

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:00-00000

Chapter

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

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address:

<https://cacb.zoomgov.com/j/1616644207>

ZoomGov meeting number: 161 664 4207

Password: 050046

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

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM
CONT...

Chapter

Judge Erithe A. Smith's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM
CONT...

Chapter

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:15-14788 Daniel Baskin

Chapter 7

Adv#: 8:20-01160 Brazil v. Baskin

#1.00 STATUS CONFERENCE RE: Complaint for Declaratory Relief

Docket 1

*** VACATED *** REASON: OFF CALENDAR: Order Approving
Settlement and Judgment Entered 1/19/2021

Courtroom Deputy:

OFF CALENDAR: Order Approving Settlement and Judgment Entered
1/19/2021 - td (1/19/2021)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Baskin

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Daniel Baskin

Pro Se

Plaintiff(s):

Nicole Moraitis Brazil

Represented By
Michael Jones

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01071 Bral v. Beitler

#2.00 CONT'D STATUS CONFERENCE Hearing RE: Motion for Summary Judgment on Debtor's First Amended Complaint Against Barry Beitler for: (1) Avoidance of Preference Pursuant to 11 U.S.C. Section 547; (2) Avoidance of Unperfected Liens Pursuant to 11 U.S.C. Section 544(A); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. Section 502

FR: 9-20-18; 3-21-19; 8-15-19; 1-30-20; 5-21-20; 9-17-20

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room

5A

9:30 AM

CONT...

John Jean Bral

Chapter 11

report must be filed by January 16, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

January 30, 2020

Continue status conference to May 21, 2020 at 9:30 a.m.; updated joint status report must be filed by May 7, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

May 21, 2020

Continue hearing to September 17, 2020 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required; non appearance at today's hearing shall be deemed acceptance of the tentative ruling.

September 17, 2020

Continue Status Conference to January 21, 2021; updated joint status report must be filed by January 7, 2021. (XX)

Special note: Starting 10/8/20 all hearings before Judge Smith will be by Zoom. See Court's website for details.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 21, 2021

Continue the Status Conference to May 20, 2021 at 9:30 a.m.; updated

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

Status Report must be filed by May 6, 2021. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Babak Samini
Dean A Ziehl

Defendant(s):

Barry Beitler

Represented By
Krikor J Meshefejian

Plaintiff(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01071 Bral v. Beitler

#3.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint Against Barry Beitler for: (1) Avoidance of Preference Pursuant to 11 U.S.C. §547; (2) Avoidance of Unperfected Liens Pursuant to 11 U.S.C. §544(A); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. §550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. §502

FR: 9-20-18; 3-21-19; 8-15-19; 1-30-20; 5-21-20; 9-17-20

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status report must be filed by January 16, 2020. (XX)

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room

5A

9:30 AM

CONT...

John Jean Bral

Chapter 11

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

January 30, 2020

Continue status conference to May 21, 2020 at 9:30 a.m.; updated joint status report must be filed by May 7, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

May 21, 2020

Continue hearing to September 17, 2020 at 9:30 a.m.; updated joint status report must be filed by September 3, 2020. (XX)

Note: Appearance at this hearing is not required; non appearance at today's hearing shall be deemed acceptance of the tentative ruling. Plaintiff to serve notice of the continued hearing date/time.

September 17, 2020

Continue Status Conference to January 21, 2021 at 9:30 am; updated joint status report must be filed by January 7, 2021. (XX)

Special note: Starting 10/8/20 all hearings before Judge Smith will be by Zoom. See Court's website for details.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 21, 2021

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... **John Jean Bral**

Chapter 11

Continue the Status Conference to May 20, 2021 at 9:30 a.m.; updated Status Report must be filed by May 6, 2021. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Babak Samini
Dean A Ziehl

Defendant(s):

Barry Beitler

Represented By
Krikor J Meshefejian

Plaintiff(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT...

John Jean Bral

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01092 Beitler v. Bral

#4.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19; 8-15-19; 1-30-20; 5-21-20; 9-17-20

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status report must be filed by January 16, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

January 30, 2020

Continue status conference to May 21, 2020 at 9:30 a.m.; updated joint status report must be filed by May 7, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

May 21, 2020

Continue hearing to September 17, 2020 at 9:30 a.m.; updated joint status report must be filed by September 3, 2020. (XX)

Note: Appearance at this hearing is not required; non appearance at today's hearing shall be deemed acceptance of the tentative ruling. Plaintiff to serve notice of the continued hearing date/time.

September 17, 2020

Continue Status Conference to January 21, 2021 at 9:30 am; updated joint status report must be filed by January 7, 2021.(XX)

Special note: Starting 10/8/20 all hearings before Judge Smith will be by Zoom. See Court's website for details.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 21, 2021

Continue the Status Conference to May 20, 2021 at 9:30 a.m.; updated Status Report must be filed by May 6, 2021. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

Special Note: Re the comments of the parties in Section G of the Status Report, it is not clear what relief from the Court is sought. The court will entertain any properly filed motion.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Babak Samini
Dean A Ziehl

Defendant(s):

John Jean Bral

Represented By
William N Lobel
Beth Gaschen
Alan J Friedman

Plaintiff(s):

Barry Beitler

Represented By
Krikor J Meshefejian
Gary E Klausner

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01094 Beitler & Associates, Inc. dba Beitler Commercial v. Bral

#5.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19; 8-15-19; 1-30-20; 5-21-20; 9-17-20

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status report must be filed by January 16, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

January 30, 2020

Continue status conference to May 21, 2020 at 9:30 a.m.; updated joint status report must be filed by May 7, 2020. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

May 21, 2020

Continue hearing to September 17, 2020 at 9:30 a.m.; updated joint status report must be filed by September 3, 2020. (XX)

Note: Appearance at this hearing is not required; non appearance at today's hearing shall be deemed acceptance of the tentative ruling. Plaintiff to serve notice of the continued hearing date/time.

