

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, January 27, 2020**

**Hearing Room 1568**

9:00 AM

**2:16-25508 Lempa Roofing Inc**

**Chapter 7**

Adv#: 2:18-01328 Gonzalez v. Home Depot Product Authority, LLC et al

**#1.00 Trial Date Set**

RE: [9] Amended Complaint - First Amended Complaint for: (1) Avoidance and Recovery of Fraudulent Transfers; (2) Avoidance and Recovery of Preferential Transfers; (3) Avoidance and Recovery of Post-Petition Transfers; and (4) Preservation of Recovered Transfers for Benefit of Debtors Estate; [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 547, 548, 549 and 550] - by Anthony A Friedman on behalf of Rosendo Gonzalez against CITIBANK, N.A., Home Depot Credit Services, Home Depot U.S.A., Inc.. (RE: related document(s)1 Adversary case 2:18-ap-01328. Complaint by Rosendo Gonzalez against Home Depot Product Authority, LLC, The Home Depot, Inc., Home Depot Credit Services, Home Depot U.S.A., Inc.. (Charge To Estate). - Complaint for (1) Avoidance and Recovery of Fraudulent Transfers; (2) Avoidance and Recovery of Preferential Transfers; (3) Avoidance and Recovery of Post-Petition Transfers; and (4) Preservation of Recovered Transfers for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 547, 548, 549 and 550] - Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) filed by Plaintiff Rosendo Gonzalez). (Friedman, Anthony)

fr: 8-26-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 1-3-20**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lempa Roofing Inc

Represented By  
Barbara J Craig

**Defendant(s):**

Home Depot Product Authority, LLC

Pro Se

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**CONT... Lempa Roofing Inc**

**Chapter 7**

The Home Depot, Inc. Pro Se

Home Depot Credit Services Pro Se

Home Depot U.S.A., Inc. Pro Se

**Plaintiff(s):**

Rosendo Gonzalez

Represented By  
Anthony A Friedman

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
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9:00 AM

**2:17-12677 Green Jane Inc**

**Chapter 7**

Adv#: 2:19-01061 Rosendo Gonzalez, Chapter 7 Trustee v. TCG Assets, Inc., a Colorado

**#2.00 Trial Date Set**

RE: [1] Adversary case 2:19-ap-01061. Complaint by Rosendo Gonzalez, Chapter 7 Trustee against TCG Assets, Inc., a Colorado corporation, TCG International Holdings, Inc., a Florida corporation, Michael B. Citron, an individual, Kenneth R. Morris, an individual, Law Office of Kenneth R. Morris LLC, a Colorado limited liability company, The Ulzheimer Group LLC, a Georgia limited liability, John Ulzheimer, an individual, Nicholas Moffat, an individual. (Charge To Estate). Complaint for 1. Avoidance of Transfers Pursuant to 11 U.S.C. § 544; 2. Avoidance of Avoidable Transfers Pursuant to 11 U.S.C. § 548; 3. Recovery on Account of Avoided Transfers Pursuant to 11 U.S.C. § 550(a); 4. Turnover of Funds of Estate Pursuant to 11 U.S.C. § 542; and 5. Breach of Fiduciary Duty Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Melissinos, C)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED 3-23-20 AT 9:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Green Jane Inc

Represented By  
Philip H Stillman

**Defendant(s):**

TCG Assets, Inc., a Colorado

Pro Se

TCG International Holdings, Inc., a

Pro Se

Michael B. Citron, an individual

Pro Se

Kenneth R. Morris, an individual

Pro Se

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**CONT... Green Jane Inc Chapter 7**

Law Office of Kenneth R. Morris Pro Se

The Ulzheimer Group LLC, a Pro Se

John Ulzheimer, an individual Pro Se

Nicholas Moffat, an individual Pro Se

**Plaintiff(s):**

Rosendo Gonzalez, Chapter 7

Represented By  
C John M Melissinos

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
Thomas A Willoughby  
Keith Patrick Banner  
C John M Melissinos

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**Hearing Room 1568**

9:00 AM

**2:17-19286 Carnaval de Autos**

**Chapter 7**

Adv#: 2:18-01455 Goodrich v. Premier Auto Credit, a California corporation et a

**#3.00** Trial Date Set

RE: [1] Adversary case 2:18-ap-01455. Complaint by David M Goodrich against Premier Auto Credit, a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) (Nachimson, Benjamin)

fr. 4-16-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 9/27/19**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Carnaval de Autos

Represented By  
Eric Bensamochan

**Defendant(s):**

Premier Auto Credit, a California

Pro Se

DOES 1-10 inclusive

Pro Se

**Plaintiff(s):**

David M Goodrich

Represented By  
Benjamin Nachimson

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Benjamin Nachimson

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**Hearing Room 1568**

9:00 AM

**2:18-11795 Alana Gershfeld**

**Chapter 7**

Adv#: 2:19-01052 Dye v. Khasin et al

**#4.00 Trial Date Set**

RE: [1] Adversary case 2:19-ap-01052. Complaint by Carolyn A Dye against Maria Khasin, Larry A. Khasin, M & L Living Trust. (Charge To Estate).  
Complaint: (1) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. §§ 544 And 548; (2) To Recover Avoided Transfers Pursuant To 11 U.S.C. § 550; And,(3) Automatic Preservation Of Avoided Transfer Pursuant To 11 U.S.C. § 551  
Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Gonzalez, Rosendo)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED 4-27-20 AT 9:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Alana Gershfeld

Represented By  
Alla Tenina

**Defendant(s):**

Maria Khasin

Pro Se

Larry A. Khasin

Pro Se

M & L Living Trust

Pro Se

**Plaintiff(s):**

Carolyn A Dye

Represented By  
Rosendo Gonzalez

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
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**Hearing Room 1568**

9:00 AM

**2:18-15693 Kami Emein**

**Chapter 7**

Adv#: 2:18-01260 Amin v. Emein

**#5.00** Trial Date Set RE: [21] Amended Complaint 2nd Amended by Michael N Berke on behalf of Joseph Amin against Kami Emein. (Berke, Michael)

fr: 7-29-19, 9-30-19

Docket 0

**\*\*\* VACATED \*\*\* REASON: CONTINUED 5-25-20 AT 9:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kami Emein

Represented By  
Jacques Tushinsky Fox

**Defendant(s):**

Kami Emein

Represented By  
TJ Fox

**Plaintiff(s):**

Joseph Amin

Represented By  
Michael N Berke

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Uzzi O Raanan ESQ  
Sonia Singh

