

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, October 13, 2020

Hearing Room 201

11:30 AM

9:

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Tuesday, October 13, 2020

Hearing Room 201

11:30 AM

9:16-11912 Channel Technologies Group, LLC

Chapter 11

Adv#: 9:18-01058 Corporate Recovery Associates, LLC v. Blue Wolf Capital Partners, LLC et

#1.00 CONT'D Status Hearing

RE: [1] and [156] Amended Complaint First by Christian A Orozco on behalf of Corporate Recovery Associates, LLC against all defendants. (RE: related document(s)1 Adversary case 9:18-ap-01058. Complaint by Corporate Recovery Associates, LLC against Blue Wolf Capital Partners, LLC, Blue Wolf Capital Fund II, L.P., Gladstone Investment Corporation, Blue Wolf Capital Advisors L.P., BW Piezo Holdings, LLC, Fidus Investment Corporation, Fidus Mezzanine Capital II, L.P., Avante Mezzanine Partners SBIC, LP, Avante Mezzanine Partners II, Inc., Pengdi Han, Dhan, LLC, Grant Thornton, LLP, CTG Advanced Materials, LLC, CTS Corporation, Electro Optical Industries, Duff & Phelps, and CIT Bank, N.A. (Charge To Estate). Original Complaint Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) filed by Plaintiff Corporate Recovery Associates, LLC). (Orozco, Christian)

FR. 2-11-19, 3-18-19, 5-14-19, 6-12-19, 8-14-19, 9-10-19, 9-24-19, 11-4-19
ADVANCED FROM 1-8-20, 1-7-20, 2-4-20, 4-28-20, 8-25-20

Docket 156

Tentative Ruling:

The court understands that mediation was not successful.

The dates in the status report for trial are pretty different. When would you suggest a trial date?

Initial disclosures need to be completed in accordance with the rules. Are the parties really going to argue about this?

When do Defendants plan to file their summary judgment motion?

Do Plaintiffs intend to file a similar motion? When?

The court can set dates for full compliance for initial disclosures, other discovery

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CONT... Channel Technologies Group, LLC

Chapter 11

deadlines, and a further status conference. Other deadlines might be appropriate now too.

Party Information

Debtor(s):

Channel Technologies Group, LLC

Represented By
Jeffrey W Dulberg
Victoria Newmark

Defendant(s):

Blue Wolf Capital Partners, LLC

Represented By
Christopher O Rivas
Howard Steinberg

Blue Wolf Capial Fund II, L.P.

Represented By
Christopher O Rivas
Howard Steinberg

Gladstone Investment Corporation

Represented By
Cheryl S Chang
Craig N Haring

Blue Wolf Capital Advisors L.P.

Represented By
Christopher O Rivas
Howard Steinberg

BW Piezo Holdings, LLC

Represented By
Christopher O Rivas
Howard Steinberg

CTG Advanced Materials, LLC

Represented By
Jonathan Boustani
Paul J Laurin

CTS Corporation

Represented By
Jonathan Boustani
Paul J Laurin

Electro Optical Industries

Represented By

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CONT... Channel Technologies Group, LLC

Chapter 11

Peter J Benvenuti
Tobias S Keller
David A Taylor

Duff & Phelps

Represented By
Christopher O Rivas

CIT BANK, N.A.

Pro Se

Plaintiff(s):

Corporate Recovery Associates,

Represented By
Christian A Orozco
Andrew B Levin
Sam Butler Hardy IV
Edward J Dennis
Adrian Garcia

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9:18-12079 Super98, LLC

Chapter 7

Adv#: 9:20-01023 Namba, Chapter 7 Trustee v. Quinn Emanuel Urquhart & Sullivan, LLP

#2.00 Status Hearing

RE: [1] Adversary case 9:20-ap-01023. Complaint by Jerry Namba, Chapter 7 Trustee against Quinn Emanuel Urquhart & Sullivan, LLP. (Charge To Estate). Nature of Suit: (91 (Declaratory judgment)),(12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other)) (Tedford, John)

FR. 4-28-20, 5-18-20, 6-16-20, 7-8-20, 7-21-20

Docket 1

Tentative Ruling:

The court understands that the parties need about a year to complete discovery and won't be ready for trial until the spring of 2022.

What deadlines would the parties like the court to set at this time?