September 17, 2020

Continue Status Conference to January 21, 2021 at 9:30 am; updated joint status report must be filed by January 7, 2021. (XX)

Special note: Starting 10/8/20 all hearings before Judge Smith will be by Zoom. See Court's website for details.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 21, 2021

Continue the Status Conference to May 20, 2021 at 9:30 a.m.; updated Status Report must be filed by May 6, 2021. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... **John Jean Bral**

Chapter 11

Special Note: Re the comments of the parties in Section G of the Status Report, it is not clear what relief from the Court is sought. The court will entertain any properly filed motion.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Babak Samini
Dean A Ziehl

Defendant(s):

John Jean Bral

Represented By
William N Lobel
Beth Gaschen
Alan J Friedman

Plaintiff(s):

Beitler & Associates, Inc. dba Beitler

Represented By
Krikor J Meshefejian
Gary E Klausner

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

9:30 AM

8:17-12213 Solid Landings Behavioral Health, Inc.

Chapter 11

Adv#: 8:20-01007 Grobstein v. Alpine Pacific Capital, LLC et al

#6.00 PRE-TRIAL CONFERENCE RE: Complaint for avoidance and recovery of preferential and fraudulent transfers

[fr: 3/25/20, 6/24/20, 7/22/20]; 9-2-20, Rm 5D; 9-3-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/2/2021 AT 9:30 A.M.,
Per Order Entered 9/14/2020 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 12/2/2021 at 9:30 a.m.,
Per Order Entered 9/14/2020 (XX)- td (9/14/2020)**

Tentative Ruling:

SPECIAL IMPORTANT NOTICE! In order to mitigate the spread of the COVID-19 virus, notice is hereby given that, starting with the March 19, 2020 hearings, ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

September 3, 2020

Discovery Cut-off Date: Dec. 15, 2020
Pretrial Conference Date: Jan. 21, 2021 at 9:30 a.m. (XX)
Deadline to File Join Pretrial Stipulation: Jan. 7, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Solid Landings Behavioral Health, Inc.

Chapter 11

Party Information

Debtor(s):

Solid Landings Behavioral Health,

Represented By
David L. Neale
Juliet Y Oh
Jeffrey S Kwong
David M Samuels

Defendant(s):

Alpine Pacific Capital, LLC

Pro Se

Gerik M. Degner

Pro Se

Plaintiff(s):

Howard B Grobstein

Represented By
Rodger M. Landau

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

Adv#: 8:19-01213 Marshack v. An et al

#7.00 CON'TD STATUS CONFERENCE RE: Complaint for: 1. Avoidance and Recover of Constructive Fraudulent Transfers; 2. Avoidance and Recovery of Property of the Bankruptcy Estate; 3. Avoidance of Preferential Transfers; and 4. Recovery of Avoided Transfers

FR: 1-30-20; 3-19-20; 5-21-20; 7-23-20; 10-22-20

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 30, 2020

Joint status report not timely filed.* Parties must appear and advise the court re the status of this matter.

* The Stipulation and Order [docket #s 5 & 6] only extended the answer date -- did not include an extension of the deadline to file a status report.

Note: Appearances at the hearing are required.

May 21, 2020

Continue the status conference to July 23, 2020 at 9:30 a.m.; updated status report must be filed by July 16, 2020 if the adversary is still pending by such date.

Note: Appearances at this hearing are not required.

January 21, 2021

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Prime Metals U.S.A., Inc.

Chapter 7

Continue status conference to April 8, 2021 at 9:30 a.m.; updated status report must be filed by March 25, 2021 if the adversary is still pending by such date. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Prime Metals U.S.A., Inc.

Represented By
Steven Werth

Defendant(s):

Minho An

Represented By
Michael H Yi

Byungwhan Chung

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Ronald S Hodges
Robert P Goe
Ryan S Riddles

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Laila Masud
David M Goodrich
Robert P Goe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

9:30 AM

8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

Adv#: 8:19-01218 Marshack v. Kim et al

#8.00 CONTD PRE-TRIAL CONFERENCE RE: Complaint for: 1. Breach of Fiduciary Duty; 2. Accounting; and 3. Defalcation of Trust

FR: 2-6-20; 10-8-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/22/2021 AT 9:30 A.M.,
Per Order Entered 7/31/2020 (XX)**

Courtroom Deputy:

SPECIAL NOTE: Status Conference Scheduled for 11/5/2020 at 9:30 a.m. - td (7/31/2020)

**CONTINUED: Pre-trial Conference Continued to 4/22/2021 at 9:30 a.m.,
Per Order Entered 7/31/2020 (XX) - td (7/31/2020)**

Tentative Ruling:

February 6, 2020

Discovery Cut-off Date:	June 1, 2020
Deadline to Attend Mediation:	June 15, 2020
Pretrial Conference Date: (XX)	July 16, 2020 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	July 6, 2020

Special Note: The joint status report filed 1/28/20 provides very little information regarding the status of the case, why there is no discovery schedule, and why Plaintiff is waiting for non-answering defendants to participate. Per the docket, only one defendant, Minh An, was granted an extension of time to January 7, 2020 to file an answer. An's answer was timely filed.

Note: If all parties agree with the foregoing schedule, appearances at

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Prime Metals U.S.A., Inc.

Chapter 7

today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Prime Metals U.S.A., Inc.