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**Hearing Room 1568**

9:00 AM

**2:18-17990 OBI Probiotic Soda LLC**

**Chapter 7**

Adv#: 2:19-01097 Goodrich v. Phillips et al

**#6.00** Trial Date Set

RE: [1] Adversary case 2:19-ap-01097. Complaint by David M Goodrich against Paul Phillips, Jeff Bonyun, Scott Strasser, Soames Floweree, Eion Hu, Yongjae Kim, Kevin Barenblat, Jeffrey Rhodes, OBI Acquisition, LLC, a Delaware limited liability company, OBI Soda, LLC, a Delaware limited liability company, MB Growth Advisors Corporation, a Nevada corporation. (Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(81 (Subordination of claim or interest)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Bagdanov, Jessica)

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 1-9-20**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

OBI Probiotic Soda LLC	Pro Se
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**Defendant(s):**

Paul Phillips	Pro Se
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Jeff Bonyun	Pro Se
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Scott Strasser	Pro Se
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Soames Floweree	Pro Se
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Eion Hu	Pro Se
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Yongjae Kim	Pro Se
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Kevin Barenblat	Pro Se
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Jeffrey Rhodes	Pro Se
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**CONT... OBI Probiotic Soda LLC Chapter 7**

OBI Acquisition, LLC, a Delaware Pro Se

OBI Soda, LLC, a Delaware limited Pro Se

MB Growth Advisors Corporation, a Pro Se

DOES 1-25 Pro Se

**Plaintiff(s):**

David M Goodrich

Represented By  
Jessica L Bagdanov

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Steven T Gubner  
Jessica L Bagdanov

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**2:18-20111 Jeremy Wyatt LeClair**

**Chapter 7**

Adv#: 2:18-01425 Cortes v. LeClair

**#7.00 Trial Date Set**

RE: [1] Adversary case 2:18-ap-01425. Complaint by Alvaro Cortes against Jeremy Wyatt LeClair. false pretenses, false representation, actual fraud)),(11 (Recovery of money/property - 542 turnover of property)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Weissman, I)

fr. 5-15-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: PER ORDER ENTERED 11-15-19**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jeremy Wyatt LeClair

Represented By  
Michael K Elliot

**Defendant(s):**

Jeremy Wyatt LeClair

Pro Se

**Plaintiff(s):**

Alvaro Cortes

Represented By  
I Donald Weissman

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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**2:18-21250 Thomas Ernesto Merino**

**Chapter 7**

Adv#: 2:18-01460 Foreman v. Merino

**#8.00 Trial Date Set**

RE: [1] Adversary case 2:18-ap-01460. Complaint by Star Rae Foreman against Thomas Ernesto Merino . 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)) ,(65 (Dischargeability - other)) (Del Mundo, Wilfredo) Additional attachment(s) added on 12/27/2018 (Del Mundo, Wilfredo). Additional attachment(s) added on 12/27/2018 (Del Mundo, Wilfredo).

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED 2-24-20 AT 9:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Thomas Ernesto Merino

Represented By

Kourosh M Pourmorady

**Defendant(s):**

Thomas Ernesto Merino

Pro Se

**Plaintiff(s):**

Star Rae Foreman

Pro Se

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

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9:00 AM

**2:18-21480 Rosa Huong Duong**

**Chapter 7**

Adv#: 2:19-01048 Miller, Chapter 7 Trustee v. Mai et al

**#9.00** Trial Date Set

RE: [1] Adversary case 2:19-ap-01048. Complaint by Elissa D Miller, Chapter 7 Trustee against Mik H Mai, DLMRT Corporation Inc., a California corporation, Rosa Huong Duong, Pier Duong. (Charge To Estate). Complaint For (1) Avoidance and Recovery of Fraudulent Conveyance Pursuant to 11 U.S.C. §§ 544, 548, and 550, (2) Alter Ego, and (3) Conspiracy to Commit Fraudulent Transfer Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

Docket 1

**\*\*\* VACATED \*\*\* REASON: JUDGMENT ENTERED 9-24-19**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rosa Huong Duong

Represented By  
Barry E Borowitz

**Defendant(s):**

Mik H Mai

Pro Se

DLMRT Corporation Inc., a

Pro Se

Rosa Huong Duong

Pro Se

Pier Duong

Pro Se

**Plaintiff(s):**

Elissa D Miller, Chapter 7 Trustee

Represented By  
Steven Werth

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Steven Werth

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**CONT... Rosa Huong Duong**

**Chapter 7**

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9:00 AM

**2:18-22393 Sharon R Williams**

**Chapter 7**

Adv#: 2:19-01050 Miller v. Hancox

**#10.00 Trial Date Set**

RE: [1] Adversary case 2:19-ap-01050. Complaint by Elissa D. Miller against Donnell Hancox. (Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Simons, Larry)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED 3-23-20 AT 9:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Sharon R Williams

Pro Se

**Defendant(s):**

Donnell Hancox

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Larry D Simons

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Larry D Simons

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9:00 AM

**2:18-22630 Fabricio Mejia**

**Chapter 7**

Adv#: 2:19-01024 Amy's Pastry. Inc. v. Mejia et al

**#11.00 Trial Date Set**

RE: [1] Adversary case 2:19-ap-01024. Complaint by Amy's Pastry. Inc. against Fabricio Mejia, Ana Gloria Mejia. 2, & 3) Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Bensamochan, Eric)

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 8/30/19**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Fabricio Mejia

Represented By  
Jennifer Ann Aragon

**Defendant(s):**

Fabricio Mejia

Pro Se

Ana Gloria Mejia

Pro Se

**Joint Debtor(s):**

Ana Gloria Mejia

Represented By  
Jennifer Ann Aragon

**Plaintiff(s):**

Amy's Pastry. Inc.

Represented By  
Eric Bensamochan

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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9:00 AM

**2:18-23944 Yean Hee Kim**

**Chapter 7**

Adv#: 2:19-01058 Jeong v. Kim et al

**#12.00** Trial Date Set

RE: [1] Adversary case 2:19-ap-01058. Complaint by Younkyung Jeong against Yean Hee Kim. false pretenses, false representation, actual fraud)),(65 (Dischargeability - other)),(65 (Dischargeability - other)),(65 (Dischargeability - other)) (Iwuchuku, Donald)

Docket 1

**\*\*\* VACATED \*\*\* REASON: OSC RE: DISMISSAL SET FOR 2/19/20 AT 10:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Yean Hee Kim

Represented By  
M Teri Lim

**Defendant(s):**

Yean Hee Kim

Pro Se

Yean Hee Kim

Pro Se

**Plaintiff(s):**

Younkyung Jeong

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se



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9:00 AM

**2:18-24184 Robert Leslie Baillie Quigg**

**Chapter 7**

Adv#: 2:19-01066 Hankey Capital LLC v. Quigg

**#13.00** Trial Date Set

RE: [1] Adversary case 2:19-ap-01066. Complaint by Hankey Capital LLC against Robert Leslie Baillie Quigg. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Mitnick, Eric)

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 6-10-19**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Robert Leslie Baillie Quigg

Represented By  
David M Reeder

**Defendant(s):**

Robert Leslie Baillie Quigg

Pro Se

**Plaintiff(s):**

Hankey Capital LLC

Represented By  
Eric A Mitnick

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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9:00 AM

**2:18-24265 Neilla M Cenci**

**Chapter 7**

Adv#: 2:19-01065 BALL C M, Inc. v. Cenci et al

**#14.00 Trial Date Set**

RE: [1] Adversary case 2:19-ap-01065. Complaint by BALL C M, Inc. against Neilla M Cenci. 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)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Slates, Ronald)

Docket 1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE 7-14-20 AT 10:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Neilla M Cenci

Represented By  
James R Selth

**Defendant(s):**

Neilla M Cenci

Pro Se

DOES 1 through 100, inclusive

Pro Se

**Plaintiff(s):**

BALL C M, Inc.

