

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9: -

Chapter 0

#0.00 All hearings on this calendar 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 pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1618063977>

ZoomGov meeting number: 161 806 3977

Password: 992693

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-10879 Guillermo M Magana

Chapter 13

#1.00 CONT'D Hearing
RE: [40] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 608 Sycamore Street, Santa Paula, CA 93060 .

FR. 9-22-20, 10-27-20

Docket 40

Tentative Ruling:

Have the parties agreed on an APO?

Party Information

Debtor(s):

Guillermo M Magana

Represented By
Scott Kosner

Movant(s):

U.S. Bank Trust National

Represented By
Lemuel Bryant Jaquez

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-10656 Richard David Donald

Chapter 13

#2.00 HearingRE: [28] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 268 Quarterhorse Way, Arroyo Grande, California 93420 . (Ferry, Sean)

Docket 28

Tentative Ruling:

Does the movant agree that the debtor has remedied the insurance issue?

Party Information

Debtor(s):

Richard David Donald

Represented By
Reed H Olmstead

Movant(s):

Wilmington Savings Fund Society,

Represented By
Sean C Ferry

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-11375 Trinidad Maduena

Chapter 13

#3.00 HearingRE: [6] Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 695 Tielo Street, San Miguel, CA 93451 .

Docket 6

Tentative Ruling:

No tentative ruling. This is a **FINAL RULING**. This motion was set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. *Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Their defaults are entered and the court will resolve the matter without oral argument. LBR 9013-1(j)(3). **NO APPEARANCE IS NECESSARY.**

Grant. The stay is continued as to the creditor identified in the motion.
Movant to lodge order within seven days.

Party Information

Debtor(s):

Trinidad Maduena

Represented By
Reed H Olmstead

Movant(s):

Trinidad Maduena

Represented By
Reed H Olmstead

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-10782 George J Rangel

Chapter 7

#4.00 HearingRE: [37] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6342 Alta Ridge Road Simi Valley CA 93063 . (Katz, Neil)

Docket 37

Tentative Ruling:

Deny as moot. There is no stay as to this creditor, who was not properly served with the motion to continue the stay.

Party Information

Debtor(s):

George J Rangel

Represented By
Joshua L Sternberg

Movant(s):

Idolina Harris

Represented By
Neil B Katz

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-10898 Corrie M Ratzat and Jacob S Ratzat

Chapter 7

#5.00 CONT'D Hearing
RE: [26] Motion for Relief from Stay (Personal Property), Filed by Mountain
America Credit Union .

FR. 11-17-20

Docket 26

*** VACATED *** REASON: Noticed/continued to 12/21/20, at 11:30 a.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corrie M Ratzat

Represented By
Richard E Rossi

Joint Debtor(s):

Jacob S Ratzat

Represented By
Richard E Rossi

Movant(s):

Mountain America Credit Union

Represented By
Jeffrey A Clark

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:19-10261 Jack Lopez Garcia and Lupe Maria Garcia

Chapter 7

#6.00 Chapter 7 Trustee's Final Report, Application for Compensation and Application(s) for Compensation of Professionals filed on behalf of Trustee Sandra K. McBeth. The United States Trustee has reviewed the Chapter 7 Trustee's Final Report. Filed by United States Trustee.

Docket 120

Tentative Ruling:

The Trustee's final report and applications for compensation were properly noticed in accordance with FRBP 2002 and set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the Court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. The Court will resolve the matter without oral argument. LBR 9013-1(j)(3). NO APPEARANCE IS NECESSARY.

GRANT all relief requested. The final report and proposed distributions, compensation and reimbursement are approved.

Trustee to submit order within seven days.

Party Information

Debtor(s):

Jack Lopez Garcia

Represented By
Martin G Zaehring

Joint Debtor(s):

Lupe Maria Garcia

Represented By
Martin G Zaehring

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Jack Lopez Garcia and Lupe Maria Garcia

Chapter 7

Trustee(s):

Sandra McBeth (TR)

Represented By
William C Beall
Carissa N Horowitz

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-10663 Rainier T. Castillo and Amy Lee Castillo

Chapter 13

#6.10 Hearing

RE: [56] Application for Compensation of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) with Proof of Service for Allan S Williams, Debtor's Attorney, Period: 9/4/2020 to 10/22/2020, Fee: \$1100.00, Expenses: \$0.00.

Docket 56

Tentative Ruling:

Why isn't counsel getting the debtors' signatures every time an application is filed? It isn't acceptable to date the signature block for the debtors -- they need to do this themselves -- and it certainly isn't acceptable to reuse an old signature and redate it.