Represented By
Steven Werth

Defendant(s):

Minho An

Pro Se

Gill Su Sun

Pro Se

Ik Dong Kim

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Ronald S Hodges
Robert P Goe
Ryan S Riddles

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Laila Masud
David M Goodrich
Robert P Goe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#9.00 CONT'D STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debt Due to: 1. Fraud (11 U.S.C. §523(a)(2)); 2. Fraud in a Fiduciary Capacity (11 U.S.C. §523(a)(4)); 3. Willful and Malicious Injury by the Debtor to Plaintiff (11 U.S.C. §523(a)(6)); and (4) Denial of Limited Discharge (11 U.S.C. §524(a)(3))

FR: 12-6-18; 1-24-19; 4-18-19; 6-20-19; 8-22-19; 9-19-19; 12-5-19; 2-20-20; 4-16-20; 7-16-20; 9-17-20; 11-5-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/1/2021 AT 9:30 A.M.,
PER ORDER ENTERED 1/8/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 4/1/2021 at 9:30 a.m., Per
Order Entered 1/8/2021 (XX) - td (1/8/2021)**

Tentative Ruling:

June 20, 2019

No tentative ruling. This tentative will be trailed to the 2:00 p.m. calendar along with the Motion to Dismiss

September 19, 2019

In light of the upcoming trial in the state court litigation, continue status conference to December 5, 2019 at 9:30 a.m.; updated status report must be filed by November 21, 2019. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... George Carl Natzic

Chapter 7

Party Information

Debtor(s):

George Carl Natzic

Represented By
Moises S Bardavid

Defendant(s):

Cheri Lynn Natzic

Pro Se

George Carl Natzic

Pro Se

Joint Debtor(s):

Cheri Lynn Natzic

Represented By
Moises S Bardavid

Plaintiff(s):

Add2Net, Inc.

Represented By
Kevin Meek

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:18-13001 Mohsen Masoudfar

Chapter 7

Adv#: 8:18-01206 Sakhai v. Masoudfar

#10.00 CONT STATUS CONFERENCE RE: Complaint to determine dischargeability of debt and for denial of discharge (11 U.S.C. section 523(a)(15); 727(a)(2)(A) & (B);(a)(3) & (a)(4)(A))

[fr: 2/12/19, 7/23/19, 10/22/19, 1/21/20, 3/24/20, 6/30/20]; 9/29/20, Rm 5D; 10-1-20

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 1, 2020

In light of pending settlement negotiations, continue this Status Conference to January 21, 2021 at 9:30 a.m.; an updated Status Report must be filed by January 7, 2021. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 21, 2021

Continue the Status Conference one final time to May 20, 2021 at 9:30 a.m.; updated Status Report must be filed by May 6, 2021. (XX)

Special Note: An updated Status Report was not filed by January 7, 2021 as ordered by the Court. If an updated Status Report is not filed by May 6, 2021, monetary sanctions of not less than \$100 will be imposed against Plaintiff's counsel.

Note: Appearances at this hearing are not required; Plaintiff to serve

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Mohsen Masoudfar

Chapter 7

notice of the continued hearing date/time.

Party Information

Debtor(s):

Mohsen Masoudfar

Represented By
D Edward Hays

Defendant(s):

Mohsen Masoudfar

Pro Se

Plaintiff(s):

Parastou Sakhai

Represented By
Jeffrey S Shinbrot

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:19-10913 Cassandra Dean Duerscheidt

Chapter 7

Adv#: 8:19-01122 M.G.B. Construction, Inc. v. Duerscheidt

#11.00 CON'TD PRE-TRIAL CONFERENCE RE:Complaint for: 1. Objection to Discharge [11 U.S.C. §727(a)(2)]; 2. Objection to Discharge [11 U.S.C. §727(a)(4)]

FR: 9-12-19; 11-7-19; 12-12-19; 6-11-20; 9-17-20; 12-17-20

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Continue Status Conference to November 7, 2019 at 9:30 a.m. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

Note: Appearance at today's Status Conference is not required; Plaintiff to serve notice of the continued hearing date/time.

November 7, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

9:30 AM

CONT... Cassandra Dean Duerscheidt

Chapter 7

Answer timely filed. Continue status conference to December 12, 2019 at 9:30 a.m.; joint status report must be filed by December 3, 2019. (XX)

Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

December 12, 2019

Discovery Cut-off Date:	May 1, 2020
Pretrial Conference Date:	Jun. 11, 2020 at 9:30 a.m. (XX)
Deadline to File Pretrial Stipulation:	May 28, 2020

Special Note: A 727 denial of discharge adversary cannot be settled for the benefit of a single creditor but, rather, settlement proceeds must be turned over to the chapter 7 trustee for distribution to all creditors. *In re de Armond*, 240 B.R. 51 (Bankr.C.D.Cal.1999).

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

June 11, 2020 [UPDATED TO REFLECT LATE FILED PLEADING]

Continue the Pretrial Conference to September 17, 2020 at 9:30 a.m.; amended pretrial stipulation must be filed by September 3, 2020 or sanctions will be imposed on counsel for both parties. Any pretrial motions must be filed by or before July 10, 2020 so that they can be heard no later than August 20, 2020 at 10:30 a.m.. The amended pretrial stipulation should address the comments of the court in its tentative ruling and also whether each party wishes to submit direct testimony by declaration in advance of the trial in accordance with this court's Trial Procedures (see court's website) or if they prefer all live direct testimony. (XX)

Court's Comments

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Cassandra Dean Duerscheidt

Chapter 7

1. The Contested Issues of Law do not cite to a single statute applicable to the denial of discharge, e.g., 727(a)(2) or 727(a)(4).
2. The Contested Issues of Law do not state with specificity the how/when of the alleged false oaths, concealment of property interests, income, etc. See Pretrial Stipulation at pp. 8-10 and compare with Complaint at pp. 2-6.
3. Contrary to the representations in the Pretrial Stipulation, the parties are not ready for trial: Plaintiff indicates it intends to seek leave to amend the Complaint and to re-open discovery, whereas Defendant indicates she intends to seek to suspend the adversary proceeding pending her criminal trial. Such pretrial motions are not consistent with readiness for trial. Pretrial motions must be filed by the deadline noted above, i.e., no later than July 10, 2020.

Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge an order consistent with the same.

December 17, 2020

The Joint Pretrial Stipulation filed on 12/12/20 is approved. Unless a party requests otherwise, the court's ordinary procedures requiring direct testimony by declaraton (exclusive of adverse or rebuttal testimony) will apply.

January 21, 2021 (Modified since original posting)

Set trial for June 23-25, 2021 at 9:00 a.m.; direct testimony by declaration (see the court's trial procedures re direct testimony set forth on the court's website). Set Trial Procedures Conference for May 6, 2021 at 9:30 a.m.

Comments:

The parties are to appear and advise the court of any stipulations re the

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... **Cassandra Dean Duerscheidt** Chapter 7

authentication and/or admission of certain exhibits, particularly those requiring testimony by a custodian or records.

The purpose of the Trial Procedures Conference is to go over trial logistics in a remote, Zoom environment. The court will issue its own Order Establishing Remote Trial Procedures in advance of the Trial Procedures Conference.

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

Cassandra Dean Duerscheidt

Represented By
Brian J Soo-Hoo

Defendant(s):

Cassandra Dean Duerscheidt

Pro Se

Plaintiff(s):

M.G.B. Construction, Inc.

Represented By
Scott A Kron

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:19-13441 Alpha Floors, Inc.

Chapter 7

Adv#: 8:20-01156 Kosmala v. Xia

#12.00 STATUS CONFERENCE RE: Complaint: (1) To Avoid Preferential Transfer Pursuant To 11 U.S.C. § 547; (2) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. § 548(A)(1)(A); (3) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. § 548(A)(1)(B); (4) For Recovery Of Avoided Transfers Under 11 U.S.C. § 550; (5) To Preserve Transfer For The Benefit Of The Estate Pursuant To 11 U.S.C. § 551; (6) Turnover Of The Property Of The Estate Pursuant To 11 U.S.C. § 542
Nature of Suit: (11 (Recovery of money/property - 542 turnover of property))

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Continue status conference to March 11, 2021 at 9:30 a.m. to allow Plaintiff to either file a proof of service showing proper service of the summons and complaint or to obtain another summons. (XX)

Comments:

The docket does not reflect that the summons and complaint were served and no status report has been filed. Failure to file a proof of service or to file a status report for the March 11, 2021 hearing will result in the imposition of sanctions against Plaintiff's in the amount of \$100 and the issuance of an order to show cause why the adversary proceeding should not be dismissed for failure to prosecute.

Note: If Plaintiff accepts the tentative ruling, appearances at this hearing are not required.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Alpha Floors, Inc.

Chapter 7

Debtor(s):

Alpha Floors, Inc.

Represented By
Eric J Fromme

Defendant(s):

Feiyu Xia

Pro Se

Plaintiff(s):

Weneta Kosmala

Represented By
Reem J Bello

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:19-01205 Elieff et al v. Kurtin

#13.00 CONT'D STATUS CONFERENCE RE: Second Amended Complaint for Mandatory Subordination and Recovery of Liens Pursuant to 11 U.S.C. §§ 510(b) and 510(c)(2), Avoidance and Recovery of Preferential and Fraudulent Transfers, and Disallowance of Claims Pursuant to 11 U.S.C. §502(d)

FR: 3-5-20; 4-9-20; 4-23-20; 8-20-20; 11-19-20; 12-17-20

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 23, 2020

Continue Status Conference to August 20, 2020 at 9:30 a.m.; joint status report due August 6, 2020. (XX)

August 20, 2020

Continue Status Conference to November 19, 2020 at 9:30 a.m.; updated Joint Status Report to be filed by November 5, 2020. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing is not required. Plaintiffs to serve notice of the continued hearing date/time.

November 19, 2020

Continue the hearing to December 17, 2020 at 9:30 a.m.; the court's order re the SJ Motion will be issued in the near future. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

Note: Appearances at this hearing are not required.

December 17, 2020

Continue Status Conference one final time to January 21, 2021 at 9:30 a.m.
(XX)

Note: Appearances at this hearing are not required.

January 21, 2021

Continue the hearing to February 18, 2021 at 9:30 a.m.; the court's order re
SJ will be issued on January 25, 2021. (XX)

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot
Lisa Nelson

Defendant(s):

Todd Kurtin

Represented By
Lewis R Landau
Edward O Morales

Plaintiff(s):

Bruce Elieff

Represented By
Paul J Couchot

Morse Properties, LLC

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... **Bruce Elieff**
4627 Camden, LLC

Represented By
Paul J Couchot

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

8:20-10566 Eric C. Bryant

Chapter 7

Adv#: 8:20-01157 Oregon Pacific Bank v. Bryant et al

#14.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. Section 523

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Deadline for Rule 26 Compliance:	February 28, 2021
Discovery Cutoff Date:	March 31, 2021
Pretrial Conference Date:	May 6, 2021 at 9:30 a.m. (XX)
Deadline to File Pretrial Stipulation:	April 22, 2021

Note: If all parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Eric C. Bryant

Represented By
Christine A Kingston

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

9:30 AM

CONT... Eric C. Bryant

Chapter 7

Defendant(s):

Eric C. Bryant

Pro Se

Gina K Bryant

Pro Se

Joint Debtor(s):

Gina K Bryant

Represented By
Christine A Kingston

Plaintiff(s):

Oregon Pacific Bank

Represented By
Michael N Nicaastro

Trustee(s):

Karen S Naylor (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#15.00 CON'TD Third Person Examination of Dominic Savastano RE: Enforcement of Judgment

FR: 12-5-19; 1-16-20; 3-19-20; 4-30-20; 7-23-20; 10-22-20

Docket 183

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Examinee Dominic Savastano to appear in court for swearing in by the courtroom clerk; the examination will thereafter proceed outside the courtroom.