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| Party Information |
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Debtor(s):

Super98, LLC

Represented By
Kevin M. Sullivan

Defendant(s):

Quinn Emanuel Urquhart &

Represented By
Jennifer L Nassiri
Kenneth John Shaffer

Plaintiff(s):

Jerry Namba, Chapter 7 Trustee

Represented By
Sonia Singh
John N Tedford IV
Eric P Israel
Michael G D'Alba

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CONT... Super98, LLC

Chapter 7

Trustee(s):

Jerry Namba (TR)

Represented By
John N Tedford IV
Eric P Israel

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Tuesday, October 13, 2020

Hearing Room 201

11:30 AM

9:19-10047 Kipley James Lytel

Chapter 7

Adv#: 9:19-01014 Williams v. Lytel

#3.00 HearingRE: [47] Motion For Summary Judgment Notice of Motion for Summary Judgment Against Plaintiff; Memorandum of Points and Authorities; Declaration of M. Jonathan Hayes in Support Thereof, with Proof of Service

Docket 47

Tentative Ruling:

The inquiry for today is whether the arbitration report findings preclude the litigation now before this court. The claims in arbitration were breach of fiduciary duty, negligent misrepresentation, negligence, intentional misrepresentation, and breach of contract. In this adversary proceeding, the claim is for fraud or defalcation while acting in a fiduciary capacity. Similar analysis may be involved, but the issues are not identical. It's important to note that while there was a finding of no intentional fraud, defalcation can be found without a finding of intent to defraud. *In re Lewis*, 97 F.3d 1182, 1187 (9th Cir. 1996).

And there are numerous factual issues related to whether a trust existed between the Plaintiff and Defendant.

It doesn't appear that the movant has established that summary judgment is appropriate here.

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| Party Information |
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Debtor(s):

Kipley James Lytel

Represented By
Matthew D. Resnik

Defendant(s):

Kipley James Lytel

Represented By
M. Jonathan Hayes

Movant(s):

Kipley James Lytel

Represented By

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CONT... Kipley James Lytel

Chapter 7

M. Jonathan Hayes

Plaintiff(s):

Oscar Williams

Represented By
William C Beall

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Noreen A Madoyan

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9:19-10047 Kipley James Lytel

Chapter 7

Adv#: 9:19-01014 Williams v. Lytel

#4.00 CONT'D Status Hearing
RE: [25] Amended Complaint with proof of service by William C Beall on behalf of Oscar Williams against Kipley James Lytel. (RE: related document(s)1 Adversary case 9:19-ap-01014. Complaint by Oscar Williams, Kipley James Lytel against Kipley James Lytel. (Beall, William)

FR. 12-5-19, 2-18-20, 5-5-20, 6-16-20

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kipley James Lytel

Represented By
Matthew D. Resnik

Defendant(s):

Kipley James Lytel

Represented By
M. Jonathan Hayes

Plaintiff(s):

Oscar Williams

Represented By
William C Beall

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Noreen A Madoyan

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9:19-11766 Joshua Michael Luster

Chapter 7

Adv#: 9:20-01015 Atkinson v. Luster et al

#5.00 CONTD. Status Hearing

RE: [1] Adversary case 9:20-ap-01015. Complaint by Dora Atkinson against Joshua Michael Luster, Katherine Michelle Luster, Luster Construction, Hudson Insurance Company, Gary Luster, and DOES 1-10. willful and malicious injury)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Kwasigroch, Michael)
FR. 4-13-20, 5-18-20, 8-25-20

AND

Status Hearing

RE: [6] Counterclaim by Joshua Michael Luster, Katherine Michelle Luster against Michael Kwasigroch, Dora Atkinson (Faucher, John)

Docket 6

Tentative Ruling:

- NONE LISTED -

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|--------------------------|
| Party Information |
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Debtor(s):

Joshua Michael Luster

Represented By
John D Faucher

Defendant(s):

Joshua Michael Luster

Represented By
John D Faucher

Katherine Michelle Luster

Represented By
John D Faucher

Luster Construction Services Corp.

Pro Se

DOES 1-10

Pro Se

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CONT... Joshua Michael Luster

Chapter 7

Joint Debtor(s):

Katherine Michelle Luster

Represented By
John D Faucher

Plaintiff(s):

Dora Atkinson

Represented By
Michael D Kwasigroch

Trustee(s):

Jeremy W. Faith (TR)

Pro Se