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

Monday, November 14, 2016 **Hearing Room 1568**

10:00 AM
2:16-21514 Jose Guadalupe Maldonado, Jr. **Chapter 7**

▪

#1.00 Hearing
RE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 INFINITI Q50, VIN # JN1BV7AP6FM351448 . (Vanlochem, Michael)

Docket No: 12

Tentative Ruling:

Tentative Ruling:

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. 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

10:00 AM
CONT... Jose Guadalupe Maldonado, Jr. **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 Nathan Reinhardt, 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.

Party Information

Debtor(s):

Jose Guadalupe Maldonado Jr.	Represented By John Asuncion

Trustee(s):

John J Menchaca (TR)	Pro Se

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

Monday, November 14, 2016 **Hearing Room 1568**

10:00 AM
2:16-21847 Pedro Velasco **Chapter 7**

#2.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1503 W 5th Street, San Pedro, CA 90732 and Proof of Service.

Docket No: 9

Tentative Ruling:

11/10/2016

Tentative Ruling:

As a preliminary note, the Clerk of the Court entered an order dismissing Pedro Velasco's ("Debtor") case on October 25, 2016, for failure to appear at the initial §341(a) meeting of creditors ("Order"). Doc. No. 13. The Order included vacating the automatic stay and rendering moot all pending motions and adversary proceedings. *Id.* As a result of the Order, the Court vacates the Debtor's dismissal for purposes of this Motion for stay-relief only.

The 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 Court finds that there is sufficient evidence to grant relief pursuant to 11 U.S.C. § 362(d)(4). The filing of the petition was part of a scheme to delay, hinder, and defraud creditors, which involved the transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval. Declaration of Victoria Bressner in support of Motion at paragraph 18.

For the same reasons, the Motion is GRANTED pursuant to section 362(d)(1) based on Debtor's bad faith filing. The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. 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

10:00 AM
CONT... **Pedro Velasco** **Chapter 7**

States Code. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, the order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the Court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this order for indexing and recording. 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 Nathan Reinhardt, 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.

Party Information

Debtor(s):

Pedro Velasco Pro Se

Trustee(s):

Edward M Wolkowitz (TR) Pro Se

10:00 AM
2:16-22824 Maria Guadalupe Estrada-Lopez **Chapter 7**

#3.00 HearingRE: [15] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2009 VOLKSWAGEN JETTA, VIN 3VWJZ71K29M054992 . (Wang, Jennifer)

Docket No: 15

Tentative Ruling:

11/10/2016

Tentative Ruling:

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 also waived because Movant regained possession of the vehicle prepetition on August 30, 2016. Declaration of Janiscia Jackson at ¶ 14. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order

10:00 AM
CONT... **Maria Guadalupe Estrada-Lopez** **Chapter 7**

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 Nathan Reinhardt, 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.

Party Information

Debtor(s):

Maria Guadalupe Estrada-Lopez	Represented By Andrew D Smith

Trustee(s):

John J Menchaca (TR)	Pro Se

10:00 AM
2:16-23570 Adam Lee Blechman and Jaime Leah Blechman **Chapter 7**

#4.00 HearingRE: [9] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Keystone Bullet RV, VIN 4YDT31127GX424168 .

Docket No: 9

Tentative Ruling:

11/10/2016

Tentative Ruling:

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 Debtors, 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 Debtors 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 Debtors' Statement of Intention in which the Debtors stated an intention to surrender the vehicle to Movant.

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. All other relief is denied.

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

10:00 AM

CONT... Adam Lee Blechman and Jaime Leah Blechman **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 Nathan Reinhardt, 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.

Party Information

Debtor(s):

Adam Lee Blechman — Represented By
Matthew D Resnik

Joint Debtor(s):

Jaime Leah Blechman — Represented By
Matthew D Resnik

Trustee(s):

Rosendo Gonzalez (TR) — Pro Se

10:00 AM
2:16-17463 Gardens Regional Hospital and Medical Center, Inc. Chapter 11

#5.00 HearingRE: [461] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Sunstedt v. Nazarian MD et al., Docket No. BC526611 .