Represented By  
Ronald P Slates

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

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**2:19-10095 Jorge Villalobos Aguirre**

**Chapter 7**

Adv#: 2:19-01099 SECURITY FIRST BANK v. AGUIRRE

**#15.00** Trial Date Set

RE: [1] Adversary case 2:19-ap-01099. Complaint by SECURITY FIRST BANK against JORGE VILLALOBOS AGUIRRE. false pretenses, false representation, actual fraud)) (Dunning, Donald)

Docket 1

**\*\*\* VACATED \*\*\* REASON: DEFAULT JUDGMENT GRANTED AT 8-7  
-19 HEARING**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Jorge Villalobos Aguirre

Represented By  
Giovanni Orantes

**Defendant(s):**

JORGE VILLALOBOS AGUIRRE

Pro Se

**Plaintiff(s):**

SECURITY FIRST BANK

Represented By  
Donald T Dunning

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

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9:00 AM

**2:16-13575 Liberty Asset Management Corporation**

**Chapter 11**

Adv#: 2:16-01337 LIBERTY ASSET MANAGEMENT CORPORATION et al v. Gao et al

**#16.00 TRIAL**

RE: [1] Adversary case 2:16-ap-01337. Complaint by LIBERTY ASSET MANAGEMENT CORPORATION against Lucy Gao, Benjamin Kirk. (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Greenwood, Gail)

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 10-17-19**

**Tentative Ruling:**

4/15/2019

On September 14, 2017, the Court dismissed without prejudice all claims for relief that were (a) not set forth in the *Joint Pretrial Stipulation* [Doc. No. 104] and/or (b) were not adjudicated in connection with the *Findings of Fact and Conclusions of Law Regarding Motion by the Official Committee of Unsecured Creditors for Summary Adjudication of Defendants' Liability for Breach of Fiduciary Duties and Accounting* [Doc. No. 57]. See Order Dismissing Remaining Claims Without Prejudice [Doc. No. 136].

On December 29, 2017, the Court entered a *Judgment in Favor of Plaintiff and Against Defendants, Jointly and Severally, in the Amount of \$74,140,695.29* [Doc. No. 142] (the "Judgment"). On February 8, 2019, the District Court reversed and remanded the Judgment and the *Order Granting the Official Committee of Unsecured Creditors' Motion for Summary Adjudication of Defendants' Liability for Breach of Fiduciary Duties and Accounting* [Doc. No. 58].

Having reviewed the Status Report filed by the Plan Administrator, the Court HEREBY ORDERS as follows:

- 1) The following litigation deadlines shall apply to the adjudication of the Plan Administrator's claims for breach of fiduciary duty and failure to account:
  - a) The last day to disclose rebuttal expert witnesses and rebuttal expert witness reports is **11/28/2019**.
  - b) The last date to complete discovery relating to expert witnesses (e.g., depositions of expert witnesses), including hearings on motions related to

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CONT...

**Liberty Asset Management Corporation**

**Chapter 11**

- expert discovery, is **12/17/2019**. (For contemplated hearings on motions related to expert discovery, it is counsel's responsibility to check the Judge's self-calendaring dates, posted on the Court's website. If the expert discovery cutoff date falls on a date when the court is closed or that is not available for self-calendaring, the deadline for hearings on expert discovery motions is the next closest date which is available for self-calendaring.)
- c) The last day for dispositive motions to be heard is **12/24/2019**. (If the motion cutoff date is not available for self-calendaring, the deadline for dispositive motions to be heard is the next closest date which is available for self-calendaring.)
  - d) The last day to complete discovery (except as to experts), including hearings on discovery motions, is **12/28/2019**. (If the non-expert discovery cutoff date is not available for self-calendaring, the deadline for non-expert discovery motions to be heard is the next closest date which is available for self-calendaring.)
  - e) A Pretrial Conference is set for **1/14/2020 at 11:00 a.m.** By no later than fourteen days prior to the Pretrial Conference, the parties must submit a Joint Pretrial Stipulation via the Court's Lodged Order Upload (LOU) system. Submission via LOU allows the Court to edit the Joint Pretrial Stipulation, if necessary. Parties should consult the Court Manual, section 4, for information about LOU.
  - f) In addition to the procedures set forth in Local Bankruptcy Rule 7016-1(b), the following procedures govern the conduct of the Pretrial Conference and the preparation of the Pretrial Stipulation:
    - i) By no later than thirty days prior to the Pretrial Conference, the parties must exchange copies of all exhibits which each party intends to introduce into evidence (other than exhibits to be used solely for impeachment or rebuttal).
    - ii) When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a Motion in Limine which clearly identifies each exhibit alleged to be inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1.

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CONT...

**Liberty Asset Management Corporation**

**Chapter 11**

The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.

- iii) The failure of a party to file a Motion in Limine complying with the requirements of ¶(1)(h)(ii) shall be deemed a waiver of any objections to the admissibility of an exhibit.
- iv) Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶(1)(h)(ii), and shall be filed by the deadline specified in ¶(1)(h)(ii). The failure of a party to file a Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.
- i) Trial is set for the week of **1/27/2020**. The trial day commences at 9:00 a.m. The exact date of the trial will be set at the Pretrial Conference. Consult the Court's website for the Judge's requirements regarding exhibit binders and trial briefs.