Party Information

Debtor(s):

Rainier T. Castillo

Represented By
Jasmine Motazedi
Allan S Williams

Joint Debtor(s):

Amy Lee Castillo

Represented By
Jasmine Motazedi
Allan S Williams

Movant(s):

Rainier T. Castillo

Represented By
Jasmine Motazedi
Jasmine Motazedi
Allan S Williams
Allan S Williams

Amy Lee Castillo

Represented By
Jasmine Motazedi

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Rainier T. Castillo and Amy Lee Castillo

Chapter 13

Allan S Williams

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:18-11889 Charles L. Duff

Chapter 11

#7.00 CONT'D Chapter 11 Status Conference

FR. 12-18-19, 4-24-19, 6-12-19, 7-3-19, 9-3-19, 10-29-19, 12-5-19, 3-24-20,
7-21-20, 9-8-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles L. Duff

Represented By
Yi S Kim
Jeremy H Rothstein

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

Wednesday, December 9, 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

#8.00 HearingRE: [282] Notice of Motion and Motion By Defendants To Compel Further Responses to Rule 26(a) Initial Disclosures; Stipulation of Disputed Issues Modified on 11/19/2020 (Handy, Brad).

Docket 282

Tentative Ruling:

This matter and the related status conference will be called last on the calendar.

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 Capital 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

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Channel Technologies Group, LLC

Chapter 11

Howard Steinberg

CTG Advanced Materials, LLC

Represented By
Jonathan Boustani
Paul J Laurin

CTS Corporation

Represented By
Jonathan Boustani
Paul J Laurin

Duff & Phelps

Represented By
Christopher O Rivas

CIT BANK, N.A.

Pro Se

Movant(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

Blue Wolf Capital Advisors L.P.

Represented By
Christopher O Rivas
Howard Steinberg

Plaintiff(s):

Corporate Recovery Associates,

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

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

Wednesday, December 9, 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

#9.00 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, 10-13-20,
11-10-20

Docket 156

Tentative Ruling:

Do the parties have dates in mind for dispositive motions? Other dates?

10/13/2020 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?

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Channel Technologies Group, LLC

Chapter 11

Do Plaintiffs intend to file a similar motion? When?

The court can set dates for full compliance for initial disclosures, other discovery 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
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Defendant(s):

Blue Wolf Capital Partners, LLC	Represented By Christopher O Rivas Howard Steinberg
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Blue Wolf Capital Fund II, L.P.	Represented By Christopher O Rivas Howard Steinberg
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Gladstone Investment Corporation	Represented By Cheryl S Chang Craig N Haring
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Blue Wolf Capital Advisors L.P.	Represented By Christopher O Rivas Howard Steinberg
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BW Piezo Holdings, LLC	Represented By Christopher O Rivas Howard Steinberg
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CTG Advanced Materials, LLC	Represented By Jonathan Boustani Paul J Laurin
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CTS Corporation	Represented By
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**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Channel Technologies Group, LLC

Chapter 11

Jonathan Boustani
Paul J Laurin

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

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-12228 The Vine Intervention, LLC

Chapter 7

Adv#: 9:20-01018 Faith v. Digital Dogma Corp.

#10.00 CONT'D Status Hearing

RE: [1] Adversary case 9:20-ap-01018. Complaint by Jeremy W. Faith against Digital Dogma Corp.. (Charge To Estate). - Complaint (1) for Avoidance of Post-Petition Transfer; and (2) to Preserve Recovered Transfers for Benefit of Debtor's Estate [11 U.S.C. §§ 549 and 550] - Nature of Suit: (14 (Recovery of money/property - other)) (Friedman, Anthony)

FR. 4-28-20, 8-10-20, 10-27-20

Docket 1

Tentative Ruling:

What's the status of the motion for default judgment?

Party Information

Debtor(s):

The Vine Intervention, LLC

Represented By
Leslie A Tos

Defendant(s):

Digital Dogma Corp.