January 16, 2020

Examinee Dominic Savastano to appear in court for swearing in by the courtroom clerk; the examination will thereafter proceed outside the courtroom

March 19, 2020

Continue his matter to April 30, 2020 at 10:00 a.m. in light of special pandemic policy in effect. The parties are, however, free to stipulate to an examination outside the courthouse prior to April 30, 2020. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

CONT... Luis Savastano

Chapter 7

April 30, 2020

Continue his matter to July 23, 2020 at 10:00 a.m. in light of the special pandemic policy in effect. The parties are, however, free to stipulate to an examination outside the courthouse via video conference or otherwise prior to July 23, 2020. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required. Nonappearance at the hearing will be deemed acceptance of the tentative ruling.

July 23, 2020

Continue his matter to Oct. 22, 2020 at 10:00 a.m. in light of the special pandemic policy in effect. The parties are, however, free to stipulate to an examination outside the courthouse via video conference or otherwise prior to Oct. 22, 2020. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required. Nonappearance at the hearing will be deemed acceptance of the tentative ruling.

October 22, 2020

[Special Notice: This hearing is being conducted by Zoomgov. See the first page of the calendar for today's hearings for participation details.]

Once the witness has been sworn in by the Court Clerk, the parties will be placed in a separate Zoom break-out room for the examination scheduled for today.

January 21, 2021

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

10:00 AM

CONT...

Luis Savastano

Chapter 7

Continue the third party judgment debtor examination **one final time** to April 15, 2021 at 10:00 a.m.; if Judgment Creditor intends to pursue an Order to Show Cause, then she must file and serve a proper motion in accordance with Local Bankruptcy Rule 9020-1; she must also serve the examinees with proper Zoom notice of the continued hearing. (XX)

Additional Comments:

1. Judgment Creditor was advised by the court's courtroom deputy on 1/5/21 that a proper motion had not been filed and, to date, no motion has been filed.
2. Judgment Creditor did not serve the examinees with Zoom notice of the hearing.
3. This matter will be taken off calendar if Judgment Creditor continues to failure to properly prosecute this matter.

Note: If Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

Plaintiff(s):

Richard Bobinski

Represented By
Crystal Bergstrom

Trustee(s):

Karen S Naylor (TR)

Represented By
Karen S Naylor (TR)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

CONT... Luis Savastano

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#16.00 CON'TD Third Person Examination of Guadalupe (Lupe) Savastano RE:
Enforcement of Judgment

FR: 9-12-19; 11-19-19; 1-16-20; 3-19-20; 4-30-20; 7-23-20; 10-22-20

Docket 175

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Examinee Guadalupe Savastano to appear in court to be sworn in by the court clerk. Thereafter, the examination will take place outside the courtroom

November 19, 2019

Continued to Jan. 16, 2020 at 10:30 a.m. per stipulation of the parties. (XX)

March 19, 2020

Continue his matter to April 30, 2020 at 10:00 a.m. in light of special pandemic policy in effect. The parties are, however, free to stipulate to an examination outside the courthouse prior to April 30, 2020. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

April 30, 2020

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

CONT... Luis Savastano

Chapter 7

Continue his matter to July 23, 2020 at 10:00 a.m. in light of the special pandemic policy in effect. The parties are, however, free to stipulate to an examination outside the courthouse via video conference or otherwise prior to July 23, 2020. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required. Nonappearance at the hearing will be deemed acceptance of the tentative ruling.

July 23, 2020

Continue his matter to Oct. 22, 2020 at 10:00 a.m. in light of the special pandemic policy in effect. The parties are, however, free to stipulate to an examination outside the courthouse via video conference or otherwise prior to Oct. 22, 2020. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required. Nonappearance at the hearing will be deemed acceptance of the tentative ruling.

October 22, 2020

[Special Notice: This hearing is being conducted by Zoomgov. See the first page of the calendar for today's hearings for participation details.]

Once the witness has been sworn in by the Court Clerk, the parties will be placed in a separate Zoom break-out room for the examination scheduled for today.

January 21, 2021

Continue the third party judgment debtor examination **one final time** to April

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

CONT... Luis Savastano

Chapter 7

15, 2021 at 10:00 a.m.; if Judgment Creditor intends to pursue an Order to Show Cause, then she must file and serve a proper motion in accordance with Local Bankruptcy Rule 9020-1; she must also serve the examinees with proper Zoom notice of the continued hearing. (XX)

Additional Comments:

1. Judgment Creditor was advised by the court's courtroom deputy on 1/5/21 that a proper motion had not been filed and, to date, no motion has been filed.
2. Judgment Creditor did not serve the examinees with Zoom notice of the hearing.
3. This matter will be taken off calendar if Judgment Creditor continues to failure to properly prosecute this matter.