The Court will prepare and enter a Scheduling Order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Jessica Vogel or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Liberty Asset Management

Represented By  
David B Golubchik

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**CONT... Liberty Asset Management Corporation**

**Chapter 11**

Jeffrey S Kwong  
John-Patrick M Fritz  
Eve H Karasik  
Sandford L. Frey  
Raphael Cung

**Defendant(s):**

Lucy Gao

Represented By  
Stephen R Wade

Benjamin Kirk

Represented By  
Derrick Talerico

**Plaintiff(s):**

LIBERTY ASSET MANAGEMENT

Represented By  
Jeremy V Richards  
Gail S Greenwood

Official Committee of Unsecured

Represented By  
Gail S Greenwood  
Jeremy V Richards  
Mitchell B Ludwig

Bradley D. Sharp

Represented By  
Jeremy V Richards  
Mitchell B Ludwig

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**2:16-17463 Gardens Regional Hospital and Medical Center, Inc.**

**Chapter 11**

Adv#: 2:18-01181 Official Committee of Unsecured Creditors of Garde v. Superior Scientific,

**#17.00** Trial Date Set

RE: [1] Adversary case 2:18-ap-01181. Complaint by Official Committee of Unsecured Creditors of Gardens Regional Hospital and Medical Center, Inc. against Superior Scientific, Inc.. (Charge To Estate). for Avoidance and Recover of Preferential Transfers Pursuant to 11 U.S.C. Section 547 and 550 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Golden, Jeffrey)

fr. 4-16-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 9-4-19**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Gardens Regional Hospital and

Represented By  
Samuel R Maizel  
John A Moe

**Defendant(s):**

Superior Scientific, Inc.

Pro Se

**Plaintiff(s):**

Official Committee of Unsecured

Represented By  
Jeffrey I Golden



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**2:16-17463 Gardens Regional Hospital and Medical Center, Inc.**

**Chapter 11**

Adv#: 2:18-01192 Official Committee of Unsecured Creditors of Garde v. Mediclean, Inc.

**#18.00** Trial

RE: [1] Adversary case 2:18-ap-01192. Complaint by Official Committee of Unsecured Creditors of Gardens Regional Hospital and Medical Center, Inc. against Mediclean, Inc.. (Charge To Estate). for Avoidance and Recover of Preferential Transfers Pursuant to 11 U.S.C. Section 547 and 550 Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Golden, Jeffrey)

fr 8-22-18; 11-13-18; 1-15-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: DISMISSED 7-11-19**

**Tentative Ruling:**

4/15/2019

At the prior Status Conference, the Court advised the parties that it would set litigation deadlines in the event the action had not settled by the date of this Status Conference. The action has not settled. Good cause appearing, the Court HEREBY ORDERS as follows:

- 1) The following litigation deadlines shall apply:
  - a) A continued Status Conference is set for **6/11/2019 at 10:00 a.m.** A Joint Status Report shall be submitted by no later than fourteen days prior to the hearing.
  - b) The last day to amend pleadings and/or join other parties is **7/11/2019**.
  - c) The last day to disclose expert witnesses and expert witness reports is **10/29/2019**.
  - d) The last day to disclose rebuttal expert witnesses and rebuttal expert witness reports is **11/28/2019**.
  - e) The last date to complete discovery relating to expert witnesses (e.g., depositions of expert witnesses), including hearings on motions related to expert discovery, is **12/17/2019**. (For contemplated hearings on motions related to expert discovery, it is counsel's responsibility to check the Judge's self-calendaring dates, posted on the Court's website. If the expert

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**Gardens Regional Hospital and Medical Center, Inc.**

**Chapter 11**

- discovery cutoff date falls on a date when the court is closed or that is not available for self-calendaring, the deadline for hearings on expert discovery motions is the next closest date which is available for self-calendaring.)
- f) The last day for dispositive motions to be heard is **12/24/2019**. (If the motion cutoff date is not available for self-calendaring, the deadline for dispositive motions to be heard is the next closest date which is available for self-calendaring.)
  - g) The last day to complete discovery (except as to experts), including hearings on discovery motions, is **12/28/2019**. (If the non-expert discovery cutoff date is not available for self-calendaring, the deadline for non-expert discovery motions to be heard is the next closest date which is available for self-calendaring.)
  - h) A Pretrial Conference is set for **1/14/2020 at 11:00 a.m.** By no later than fourteen days prior to the Pretrial Conference, the parties must submit a Joint Pretrial Stipulation via the Court's Lodged Order Upload (LOU) system. Submission via LOU allows the Court to edit the Joint Pretrial Stipulation, if necessary. Parties should consult the Court Manual, section 4, for information about LOU.
  - i) In addition to the procedures set forth in Local Bankruptcy Rule 7016-1(b), the following procedures govern the conduct of the Pretrial Conference and the preparation of the Pretrial Stipulation:
    - i) By no later than thirty days prior to the Pretrial Conference, the parties must exchange copies of all exhibits which each party intends to introduce into evidence (other than exhibits to be used solely for impeachment or rebuttal).
    - ii) When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a Motion in Limine which clearly identifies each exhibit alleged to be inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1. The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points

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**Gardens Regional Hospital and Medical Center, Inc.**

**Chapter 11**

and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.

- iii) The failure of a party to file a Motion in Limine complying with the requirements of ¶(1)(h)(ii) shall be deemed a waiver of any objections to the admissibility of an exhibit.
- iv) Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶(1)(h)(ii), and shall be filed by the deadline specified in ¶(1)(h)(ii). The failure of a party to file a Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.
- i) Trial is set for the week of **1/27/2020**. The trial day commences at 9:00 a.m. The exact date of the trial will be set at the Pretrial Conference. Consult the Court's website for the Judge's requirements regarding exhibit binders and trial briefs.
- 2) In view of the parties' representation that they are involved in active settlement negotiations, the Court will not at this time order the parties to attend formal mediation.

The Court will prepare and enter a Scheduling Order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Jessica Vogel or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**Party Information**

**Debtor(s):**

Gardens Regional Hospital and

Represented By  
Samuel R Maizel  
John A Moe

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9:00 AM

**CONT... Gardens Regional Hospital and Medical Center, Inc.**

**Chapter 11**

**Defendant(s):**

Mediclean, Inc.

Pro Se

**Plaintiff(s):**

Official Committee of Unsecured

Represented By  
Jeffrey I Golden

**United States Bankruptcy Court  
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9:00 AM

**2:18-20151 Verity Health System of California, Inc.**

**Chapter 11**

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

**#19.00 Trial Date Set**

RE: [1] Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) (Kahn, Steven)

Docket 1

**\*\*\* VACATED \*\*\* REASON: AMENDED COMPLAINT FILED 3-11-19**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

**Defendant(s):**

HERITAGE PROVIDER

Pro Se

**Plaintiff(s):**

VERITY HEALTH SYSTEM OF

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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9:00 AM

**CONT... Verity Health System of California, Inc.**

**Chapter 11**

Steven J Kahn

ST. VINCENT MEDICAL

Represented By  
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By  
Steven J Kahn

**United States Bankruptcy Court  
Central District of California  
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9:00 AM

**2:18-20151 Verity Health System of California, Inc.**

**Chapter 11**

Adv#: 2:19-01042 VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a Califo v.