Pro Se

Plaintiff(s):

Jeremy W. Faith

Represented By
Anthony A Friedman

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Todd A Frealy
Anthony A Friedman

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-12228 The Vine Intervention, LLC

Chapter 7

Adv#: 9:20-01019 Faith v. Heringer Estate Winery

#11.00 CONT'D Status Hearing

RE: [1] Adversary case 9:20-ap-01019. Complaint by Jeremy W. Faith against Heringer Estate Winery. (Charge To Estate). - Complaint (1) for Avoidance of Post-Petition Transfer; and (2) to Preserve Recovered Transfers for Benefit of Debtor's Estate [11 U.S.C. §§ 549 and 550] - Nature of Suit: (14 (Recovery of money/property - other)) (Friedman, Anthony)

FR. 4-28-20, 6-30-20, 9-8-20

Docket 1

***** VACATED *** REASON: Order approving stipulation to dismiss adversary was entered on 11/19/20.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

The Vine Intervention, LLC

Represented By
Leslie A Tos

Defendant(s):

Heringer Estate Winery

Pro Se

Plaintiff(s):

Jeremy W. Faith

Represented By
Anthony A Friedman

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Todd A Frealy
Anthony A Friedman

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-12228 The Vine Intervention, LLC

Chapter 7

Adv#: 9:20-01020 Faith v. American Express Company

#12.00 CONT'D Status Hearing
RE: [1] Adversary case 9:20-ap-01020. Complaint by Jeremy W. Faith against American Express Company. (Charge To Estate). - Complaint to: (1) Avoid and Recover Fraudulent Transfers; (2) Avoid and Recover Preferential Transfers; (3) Avoid and Recover Post-Petition Transfers; (4) to Preserve Recovered Transfers for Benefit of Debtors Estate; and (5) Disallowance of any Claims Held by Defendant [11 U.S.C. § 502(d)] [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 502, 547, 548, 549 and 550] - Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)) (Friedman, Anthony)

FR. 4-28-20, 6-30-20, 9-8-20

Docket 1

***** VACATED *** REASON: Continued by stipulated order to 2/10/2021 at 11:30 am.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

The Vine Intervention, LLC

Represented By
Leslie A Tos

Defendant(s):

American Express Company

Represented By
Kelly Sweeney

Plaintiff(s):

Jeremy W. Faith

Represented By
Anthony A Friedman

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... The Vine Intervention, LLC

Chapter 7

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Todd A Frealy
Anthony A Friedman

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-12228 The Vine Intervention, LLC

Chapter 7

Adv#: 9:20-01021 Faith v. Cummins

#13.00 CONT'D Status Hearing
RE: [1] Adversary case 9:20-ap-01021. Complaint by Jeremy W. Faith against Andrea L. Cummins. (Charge To Estate). - Complaint to: (1) Avoid and Recover Fraudulent Transfers; (2) Avoid and Recover Preferential Transfers; (3) Avoid and Recover Post-Petition Transfers; (4) to Preserve Recovered Transfers for Benefit of Debtors Estate; and (5) Disallowance of Any Claims Held by Defendant [11 U.S.C. § 502(d)] [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 502, 547, 548, 549 and 550] - Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)) (Friedman, Anthony)

FR. 4-28-20, 9-1-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

The Vine Intervention, LLC

Represented By
Leslie A Tos

Defendant(s):

Andrea L. Cummins

Pro Se

Plaintiff(s):

Jeremy W. Faith

Represented By
Anthony A Friedman

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Todd A Frealy

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT...

The Vine Intervention, LLC

Anthony A Friedman

Chapter 7

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:17-12228 The Vine Intervention, LLC

Chapter 7

Adv#: 9:20-01022 Faith v. Cummins et al

#14.00 CONT'D Status Hearing

RE: [1] Adversary case 9:20-ap-01022. Complaint by Jeremy W. Faith against Mark Cummins, Andrea L. Cummins. (Charge To Estate). - Complaint to: (1) Avoid and Recover Fraudulent Transfers; (2) Avoid and Recover Preferential Transfers; (3) Avoid and Recover Post-Petition Transfers; (4) to Preserve Recovered Transfers for Benefit of Debtors Estate; and (5) Disallowance of Any Claims Held by Defendant [11 U.S.C. § 502(d)] [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 502, 547, 548, 549 and 550] - Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)) (Friedman, Anthony)

FR. 4-28-20, 9-1-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

The Vine Intervention, LLC

Represented By
Leslie A Tos

Defendant(s):

Mark Cummins

Pro Se

Andrea L. Cummins

Pro Se

Plaintiff(s):

Jeremy W. Faith

Represented By
Anthony A Friedman

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... The Vine Intervention, LLC

Chapter 7

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Todd A Frealy
Anthony A Friedman