Note: If Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

Movant(s):

Judicial Judgment Enforcement

Represented By
Crystal Bergstrom

Plaintiff(s):

Richard Bobinski

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

CONT... Luis Savastano

Crystal Bergstrom

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Represented By
Karen S Naylor (TR)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

8:19-10275 Michael J Duff

Chapter 7

Adv#: 8:19-01084 Constantin et al v. Duff

#16.10 Trial Procedures Conference RE: Complaint to Deny Debtor's Discharge

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Issues to be discussed at today's hearing:

1 Exhibits:

a. Submission of exhibit binders to the court, opposing counsel, and all witnesses 7 days before trial

b. Emailing of exhibits to the chambers email and all witnesses, opposing counsel and all witnesses 7 days before trial. Each exhibit to be saved as a separate .pdf file.

c. Emailing of rebuttal and impeachment documents in password-protected file

d. Share screen capability

e. Limitation of exhibits (exclusive of rebuttal/impeachment documents) to those listed in the Pretrial Stipulation.

2. Declarations

a. Plaintiff's only witnesses are adverse witnesses. Accordingly, Plaintiff will not be required to file direct testimony declarations in advance of

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:00 AM

CONT... **Michael J Duff**
trial.

Chapter 7

b. Defendant to advise if he will be filing direct testimony declarations for himself and Dory Berenguel

3. Witness Protocol

a. Witness must be located in a quiet room alone with a laptop, computer or other electronic device that is capable of accessing Zoom, and opening/enlarging .pdf files

b. Witness may not be engage in communications with his/her lawyer or another witness during testimony.

4. Optional Final Pretrial Conference to test technology, presentation of exhibits, etc.

5. Adequacy of Captioning System

Party Information

Debtor(s):

Michael J Duff	Pro Se
----------------	--------

Defendant(s):

Michael J. Duff	Represented By David Brian Lally
-----------------	-------------------------------------

Plaintiff(s):

Holly Constantin	Represented By Alan W Forsley
------------------	----------------------------------

Michael Constantin	Represented By Alan W Forsley
--------------------	----------------------------------

Trustee(s):

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:10-19712 Nathan Michael Donahue

Chapter 7

Adv#: 8:10-01386 Donahue v. Donahue et al

#17.00 CONT'D Hearing RE: Motion to Attach Spousal Wages

FR:12-17-20

Docket 126

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 17, 2020

Continue hearing to January 21, 2021 at 10:30 a.m. to allow Movant to correct service issue: (XX)

Basis for Tentative Ruling:

The notice of motion fails to advise of the 14-day opposition deadline as required by LBR 9013(c)(2) ("...the notice of motion must advise the opposing party that LBR 9013-1(f) requires a written response to be filed and served at least 14 days before the hearing. "). The notice also fails to advise that hearing is only being conducted by Zoom and Movant did not serve the supplemental notice form, "ZoomGov Hearing Notice_ES_BK." See <https://www.cacb.uscourts.gov/judges/self-calendaring/smith-e>.

Note: If Movant accepts the tentative ruling, appearance at this hearing is not required.

January 21, 2021

Grant motion. Service issue corrected.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... Nathan Michael Donahue

Chapter 7

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Nathan Michael Donahue

Represented By
Stephen Hosford

Defendant(s):

Nathan Michael Donahue

Represented By
Stephen Hosford

Torey Eden Donahue

Represented By
Stephen Hosford

Joint Debtor(s):

Torey Eden Donahue

Represented By
Stephen Hosford

Plaintiff(s):

Nancy Donahue

Represented By
Jerry D Hemme
Michael C Rogers

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:13-14701 William George Weiler, Jr

Chapter 7

#18.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee; Pursuant to 11 U.S.C. Section 350(b)

Docket 192

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Grant motion

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

William George Weiler Jr

Represented By
Robert C English

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:15-14803 Orlando Martinez

Chapter 13

#19.00 CON'TD Hearing RE: Debtor's Motion Objecting to Proof of Claim by Tustin Village Community Association, Claim No. 1

FR: 12-3-20

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 3, 2020

Allow the claim as a secured claim in the reduced amount of \$27,792.53.

Basis for Tentative Ruling

Tustin Village Community Association ("Claimant") filed proof of claim no. 1 in the secured amount of \$30,593.91 for "homeowner assessments." ("Claim") Debtor now moves to reduce the Claim amount to \$23,585.40 (the "Motion")[dkt. 70] and (the "Reply")[dkt. 84]. Claimant opposes the Motion and requests that the Claim be reduced to only \$27,792.53 (the "Opposition") [dkt. 79].

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim, meaning that a proof of claim will be deemed allowed unless a party in interest objects. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Once an objection is filed, the proof of claim will still provide some evidence as to its validity and amount, and will be strong enough to carry over a mere formal objection without more. *Id.* Indeed, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... **Orlando Martinez**

Chapter 13

623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039. The ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d 620 (9th Cir. 1991).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed with Official Form 410 and included supporting documentation. See, Opp'n, Ex. A. As Claimant has complied with Rule 3001, the Claim is entitled to *prima facie* validity under Rule 3001(f) and it is, therefore, incumbent upon Debtor to present affirmative evidence to overcome the Claim's presumed validity. In this case, Debtor has successfully rebutted the *prima facie validity* of the Claim because Claimant admits that Claim amount is inaccurate because it includes \$2,801.38 of post-petition charges that should have not been added to the Claim amount. See Opp'n, p. 4. The now shifts onto Claimant to prove the ultimate validity of the Claim.

Claimant contends that its Claim amount of \$27,792.53 (comprised of claimed amount of \$30,593.94 minus postpetition charges of \$2,801.38 and additional \$71.38) consists of unpaid homeowner assessments that are fully by two components: (i) the Notice of Delinquent Assessment recorded on April 28, 2015 comprised of delinquent assessments, late fees, and legal expenses incurred from December 16, 2009 to March 1, 2015 totaling \$23,860.40 (the "2015 Delinquency Notice"), (ii) the Abstract of Judgment recorded on August 18, 2011 in the amount of, after credit for a small payment, \$6,733.51 (the "Abstract of Judgment"). See Opp'n, p. 1-2.