**#20.00** Trial Date Set

RE: [13] Amended Complaint /First Amended Complaint for Breach of Written Contracts, Turnover, Unjust Enrichment, Damages for Violation of the Automatic Stay and Injunctive Relief by Steven J Kahn on behalf of ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (RE: related document(s)1 Adversary case 2:19-ap-01042. Complaint by VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation, ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation against HERITAGE PROVIDER NETWORK, INC., a California corporation. (Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Notice of Required Compliance with Local Bankruptcy Rule 7026-1) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(71 (Injunctive relief - reinstatement of stay)) filed by Plaintiff ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiff VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, Plaintiff ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation). (Kahn, Steven)

Docket 13

**\*\*\* VACATED \*\*\* REASON: CONTINUED 2-24-20 AT 9:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Verity Health System of California,

Represented By  
Samuel R Maizel  
John A Moe II  
Tania M Moyron

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Los Angeles  
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9:00 AM

CONT... Verity Health System of California, Inc.

**Chapter 11**

Claude D Montgomery  
Sam J Alberts  
Shirley Cho  
Patrick Maxcy

**Defendant(s):**

HERITAGE PROVIDER

Pro Se

**Plaintiff(s):**

VERITY HEALTH SYSTEM OF

Represented By  
Steven J Kahn

ST. VINCENT MEDICAL

Represented By  
Steven J Kahn

ST. FRANCIS MEDICAL

Represented By  
Steven J Kahn



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**Monday, January 27, 2020**

**Hearing Room 1568**

10:00 AM

**2:19-21423 Ventura J. Vidal**

**Chapter 7**

**#100.00** Hearing  
RE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Traverse, VIN: 1GNERGKW2JJ159577 . (Wang, Jennifer)

fr: 1-21-20

Docket 12

**Tentative Ruling:**

1/24/2020

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

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**CONT... Ventura J. Vidal**

**Chapter 7**

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

<b>Party Information</b>
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**Debtor(s):**

Ventura J. Vidal

Represented By  
David Lozano

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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**Monday, January 27, 2020**

**Hearing Room 1568**

10:00 AM

**2:19-23490 Doris Nkechinyere Obih**

**Chapter 7**

**#101.00** HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 LEXUS IS200t with Proof of Service. (Nagel, Austin)

Docket 10

**Tentative Ruling:**

1/24/2020

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez, the

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**CONT... Doris Nkechinyere Obih**

**Chapter 7**

Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Doris Nkechinyere Obih

Represented By  
Nicholas M Wajda

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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10:00 AM

**2:19-23620 Sylvia Mendoza**

**Chapter 7**

**#102.00** Hearing

RE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota Highlander, VIN: 5TDZZRFH5JS252212 . (Wang, Jennifer)

fr: 1-21-20

Docket 10

**Tentative Ruling:**

1/24/2020

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

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**CONT... Sylvia Mendoza**

**Chapter 7**

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sylvia Mendoza

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
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**Monday, January 27, 2020**

**Hearing Room 1568**

10:00 AM

**2:19-23874 Ninotschka Rosario Fonseca**

**Chapter 7**

**#103.00** HearingRE: [14] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Versa, VIN: 3N1CN7APXHL849718 . (Wang, Jennifer) WARNING: See entry [16] for corrective action. Attorney to lodge order via LOU. Modified on 12/30/2019 (Lomeli, Lydia R.).

Docket 14

**Tentative Ruling:**

1/24/2020

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend

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**CONT... Ninotschka Rosario Fonseca Chapter 7**

to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ninotschka Rosario Fonseca

Represented By  
Nicholas M Wajda

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



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**Monday, January 27, 2020**

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10:00 AM

**2:18-20151 Verity Health System of California, Inc.**

**Chapter 11**

**#104.00** Hearing

RE: [3870] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Medical Negligence (O'Connor Hospital).

Docket 3870

**Tentative Ruling:**

1/24/2020

No appearances required. The *Stipulation Between Debtors O'Connor Hospital and Diem Anh Cao Giving Diem Anh Cao Relief from the Automatic Stay to Proceeding with Superior Court Case, Seeking Recovery from Insurance Only* (the "Stipulation") [Doc. No. 3950] is APPROVED. Debtors shall submit an order on the Stipulation within seven days of the hearing.

**Party Information**

**Debtor(s):**

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Rosa A Shirley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, January 27, 2020**

**Hearing Room 1568**

10:00 AM

**2:19-20161 Ray Charles Patterson**

**Chapter 11**

**#105.00** Hearing  
RE: [29] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7520 Shore Cliff Drive, Los Angeles, CA 90045. . (Castle, Caren)

Docket 29

**\*\*\* VACATED \*\*\* REASON: CONTINUED 2-10-20 AT 10:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Ray Charles Patterson

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1568 Calendar**

**Monday, January 27, 2020**

**Hearing Room 1568**

10:00 AM

**2:19-24267 Young Jin Shin**

**Chapter 7**

**#106.00** HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Mercedes-Benz Sprinter Van M2PV46; VIN# WDZPF0CD4KP080487 .

Docket 10

**Tentative Ruling:**

1/24/2020

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant. *See* Doc. No. 1.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez, the

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**CONT... Young Jin Shin**

**Chapter 7**

Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

<b>Party Information</b>
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**Debtor(s):**

Young Jin Shin

Represented By  
Marc A Goldbach

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, January 27, 2020**

**Hearing Room 1568**

10:00 AM

**2:19-23703 Rachelle Valerie Torres**

**Chapter 7**

**#107.00** HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 HONDA FIT, VIN: 3HGG K5H6 6JM7 20241 .

Docket 10

**Tentative Ruling:**

1/24/2020

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant. *See* Doc. No. 1.

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is waived. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez, the

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**CONT... Rachelle Valerie Torres**

**Chapter 7**

Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

<b>Party Information</b>
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**Debtor(s):**

Rachelle Valerie Torres

Represented By  
Nicholas W Gebelt

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1568**

10:00 AM

**2:19-24805 LCI Group Limited LLC**

**Chapter 11**

**#108.00** HearingRE: [9] Motion for Relief from Stay Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (With Supporting Declarations) (Real Property).

Docket 9

**Tentative Ruling:**

1/25/2020

For the reasons set forth below, the Motion is DENIED, subject to the condition that Debtor must obtain an order authorizing sale of the Property by no later than June 15, 2020, either through a sale motion or approval of a Chapter 11 plan that provides for the Property's sale. The sale of the Property must close by no later than July 15, 2020. If the Debtor fails to comply with either deadline, the Court will grant the stay-relief requested herein, without further notice or hearing. In the event the Debtor fails to comply with these deadlines, Movant shall submit a declaration so attesting, accompanied by a proposed order lifting the automatic stay.

