Chapter 7 Trustee against TD Foreclosure Services, Inc., GB Inland Properties, LLC.

fr. 6-28-16, 8-30-16, 10-4-16

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If court grants motion for default judgment and approves compromise, this matter will be fully resolved. Continue status conference to give GB Inland an opportunity to pay settlement amount and trustee to dismiss the action as against GB.

Party Information

Debtor(s):

Chonghee Jane Kim

Represented By
Young K Chang
Rosendo Gonzalez

Defendant(s):

GB Inland Properties, LLC

Represented By
Kirsten A Worley

TD Foreclosure Services, Inc.

Pro Se

Plaintiff(s):

Edward M Wolkowitz, Chapter 7 Trustee

Represented By
Matthew Abbasi

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... Chonghee Jane Kim

Chapter 7

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Matthew Abbasi

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:16-18660 Ki Choon Kim

Chapter 7

Adv#: 2:16-01441 Won Hee v. Kim

■

#207.00 Motion to Dismiss Adversary Proceeding or for an Order Requiring More Definite Statements

Docket No: 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Any problems with service of the motion seem to have been harmless. Plaintiff filed timely opposition to the motion.

Motion is not premature. Although granted relief from stay to permit parties to litigate in state court, unless there is a viable nondischargeability complaint, that litigation is a waste of time.

Grant motion with leave to amend. Plaintiff needs to articulate facts in such a way as to permit the Court to make sense of them. Each allegation required for the elements of the claims must be pleaded.

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| Party Information |
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Debtor(s):

Ki Choon Kim

Represented By
Jaenam J Coe

Defendant(s):

Ki Choon Kim

Represented By
Jaenam J Coe

Movant(s):

Ki Choon Kim

Represented By
Jaenam J Coe

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... Ki Choon Kim

Chapter 7

Plaintiff(s):

Bae Won Hee

Represented By
Charles L Murray III

Trustee(s):

Peter J Mastan (TR)

Pro Se

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:16-18660 Ki Choon Kim

Chapter 7

Adv#: 2:16-01441 Won Hee v. Kim

▪
#208.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) Complaint by Bae Won Hee against Ki Choon Kim

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revisit status of action after conclusion of hearing on motion to dismiss.

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| Party Information |
|--------------------------|

Debtor(s):

Ki Choon Kim

Represented By
Jaenam J Coe

Defendant(s):

Ki Choon Kim

Represented By
Jaenam J Coe

Plaintiff(s):

Bae Won Hee

Represented By
Charles L Murray III

Trustee(s):

Peter J Mastan (TR)

Pro Se

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:16-19172 John Georges

Chapter 7

Adv#: 2:16-01461 IP Financial, LLC v. Georges

■
#209.00 Motion to Dismiss Complaint Objecting to Dischargeability of Debt

Docket No: 3

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Reject defendant's standing argument. Plaintiff sued in state court and obtained a default judgment. It has standing to attempt to have that judgment excepted from discharge.

Is plaintiff claiming that the human debtor is the one who engaged in the acts pleaded in the complaint? Did he personally contact the debtor and make the representations alleged in the complaint? Or is plaintiff claiming that some other human made these calls, but that the debtor, as the alter ego of Better Ideas Group, LLC, should be held liable for the conduct of another?

Hearing required.

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| Party Information |
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Debtor(s):

John Georges

Represented By
David S Hagen

Defendant(s):

John Georges

Represented By
David S Hagen

Movant(s):

John Georges

Represented By
David S Hagen

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... John Georges

Chapter 7

Plaintiff(s):

IP Financial, LLC

Represented By
Jerome Bennett Friedman

Trustee(s):

David A Gill (TR)

Pro Se

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

2:15-12690 Net Data Centers, Inc.

Chapter 11

Adv#: 2:15-01647 Net Data Centers, Inc. v. DuPont Fabros Technology, L.P. et al

■
#210.00 Status Conference re: 12 (Recovery of money/property - 547 preference),(13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(81 (Subordination of claim or interest)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))
Complaint by Net Data Centers, Inc. against DuPont Fabros Technology, L.P., Whale Ventures LLC, Grizzly Ventures LLC, Fox Properties LLC, Lemur Properties LLC

fr. 2-2-16, 4-5-16, 6-14-16, 8-30-16, 10-4-16

Docket No: 1

***** VACATED *** REASON: CONT'D. TO 1/24/17 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

12/22/15 -- Court signed order appointing mediators.

12/28/15 -- Court approved stipulation continuing status conference to April 5, 2016 at 2:00 p.m. and setting following dates:

L/D for defendants to respond to complaint -- March 1, 2016

L/D to exchange initial disclosures -- April 19, 2016

OFF CALENDAR FOR FEBRUARY 2, 2016.

2/29/16 -- Court approved stipulation continuing status conference to June 14, 2016 at 2:00 p.m. and setting following dates:

L/D for defendants to respond to complaint -- May 31, 2016

L/D to exchange initial disclosures -- July 19, 2016

OFF CALENDAR FOR APRIL 5, 2016.

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... Net Data Centers, Inc. Chapter 11

5/27/16 -- Court approved stipulation continuing status conference to August 30, 2016 at 2:00 p.m. and setting following dates:

L/D for defendants to respond to complaint -- August 1, 2016

L/D to exchange initial disclosures -- September 20, 2016

OFF CALENDAR FOR JUNE 14, 2016.

8/2/16 -- Court approved stipulation continuing status conference to October 4, 2016 at 2:00 p.m. and setting following dates:

L/D for defendants to respond to complaint -- September 30, 2016

L/D to exchange initial disclosures -- October 31, 2016

OFF CALENDAR FOR AUGUST 30, 2016.

9/29/16 -- Court approved stipulation continuing status conference to December 6, 2016 at 2:00 p.m. and extending other deadlines. OFF CALENDAR FOR OCTOBER 4, 2016. NO APPEARANCE REQUIRED.

11/30/16 -- At hearing held this date, Court agreed to continue status conference to January 24, 2017 at 2:00 p.m. to give the parties an opportunity to request dismissal of action after plan has become effective. OFF CALENDAR FOR DECEMBER 6, 2016. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Net Data Centers, Inc.

Represented By
William F Govier
Paul A Beck
Lewis R Landau

Defendant(s):

Fox Properties LLC

Pro Se

Lemur Properties LLC

Pro Se

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

Tuesday, December 06, 2016

Hearing Room 1539

2:00 PM

CONT... Net Data Centers, Inc.

Chapter 11

Grizzly Ventures LLC Pro Se

DuPont Fabros Technology, L.P. Pro Se

Whale Ventures LLC Pro Se

Plaintiff(s):

Net Data Centers, Inc.

Represented By
Lewis R Landau
Paul A Beck