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:18-12079 Super98, LLC

Chapter 7

Adv#: 9:20-01004 Namba, Chapter 7 Trustee v. The Cardinal Collection Educational

#15.00 CONTD. Status Hearing
RE: [1] Adversary case 9:20-ap-01004. Complaint by Jerry Namba, Chapter 7 Trustee against The Cardinal Collection Educational Foundation, a California non-profit public benefit corporation, Martin Logies, an individual, John Skirtich, an individual. (Charge To Estate). Complaint for Declaratory Relief, Subordination of Claims, Avoidance and Recovery of Preferential Transfer, and Disallowance of Claim Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(81 (Subordination of claim or interest)),(12 (Recovery of money/property - 547 preference)) (Tedford, John)

FR. 3-24-20, 5-18-20

Docket 1

***** VACATED *** REASON: Continued to October 27, 2021 at 11:30am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Super98, LLC

Represented By
Kevin M. Sullivan

Defendant(s):

The Cardinal Collection Educational

Represented By
Todd C. Ringstad

Martin Logies, an individual

Represented By
Todd C. Ringstad

John Skirtich, an individual

Represented By
Todd C. Ringstad

Plaintiff(s):

Jerry Namba, Chapter 7 Trustee

Represented By

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Super98, LLC

Chapter 7

John N Tedford IV

Trustee(s):

Jerry Namba (TR)

Represented By
John N Tedford IV
Eric P Israel

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:18-12079 Super98, LLC

Chapter 7

Adv#: 9:20-01005 Namba, Chapter 7 Trustee v. Levine, an individual

#16.00 CONTD. Status Hearing
RE: [1] Adversary case 9:20-ap-01005. Complaint by Jerry Namba, Chapter 7 Trustee against Laurence H. Levine, an individual. (Charge To Estate).
Complaint for Declaratory Relief, Avoidance and Recovery of Preferential Transfer, Avoidance and Recovery of Fraudulent Transfer, and Disallowance of Claim Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Tedford, John)

FR. 3-24-20

Docket 1

***** VACATED *** REASON: Case dismissed on 7/27/2020**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Super98, LLC

Represented By
Kevin M. Sullivan

Defendant(s):

Laurence H. Levine, an individual

Represented By
Michael A Sweet
Keith C Owens

Plaintiff(s):

Jerry Namba, Chapter 7 Trustee

Represented By
John N Tedford IV

Trustee(s):

Jerry Namba (TR)

Represented By
John N Tedford IV

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT...

Super98, LLC

Eric P Israel

Chapter 7

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:19-10127 **Kenneth L. McMahon**

Chapter 7

Adv#: 9:19-01046 Kapitus Servicing, Inc., formerly known as Colonia v. McMahon et al

#17.00 CONT'D Status Hearing
RE: [1] Adversary case 9:19-ap-01046. Complaint by Kapitus Servicing, Inc., formerly known as Colonial Funding Network, Inc., as servicing agent for Cashio against Kenneth L. McMahon, Jacqueline Lee McMahon. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Harvey, Brian)

FR: 10-29-19, 2-4-20, 4-7-20, 6-16-20, 8-18-20, 10-14-20

Docket 1

***** VACATED *** REASON: Continued to February 10, 2021 at 11:30 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth L. McMahon

Represented By
Andrew S Mansfield - INACTIVE -

Defendant(s):

Kenneth L. McMahon

Represented By
Christina Vanarelli

Jacqueline Lee McMahon

Represented By
Christina Vanarelli

Joint Debtor(s):

Jacqueline Lee McMahon

Represented By
Andrew S Mansfield - INACTIVE -

Plaintiff(s):

Kapitus Servicing, Inc., formerly

Represented By

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Kenneth L. McMahon

Brian T Harvey

Chapter 7

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-10111 Kiki Leigh Scheiblaue

Chapter 7

Adv#: 9:20-01037 Griffith & Thornburgh, LLP et al v. Scheiblaue

#18.00 HearingRE: [17] Motion to Dismiss Adversary Proceeding set for 12/09/2020 at 11:30 a.m.

Docket 17

Tentative Ruling:

Timeliness

General Order 20-03 of the U.S. Bankruptcy Court for the Central District of California, issued in response to the COVID-19 pandemic, states in pertinent part, "the deadline set under Federal Rule of Bankruptcy Procedure 4007(c) for filing a complaint as to the dischargeability of certain debts under § 523(c) shall be extended, and the 60 day time period set therein shall begin on the reset date for the meeting of creditors . . ." Subection (c) of 11 U.S.C. § 523 relates to a creditor seeking an exception to discharge under 11 U.S.C. § 523(a)(2), (4), or (6). This adversary proceeding would fall under the extension and the deadline would have been continued.