**Pleadings Filed and Reviewed**

- 1) Notice of Motion and Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Real Property) (the "Motion") [Doc. No. 9]
  - a) Real Property Declaration of Patrick Lacy (the "Lacey Declaration")
  - b) Appraisal of Real Property (the "Movant's Appraisal") [Ex. D]
- 2) Debtor's Response to Motion Regarding the Automatic Stay and Declarations in Support [Doc. No. 11] (the "Opposition")
  - a) Appraisal of Real Property (the "Debtor's Appraisal") [Ex. 1]
- 3) Reply to Debtor's Opposition to Motion for Relief from Stay [Doc. No. 14] (the "Reply")
- 4) Monthly Operating Report, December 2019 [Doc. No. 12]
- 5) Chapter 11 Voluntary Petition [Doc. No. 1]

**I. Facts and Summary of Pleadings**

LCI Group Limited, LLC (the "Debtor") filed a voluntary Chapter 11 petition

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on December 19, 2019 (the "Petition Date") [Doc. No. 1]. On Schedule A/B, the Debtor listed an ownership interest in real property located at 15 Upper Blackwater Canyon Road, Rolling Hills, CA 90274 (the "Property") worth \$7,950,000, based on the Debtor's fair market value estimation. On Schedule D, the Debtor listed the secured claim of So-Cal Capital, LLC (the "Movant"), the holder of a first-priority deed of trust on the Property, in the amount of \$4,331,518. *See* Doc. No. 1; *see also* the Declaration of Patrick Lacey at 8, ¶ 11; Exs. A-C. In addition to Movant's interest, the Debtor states that the Los Angeles County Treasurer and Tax Collector and the Rolling Hills Community Association hold secured claims against the Property, in the amounts of \$61,918.18 and \$11,255.34 respectively. *See* Doc. No. 1. Larry Underwood, the Debtor's principal ("Underwood"), supplied the information in Debtor's schedules under penalty of perjury.

**Summary of the Motion**

On January 6, 2020, the Movant filed the "Notice of Motion and Motion for Relief from the Automatic Stay under 11 U.S.C. § 362" (the "Motion") [Doc. No. 9]. The Motion is primarily supported by the sworn declaration of Patrick Lacey (the "Lacey Declaration") and by the appraisal report prepared by Jared E. Harris (the "Movant's Appraisal") (Ex. C). Movant presently seeks relief from the automatic stay under § 362(d)(1) with regards to the Property. Pursuant to the terms of a promissory note securing Movant's deed of trust, Debtor was obligated to tender twelve interest-only payments on the first of every month, ending with a balloon payment on October 1, 2019. Lacey Declaration, ¶ 21. By the time the loan matured, the Debtor failed to make the balloon payment or the last three interest-only payments. *Id.*, ¶ 31. The Movant took the following foreclosure actions relating to the Property: (a) notice of default recorded on August 22, 2019; (b) notice of sale recorded on November 25, 2019; and (c) although foreclosure sales were set for December 20, 2019 and January 10, 2020, no sale has yet taken place. *Id.*, ¶ 9.

The Motion requests stay-relief pursuant to § 362(d)(1) on two separate grounds. First, Movant argues that its interest in the Property is not adequately protected as the Property's fair market value is declining and Debtor has ceased to make payments protecting Movant's interest against that decline. The Lacey Declaration states that Movant's total claim against the Property—inclusive of accrued interest, late charges, and costs (attorney's fees, foreclosure fees, and other costs)—is \$4,355,880. Lacey Declaration, ¶ 8. As set forth in the Movant's



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**Chapter 11**

Appraisal, the fair market value of the Property is \$7,000,000 as of July 26, 2018. *See id.*, Ex. C. Based on these figures, Movant calculates the approximate amount of its equity cushion is \$2,644,120, or 37.8% of the Property's fair market value. *Id.*, ¶ 11(g). Movant stresses that stay-relief is appropriate because Debtor has not tendered any payments since July 2019 and loan arrears are accruing at the rate of \$67,750 per month. *Id.*, ¶¶ 31, 34. In addition, on or about August 2019, the Property was listed for sale for the amount of \$7,950,000. *Id.*, ¶ 28. Based on conversations with the listing agent, and judging by the Property's high asking price, Mr. Lacey asserts that Underwood's stated intention to sell the Property is dubious. *Id.*, ¶ 29. Mr. Lacey further avers that he is a licensed real estate broker in California and has experience in bankruptcy, valuation, complex litigation, and in other real estate projects. *See id.*, ¶ 35. Based on his professional experience, Mr. Lacey claims that the Property "is likely to suffer a severe decrease in market price" in 2020 as anticipated by "industry analysts." *See id.*

Second, the Movant advances that this case was filed in bad faith because Debtor listed Movant as the only creditor, or one of few creditors. In support, the Movant attached Debtor's *Verification of Master Mailing List of Creditors* as Exhibit F of the Motion, which mentions only two other creditors apart from Movant. Although the Motion describes Underwood's pre-petition promises to bring the loan current, as well as Movant's frustrated efforts to foreclose on the Property, there are no other facts expressed in support of bad faith under § 362(d)(1).

**Summary of the Opposition**

On February 6, 2018, the Debtor filed a response to the Motion, which contains a memorandum of points and authorities (the "Opposing Brief") [Doc. No. 11]. The Debtor argues that the Motion should be denied because the Movant is protected by a substantial equity cushion, there is no evidence proffered supporting that the Property's value is declining, and the record here does not support that the case was filed in bad faith. At the outset, the Debtor disputes Movant's fair market valuation and affirms the Property's original valuation of \$7,950,000. Debtor's valuation is supported by the Property's current listing price of \$7,950,000, and by an appraisal report prepared by Kenny Cho on July 30, 2018, which sets fair market value at \$8,400,000 (the "Debtor's Appraisal"). *See* Declaration of Lawrence Underwood ("Underwood Decl."), ¶ 4; Ex. 1. Based on these figures, the Debtor estimates that Movant's equity cushion is \$3,544,346.89, or 44.6% of the Property's fair market value. That said, the Debtor recognizes that even under Movant's own

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calculations, Movant is protected by an equity cushion constituting 37.8% of Property's alleged value. Therefore, in accordance with the opinion in *Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1401 (9th Cir. 1984), Movant is adequately protected and is in "no way at risk of not getting paid in full." Opposing Brief at 3. According to Underwood, there are numerous parties interested in buying the Property, which is likely to be sold within six months. Underwood Decl. ¶ 3.