Debtor maintains that the judgment amount of \$5,087.13 underlying the Abstract of Judgment is being double billed by being included in the amount of \$20,855.40 listed on the Notice of Default and Election to Sell recorded July 23, 2015, and the amount of \$24,115.40 listed on the Trustee's Notice of Sale recorded November 5, 2015. See Mot., p. 3-5 and Ex. 1-2; Reply, p. 2.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

10:30 AM

CONT...

Orlando Martinez

Chapter 13

The exhibits attached to the Declaration of Jeffrey Speights demonstrate that there has been no double billing. The court has carefully reviewed the same line by line and concludes that the accountings substantiate Claimant's argument that the judgment amount of \$6,733.51 (after an additional credit of \$71.38) is not included in the CLA Ledger amount. Stated otherwise, the CLA ledger includes a deduction for the entire amount of the outstanding judgment, except \$71.38, which is later credited in the Opposition.

January 21, 2021

Grant motion in part to allow a secured claim in the amount of \$27,792.53.

Basis for Tentative Ruling:

Background:

Tustin Village Community Association ("Claimant") filed proof of claim no. 1 (the "Claim") in the secured amount of \$30,593.91 for "homeowner assessments." Debtor now moves to reduce the Claim amount to \$23,585.40 (the "Motion")[dkt. 70] and (the "Reply")[dkt. 84]. Claimant opposes the Motion and requests that the Claim be reduced to only \$27,792.53 (the "Opposition")[dkt. 79]. Trustee took no position on the Motion. Since Trustee has already disbursed \$22,510.94 to Claimant pursuant to the confirmed plan, however, Trustee requests that the order include a provision excusing Trustee from any obligation to seek a return of the \$22,510.94 to the extent the Claim is allowed at an amount less than \$22,510.94 [dkt. 81].

The court incorporates the comments in its Tentative Ruling for December 3, 2020 herein (see above). At the conclusion of oral argument at the December 3, 2020 hearing, the hearing was continued to this date to allow Claimant to file a supplemental pleading addressing the discrepancy between the amount in the Notice of Trustee's Sale filed in November 2015 and the amount set forth in the Proof of Claim ("POC").

Claimant has adequately addressed the discrepancy between the

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT...

Orlando Martinez

Chapter 13

Notice of Delinquent Assessment Lien and the Notice of Trustee's Sale
by a preponderance of the evidence

To address the discrepancy between the amount in the Notice of Trustee's Sale filed in November 2015 and the Claim amount, Claimant explained that the Claim amount is higher because it consists of two parts: (1) the abstract of judgment recorded on August 18, 2011 in the amount of, after credit for a small payment, \$6,733.51 (the "Abstract of Judgment"), and (2) the Notice of Delinquent Assessment recorded on April 28, 2015 plus delinquent assessments that came due afterwards (the "Notice of Delinquent Assessment Lien"). See Supp. Opp'n, 1-2. Further, the Notice of Trustee's Sale recorded in November 2015 in the amount of \$24,115.40 is based only upon the amounts owed under the Notice of Delinquent Assessment Lien. And while the underlying ledgers on which the Notice of Delinquent Assessment Lien is based upon initially included the Abstract of Judgment amounts, the Abstract of Judgment amounts were deleted from the underlying ledger on March 10, 2015 before the Delinquent Assessment Lien was recorded on April 28, 2015. See Supp. Opp'n, 3-4 and Ex. C.

Debtor argues that the Abstract of Judgment was already included in the Delinquent Assessment Lien. In Exhibit B attached to the Notice of Delinquent Assessment Lien, the judgment amounts were included in the line item dated February 6, 2011, and the outstanding amount listed on the Notice of Trustee's Sale recorded November 5, 2015 listed the amount owed as only \$24,115.40. Debtor contends that Claimant's explanation is not credible because its conclusion is based on ledgers created after the recorded notice. See Supp. Reply, 2-4.

While it is true that the Abstract of Judgment amounts were initially included in the underlying ledgers for the Notice of Delinquent Assessment Lien, but Debtor's (based on the line items dated 2011 and 2012), the amounts were later deleted on March 10, 2015 -- before the Notice of Delinquent Assessment Lien was recorded on April 28, 2015. Moreover, the ledgers were included as Exhibit B to the recorded Notice of Delinquent Assessment Lien and the ledgers' ending balance of \$19,225.40 matches the amount listed on page 1 of the Notice of the Delinquent Assessment Lien. See Supp., Opp'n, Ex. C, (p. 1 and last page of the exhibit). Thus,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

10:30 AM

CONT... **Orlando Martinez**

Chapter 13

Claimant's ledgers appear to be part of the recorded Notice of Delinquent Assessment Lien; there is no persuasive evidence that the ledgers were created after the Notice of Delinquent Assessment Lien was recorded.

Importantly, taking into account the amount set forth in the ledgers attached to the Notice of Delinquent Assessment Lien, if the Abstract of Judgment amounts (\$5,087.13 + \$1,575) are not deleted from the running balance, as Claimant explains that it did on March 10, 2015, the amounts owed under the Notice of Delinquent Assessment Lien would actually be \$25,887.53 (\$19,225.40 + \$5,087.13 + \$1,575)- an amount that is higher than the \$24,115.10 amount listed on the Notice of Trustee's Sale. See Supp. Opp'n, Ex. C (last page of the exhibit).

It is logical that the \$19,225.40 amount listed in the Notice of Delinquent Assessment Lien increased to \$20,855.40 by the time of the recordation of the Notice of Default and Election to Sell on July 23, 2015, and that the amount subsequently increased to \$24,115.40 as of November 5, 2015 when the Notice of Trustee's Sale was recorded, exclusive of the Abstract of Judgment amounts. See Supp. Opp'n, Ex. C-E.