Docket No: 461

Tentative Ruling:

11/10/2016

Pleadings Filed and Reviewed:

1) Notice of Motion and Motion for Relief from the Automatic Stay ("Motion") [Doc. No. 461]
   a) Notice of Change of Court Location, Hearing Date and Hearing Time as to Notice of Motion and Motion for Relief from the Automatic Stay [Doc. No. 473]
2) Debtor's Limited Objection to Motion of Doug Sunstedt for Relief from the Automatic Stay ("Opposition") [Doc. No. 496]
3) No reply is on file

The Motion is GRANTED for the reasons set forth below.

I. Facts and Summary of Pleadings

Doug Sunstedt ("Movant") seeks stay-relief against Gardens Regional Hospital and Medical Center, Inc. ("Debtor") pursuant to §362(d)(1), so that Movant may prosecute an action pending against the Debtor and several other parties in the Los Angeles Superior Court (the "State Court Action"). The State Court Action asserts claims for professional negligence and fraud against the Debtor in connection with a surgery that was performed at the Debtor's hospital on November 16, 2012.

Movant contends that cause exists to grant stay-relief under §362(d)(1) for the following reasons:

1) Movant seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate. **[Note 1]**

2) Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. §501 and/or an adversary complaint under 11 U.S.C. §523 or §727 in this bankruptcy case.

Debtor does not oppose the Motion to the extent that it seeks stay-relief to recover from the Debtor's insurance policies (although the Debtor makes no representations regarding the absence or presence of any such insurance policies). Debtor opposes the Motion to the extent that it allows the State Court Action's claims for intentional torts—specifically, the claims for fraud and punitive damages—to go forward. Debtor states that intentional torts and punitive damages are generally not covered under insurance law. Debtor's position is that the stay should be modified solely to allow the State Court Action to proceed with respect to claims as which insurance coverage exists. Debtor asserts that the automatic stay should prevent the State Court Action from proceeding as to the intentional tort claims for which there is no insurance coverage.

II. Findings and Conclusions

At the outset, the Court notes that the relief sought by the Movant is internally inconsistent. At one point Movant states that he seeks recovery only from applicable insurance and waives any claim against the bankruptcy estate. At another point Movant states that he retains the right to file a proof of claim or adversary complaint against the estate. The Court will construe the Motion as though Movant had sought only the more limited form of relief—that is, stay-relief on the grounds that Movant waives any deficiency claims and will seek recovery only from applicable insurance.

The Debtor's limited opposition to the Motion is overruled. The bifurcation of the State Court Action that would be required if the stay were modified to permit only certain claims to go forward would be inefficient and costly. Because Movant's recovery will be limited to applicable insurance absent further order of the Court, it is not necessary to stay the prosecution of claims for which insurance coverage may not exist.

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed under applicable non-bankruptcy law to enforce his remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property. Movant is permitted to enforce any final judgment only by collecting upon available

10:00 AM
CONT... Gardens Regional Hospital and Medical Center, Inc. **Chapter 11**

insurance in accordance with applicable nonbankruptcy law.

Movant shall lodge a conforming order within seven days of the hearing.

Note 1

Movant did not check the box indicating that he sought recovery only from applicable insurance in the body of the Motion, but did check that box in the declaration accompanying the Motion.

Party Information

Debtor(s):

Gardens Regional Hospital and Medica — Represented By
Samuel R Maizel
John A Moe
Steven J. Katzman

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

Monday, November 14, 2016 **Hearing Room 1568**

10:00 AM

2:16-17463 Gardens Regional Hospital and Medical Center, Inc. **Chapter 11**

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#6.00 Hearing
RE: [209] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: Stryker Corp. endoscopy equipment .

FR. 8-15-16; 10-3-16

Docket No: 209
***** VACATED *** REASON: CONTINUED 12-5-16 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and Medica Represented By
Samuel R Maizel
Samuel R Maizel
John A Moe
John A Moe

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

Monday, November 14, 2016 **Hearing Room 1568**

10:00 AM
2:16-24890 32 Cold, LLC **Chapter 11**

#7.00 Hearing re [4] Emergency motion re The Debtor's Authorization for Adequate Assurance of Payment to Utility for Payments to the Service Provider and Debtor's Authorization to pay Prepetititon Payroll and to Honor Prepetition Employment Procedures

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

32 Cold, LLC Represented By
Sheila Esmaili