The Debtor also disputes Movant's bad faith argument, contending that the single act of initiating bankruptcy to halt foreclosure is not bad faith. In support, the Debtor relies on the decision in *In re Cal-Alta Props., Ltd.*, in which the Bankruptcy Appellate Panel considered a list of factors, reversing a finding of bad faith as the property at issue had over \$1 million in equity, and the debtor-entity had not been formed on the eve of bankruptcy. Opposing Brief at 4 (citing *In re Cal-Alta Props., Ltd.*, 87 B.R. 89, 92 (B.A.P. 9th Cir. 1988)). In juxtaposition with *In re Cal-Alta*, the Debtor notes that Movant's interest is adequately protected by a significant equity cushion in the millions. The Debtor further argues the fact this case was commenced in response to a foreclosure sale does not indicate bad faith as Debtor is diligently advancing its case. Accordingly, Debtor has retained bankruptcy counsel, who is preparing an application to employ a real estate broker to facilitate the Property's sale. Therefore, the Motion should be denied.

**Summary of the Reply**

Movant filed its reply to the Opposition on January 21, 2020. In the Reply, the Movant stresses the necessity for stay-relief because the Property's equity cushion may be even less than projected in Movant's Appraisal, as well as based on the Debtor's bad faith. The Movant clarifies its bad faith argument by asserting that the lack of meaningful efforts to sell the Property evidences Debtor's bad faith. According to Movant, the Property's sale listing was cancelled on or about January 2, 2020 and the absence of a motion to approve a broker contradicts Debtor's claim that the Property will be sold within six months. See Reply at 2 (quoting Opposing Brief at 2:15-16). In addition, the Movant notes that Debtor has not identified any interested parties, and it failed to adjust the Property's listing price following its unsuccessful sale. See Reply at 3 (citing Lacey Decl., ¶ 28). The Movant further doubts Debtor's sincerity because the Property is not currently on sale. Separately, the Movant now claims that the Property's fair market value may be even lower as demonstrated by the recent sale of 3 Appaloosa Lane, Rolling Hills, CA 90274 (the "Appaloosa Property"), a residential property adjacent to the Property. Movant

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indicates that the Appaloosa Property is a 7,393-square-foot residence that was initially listed for \$7,998,000 on April 16, 2018, but was only finally sold for \$6,600,000 on August 9, 2019. *See* Lacey Decl. in Support of Reply, ¶ 8; Ex. J. The Movant argues that the prolonged sale of the Appaloosa Property evinces existing market volatility, and it implies a substantially lower equity cushion of 14.6% based on the Property's re-calculated market value of \$5,577,678. In sum, the Movant requests that Court grants the Motion, or alternatively, that it directs the Debtor to tender monthly adequate protection payments of \$64,700 and sell the Property within 90 days.

## **II. Findings of Fact and Conclusions of Law**

Section 362(g) provides that a party seeking relief from stay has the burden of proof on the issue of debtor's equity in the property, and the party opposing relief has the burden of proof on all other issues.

### ***Value of the Property***

As an initial matter, the Court must address the valuation of the Property. The Movant bears the initial burden to show there is no equity in the Property, which is in turn dependent upon the fair market value of the Property. *See* 11 U.S.C. § 362(g). The Movant posits that, based on the Movant's Appraisal, the Property has a value of \$7,000,000, which may be even lower as supported by the sale of the Appaloosa Property. In contrast, the Debtor contends that the Property is worth \$7,950,000 million based on the \$8,400,000 valuation specified in the Debtor's Appraisal.

Bankruptcy courts have assessed the admissibility of appraisal reports for the purposes of a motion for relief from the automatic stay under the "business record" exception of the hearsay rule prescribed in Federal Rule of Evidence ("FRE") 803(6). *See, e.g., In re Applin*, 108 B.R. 253 (Bankr. E.D. Cal. 1989); *In re CGR Inv'rs Ltd. P'ship*, 464 B.R. 678 (Bankr. E.D. Pa. 2010). An admissible business record must meet three requirements: (1) it must be "kept in the course of a regularly conducted business activity"; (2) it must be "the regular practice of that business activity" to make the record; and (3) the "source of information or the method or circumstances of preparation" must not indicate lack of trustworthiness. *Waddell v. Comm'r of Internal Revenue*, 841 F.2d 264, 267 (9th Cir. 1988); FRE 803(6). Given that real estate appraisals generally lack "the circumstantial guarantees of trustworthiness," written appraisals may serve as evidence only if the opinion of valuation is supported "by the

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affidavit or deposition testimony of the appraiser laying a proper evidentiary foundation for the appraiser's expertise." *In re Applin*, 108 B.R. at 261 (citing *Waddell*, 841 F.2d at 267). The admissibility of such proffered evidence is a matter of discretion with the trial court. *Waddell*, 841 F.2d at 267.

The Court finds that the Debtor's Appraisal does not satisfy the admissibility requirements under FRE 803(6) because the document is not authenticated by the appraiser, Kenny Cho, and therefore, it is inadmissible. For the same reasons, the Court dismisses the Property's re-calculated value of \$5,577,678 presented in the Reply, which was entirely derived from the sale of the Appaloosa Property [**Note 1**]. The Movant has far from established that the Property's value may be accurately determined by reference to the sale of one property alone, and one which may or may not be construed as a "comparable". This valuation method is only supported by Mr. Lacey's reply declaration, but there is no evidence proffered that Mr. Lacey is a qualified appraisal expert. In fact, reference to the Movant's Appraisal indicates that the Property's valuation analysis consisted of more than just one comparable real estate sale. *See* Lacey Decl., Ex. D (Movant's Appraisal took into consideration as many as ten (10) comparable sales within twelve months of its preparation.). In sum, the Movant has failed to establish that the valuation method presented in the Reply is trustworthy or accurate.

In contrast, the Court determines that the Movant's Appraisal satisfies the standard under FRE 803(6). In the Motion, the Movant presented Mr. Lacey's declaration to which the Movant's Appraisal was attached. Mr. Lacey, who declares to be a record custodian for Movant, establishes that soliciting real property appraisals prior to the closing of promissory notes secured by real property is in "the ordinary course of business" for the Movant. Lacey Decl., ¶ 2. In addition, the appraiser attached his appraiser license and an affidavit certifying the statements of fact contained therein. *See generally* Lacey Decl., Ex. D. Notwithstanding the admissibility of Movant's Appraisal, the Court places little weight in the Property's valuation of \$7,000,000 because the effective appraisal date is July 26, 2018, nearly seventeen (17) months before the Petition Date and the initial foreclosure sale date. Therefore, the Court determines that both appraisals are inapt to determine the Property's value. *See In re Deico Electronics, Inc.*, 139 B.R. 945, 947 (B.A.P. 9th Cir. 1992) (holding that bankruptcy courts must determine value of collateral in adequate protection analyses as of the date creditor would have obtained state law

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remedies had petition not been filed.).