The Plaintiff is correct that the meeting of creditors was continued to 4/20/20 pursuant to General Order 20-03. 60 days from 4/20/20 is 6/19/20, which means that the complaint was timely filed. The Debtor's discharge was vacated on 5/21/20 due to the extension of the deadline.

12(b)(6)

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Id.*

A discharge under section 727, 1141, 1192, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt –

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... **Kiki Leigh Scheiblauer**

Chapter 7

for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by – false pretense or false representation or actual fraud, other than a statement respecting the debtor’s or an insider’s financial condition. 11 U.S.C. § 523(a)(2)(A). The creditor bears the burden of demonstrating by a preponderance of the evidence each of the following five elements: (1) misrepresentation, fraudulent omission or deceptive conduct by the debtor; (2) knowledge of the falsity or deceptiveness of the representation or omission; (3) an intent to deceive; (4) the creditor’s justifiable reliance on the representation or conduct; and (5) damage to the creditor proximately caused by reliance on the debtor’s representations or conduct. *In re Henriquez*, 559 B.R. 900, 907 (Bankr. C.D. Cal. 2016).

The complaint alleges that a fee agreement was executed for legal services in the Debtor’s family law proceeding in early 2018. Services were rendered between May 2017 and May 2018 and fees of \$47,179.08 were incurred. The Debtor received approximately \$170,000 in net proceeds from the sale of her marital residence and has still not paid the Plaintiffs on the debt owed.

Because the Debtor entered into the contract for services, and manifested an intent to repay the Plaintiffs, and has subsequently not repaid those debts, the complaint alleges that the Debtor’s discharge should except the fees of \$47,123.61 owed to the Plaintiff.

The complaint, while short, alleges facts under which a plausible inference could be made that the Debtor misrepresented an intent to pay with knowledge of the falsity of the representation and an intent to deceive. The Defendant has adequate information in the pleading to answer, and the Plaintiff ultimately will have the burden to prove what has been alleged.

Deny. Plaintiff to lodge order within seven days. Defendant must file an answer no later than 14 days after entry of the order.

Party Information

Debtor(s):

Kiki Leigh Scheiblauer

Represented By

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT... Kiki Leigh Scheiblauber

Chapter 7

James Studer

Defendant(s):

Kiki Leigh Scheiblauber

Represented By
James Studer

Movant(s):

Kiki Leigh Scheiblauber

Represented By
James Studer

Plaintiff(s):

Griffith & Thornburgh, LLP

Represented By
Felicita A Torres

Paul Capritto

Represented By
Felicita A Torres

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-10111 Kiki Leigh Scheiblaue

Chapter 7

Adv#: 9:20-01037 Griffith & Thornburgh, LLP et al v. Scheiblaue

#19.00 CONT'D Status Hearing
RE: [1] Adversary case 9:20-ap-01037. Complaint by Griffith & Thornburgh, LLP,
Paul Capritto against Kiki Leigh Scheiblaue. false pretenses, false
representation, actual fraud)) (Torres, Felicita)

FR. 8-25-20, 11-10-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kiki Leigh Scheiblaue

Represented By
James Studer

Defendant(s):

Kiki Leigh Scheiblaue

Represented By
James Studer

Plaintiff(s):

Griffith & Thornburgh, LLP

Represented By
Felicita A Torres

Paul Capritto

Represented By
Felicita A Torres

Trustee(s):

Jerry Namba (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

9:20-10518 Peter Alvara

Chapter 7

Adv#: 9:20-01043 McBeth v. Mansera

#20.00 CONT'D Status Hearing
RE: [1] Adversary case 9:20-ap-01043. Complaint by Sandra K McBeth against Simon N Mansera. (\$350.00 Fee Charge To Estate). Complaint for Avoidance of Actual Fraudulent Transfer Pursuant to 11 USC 548(a)(1)(A) Constructive Fraudulent Transfer Pursuant to 11 USC 548(a)(1)(B) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Tos, Leslie)

Docket 1

Tentative Ruling:

The court has available hearing dates on February 10, 17, and 24 for a continued status conference.

Party Information

Debtor(s):

Peter Alvara

Represented By
Michael B Clayton

Defendant(s):

Simon N Mansera

Represented By
Jerry Namba

Joint Debtor(s):

Mercedes R Alvara

Represented By
Michael B Clayton

Plaintiff(s):

Sandra K McBeth

Represented By
Leslie A Tos
Paul F Ready

Trustee(s):

Sandra McBeth (TR)

Represented By

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

Wednesday, December 9, 2020

Hearing Room 201

11:30 AM

CONT...

Peter Alvara

Paul F Ready
Leslie A Tos

Chapter 7