The Court finds that the best existing measure of the Property's fair market value comes from Debtor's schedules, and thereby finds that the Property has a value of \$7,950,000. *See In re Cocreham*, Nos. 13-26465-A-13J, PGM-2, 2013 Bankr. LEXIS 3537, at \*6-7 (Bankr. E.D. Cal. Aug. 23, 2013) (determining that the debtor, as a homeowner, was competent to offer a lay opinion as to its value).

***11 U.S.C. § 362(d)(1)***

A. Lack of Adequate Protection

Under § 362(d)(1), the court shall grant relief "for cause, including the lack of adequate protection of an interest in property of such party in interest." Generally, what constitutes cause for purposes of § 362(d) "has no clear definition and is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir. 1990); *see also Little Creek Dev. Co. v. Commonwealth Mortgage Corp. (In the Matter of Little Creek Dev. Co.)*, 779 F.2d 1068, 1072 (5th Cir. 1986) (relief from the automatic stay may "be granted 'for cause,' a term not defined in the statute so as to afford flexibility to the bankruptcy courts"). However, cause under § 362(d)(1) expressly includes a lack of adequate protection. Section 361 sets forth three non-exclusive examples of what may constitute adequate protection: (1) periodic cash payments equivalent to decrease in value; (2) an additional or replacement lien on other property; or (3) other relief that provides the indubitable equivalent. *See In re Mellor*, 734 F.2d at 1400. The Ninth Circuit has established that an equity cushion of at least 20% constitutes adequate protection for a secured creditor. *Id.* at 1401; *see Downey Sav. & Loan Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.)*, 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral).

Here, the Property's fair market value is determined to be \$7,950,000, and it is uncontested that the amount of Movant's claim is approximately \$4,355,880. There are no claims senior to Movant's lien. Based on these figures, the Court finds that Movant is adequately protected by an equity cushion of \$3,594,120, which constitutes 45.2% of the Property's fair market value. Moreover, the Movant has not established its contention that the Property is declining in value. Apart from Mr. Lacey's uncorroborated conclusion that the Property's value is likely to drop this year, the Movant has not proffered documents or expert testimony indicating that the Property

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has in fact declined in value. In sum, the Court determines that Movant is not entitled to relief for lack of adequate protection at this time.

**B. Bad Faith**

As many cases have recognized, a "debtor's lack of good faith in filing a petition for bankruptcy may be the basis for lifting the automatic stay" under §362(d) (1). *In re Laguna Assocs. Ltd. P'ship*, 30 F.3d 734, 737 (6th Cir. 1994); *see also Carolin Corp. v. Miller*, 886 F.2d 693, 699 (4th Cir. 1989) ("Section 362(d)(1)'s 'for cause' language authorizes the court to determine whether, with respect to the interests of a creditor seeking relief, a debtor has sought the protection of the automatic stay in good faith."); *In re Arnold*, 806 F.2d 937, 939 (9th Cir. 1986) ("The debtor's lack of good faith in filing a bankruptcy petition has often been used as a cause for removing the automatic stay."). "Good faith is an amorphous notion, largely defined by factual inquiry. In a good faith analysis, the infinite variety of factors facing any particular debtor must be weighed carefully." *In re Okoreeh-Baah*, 836 F.2d 1030, 1033 (6th Cir. 1988). The determination of bad faith depends on an amalgam of various factors and not upon a single fact. *See Matter of Littlecreek Development Co.*, 779 F.2d 1068, 1072 (5th Cir.1986). Bankruptcy courts should examine factors that may include "the debtor's financial condition, motives, and the local financial realities." *Id.*

Here, Movant's bad faith argument rests on the fact that Debtor listed Movant as one of few creditors in its commencement documents. Additionally, Movant claims that Debtor is not seriously intending to sell the Property. The facts presented by Movant are not sufficient to reach a finding of bad faith. Although the Court notes that the Debtor listed only three creditors and commenced this case just before the original foreclosure sale date, these facts do not persuade the Court that Debtor engaged in bad faith. *See Matter of Littlecreek Development Co.*, 779 F.2d at 1073 ("filing a bankruptcy petition on the eve of a scheduled foreclosure sale is not, by itself, sufficient to constitute bad faith") (internal citations omitted). There are countervailing factors here indicating that this bankruptcy case is legitimate. For instance, Underwood, the Debtor's principal, declares that the bankruptcy petition was filed to permit the Debtor to sell the Property and pay off secured creditors. With that objective in mind, the Debtor has retained counsel and will seek to employ a real estate broker to sell the property. The Court verifies that an application to employ the Law Offices of Michael Jay Berger was granted on January 22, 2020 [Doc. No. 15].

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And although the Debtor basically holds only one asset, *i.e.*, the Property, it fully secures all three secured claims. Having reviewed the Debtor's first monthly operating report [Doc. No. 12], the Court further notes that Debtor has opened a debtor-in-possession account. Additionally, there is no evidence that the Debtor was incorporated for the single purpose of seeking bankruptcy relief, or otherwise that the Property was transferred to Debtor on the eve of the bankruptcy filing.

Having considered the facts of this matter in their totality, the Court cannot conclude that Debtor's bankruptcy petition was filed in bad faith.

Therefore, Movant has not established entitlement to relief from stay pursuant to § 362(d)(1).

***Alternative Relief***

Movant's request for an order requiring Debtor to sell the Property within 90 days is DENIED. As indicated by the Appaloosa Property sale, highly-valued real estate in an affluent neighborhood may take a longer to successfully market and sell. Therefore, the Court finds that a deadline set approximately four months away should afford Debtor a suitable amount of time to sell the Property. The Court believes this time frame will induce the Debtor to act diligently, and it is apropos given Movant's approximate equity cushion of more than \$3 million, which is approximately forty-six (46) times the arrearage amount accruing on the Property each month.

**III. Conclusion**

Based on the foregoing, the Motion is DENIED, subject to the condition that Debtor must obtain an order authorizing sale of the Property by no later than June 15, 2020, either through a sale motion or approval of a Chapter 11 plan that provides for the Property's sale. The sale of the Property must close by no later than July 15, 2020. If the Debtor fails to comply with either deadline, the Court will grant the stay-relief requested herein, without further notice or hearing. In the event the Debtor fails to comply with these deadlines, Movant shall submit a declaration so attesting, accompanied by a proposed order lifting the automatic stay.

The Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

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**CONT... LCI Group Limited LLC**

**Chapter 11**

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Carlos Nevarez at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**Note 1:** The re-calculated value of the Property appears to be based off of the purchase price for the Appaloosa Property, which amounts to \$893 per square footage, not to \$892 as indicated in the Reply. *See* Reply at 5. Movant's re-calculated valuation of the Property is as follows: 6,246 (the Property's alleged total square footage) x \$893 [square footage price of Appaloosa Property] = \$5,577,678.

<b>Party Information</b>
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**Debtor(s):**

LCI Group Limited LLC

Represented By  
Michael Jay Berger