In sum, because Abstract of Judgment amounts were deleted from the Notice of Delinquent Assessment Lien (upon which the Notice of Trustee's Sale is based), it makes sense that the Claim amount would be higher than the Notice of Trustee's Sale because the Claim includes the Abstract of Judgment plus the Delinquent Assessment Lien amounts. The court concludes that Claimant has met its ultimate burden of proof establishing entitlement to a secured claim in the amount of \$27,792.53.

Note: If both parties accept the tentative ruling, appearances at this hearing is not required.

Party Information

Debtor(s):

Orlando Martinez

Represented By
Mark S Martinez

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... Orlando Martinez

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:17-10706 John Jean Bral

Chapter 11

#20.00 CON'TD Post-Confirmation Status Conference RE: Fourth Amended Chapter 11 Plan

(Set at Conf. Hrg. Held 6-26-19)
FR: 11-21-19; 2-20-20; 8-20-20

Docket 761

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Continue status conference to February 20, 2020 at 10:30 a.m.; an updated status report must be filed by February 6, 2020. (XX)

February 20, 2020

Debtor to advise the court as to the specific form of "court intervention" Debtor seeks. See Status report at p. 3:12-14.

August 20, 2020

No updated status report was filed by August 6, 2020 as ordered by the court. Debtor to appear and advise the court re the status of this case -- in particular the status of the pending arbitration.

If the arbitration is still pending, the status conference may be continued to October 15, 2020 at 10:30 a.m. by requesting a continuance during the court clerk's calendar roll call prior to the hearing. If the status conference is continued, an updated status report must be filed no later than October 1,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... John Jean Bral Chapter 11

2020 or monetary sanctions of not less than \$100 will be imposed on Debtor's counsel.

January 21, 2021

Continue the status conference to May 20, 2021 at 10:30 a.m.; updated Status Report must be filed by May 6, 2021. (XX)

Note: Appearances at this status conference are not required.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Babak Samini
Dean A Ziehl

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:17-11370 David Tudor Chamberlain

Chapter 11

Adv#: 8:17-01101 Martin D. Fern, individually and as Trustee of the v. Chamberlain et al

#21.00 CONT Hearing RE: Plaintiffs Martin D. Fern and Linda Taylor-Fern's Motion to Strike Defendants' Answer to Complaint

[fr: 9/26/17, 3/7/18, 9/26/18, 1/9/19, 6/12/19, 12/11/19, 3/4/20]; 9/30/20, Rm 5D; 10-1-20

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 1, 2020

In light of pending state court litigation, continue this matter to January 21, 2021 at 10:30 a.m. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

January 21, 2021

In light of pending state court litigation, continue this matter to April 22, 2021 at 9:30 a.m.; updated Joint Status Report must be filed no later than April 8, 2021 and must include a copy of the Superior Court order or notice re the suspension of civil trials. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... David Tudor Chamberlain

Chapter 11

Debtor(s):

David Tudor Chamberlain

Represented By
Jeffrey I Golden
Alan J Friedman
Beth Gaschen

Defendant(s):

David Tudor Chamberlain

Represented By
Gregory S Page

Linda Chamberlain, an individual

Represented By
Gregory S Page

Plaintiff(s):

Martin D. Fern, individually and as

Represented By
Eric P Israel
Sonia Singh

Linda Taylor-Fern, individually and

Represented By
Eric P Israel
Sonia Singh

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:17-11370 David Tudor Chamberlain

Chapter 11

Adv#: 8:17-01101 Martin D. Fern, individually and as Trustee of the v. Chamberlain et al

#22.00 CONT STATUS CONFERENCE RE: Complaint to determine nondischargeability of debts pursuant to 11 U.S.C. Sections 523(a) and 524(a) (3)

[fr: 8/22/17, 9/26/17, 3/7/18, 9/26/18, 1/9/19, 6/12/19, 12/11/19, 3/4/20]; 9-30-20, Rm 5D; 10-1-20

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 1, 2020

In light of pending state court litigation, continue this matter to January 21, 2021 at 10:30 a.m. Plaintiff shall file a status report regarding the status of the state court trial by or before January 7, 2021.(XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiffs shall serve Defendants with notice of the continued hearing date/time.

January 21, 2021

In light of pending state court litigation, continue this matter to April 22, 2021 at 9:30 a.m.; updated Joint Status Report must be filed no later than April 8, 2021 and must include a copy of the Superior Court order or notice re the suspension of civil trials. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... David Tudor Chamberlain

Chapter 11

Party Information

Debtor(s):

David Tudor Chamberlain

Represented By
Jeffrey I Golden
Alan J Friedman
Beth Gaschen

Defendant(s):

David Tudor Chamberlain

Pro Se

Linda Chamberlain, an individual

Pro Se

Plaintiff(s):

Martin D. Fern, individually and as

Represented By
Eric P Israel

Linda Taylor-Fern, individually and

Represented By
Eric P Israel

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#23.00 CON'TD Hearing RE: Chapter 7 Trustee's Objection to Debtor's Amended Claims of Exemption

FR: 8-20-20

Docket 607

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 20, 2020

Continue hearing to December 17, 2020 at 10:30 a.m. in light of the pending appeal before the 9th Circuit on many, if not all, of the substantive issues raised in the Objection and Opposition. If the Circuit has not ruled by December 17, 2020, the hearing will be further continued from time to time until a decision is rendered. The pendency of the 9th Circuit appeal divests this court of jurisdiction to adjudicate the Objection.

Basis for Tentative Ruling

Trustee moves for an order disallowing Debtor's Second Amended Exemptions (defined below) which seeks to exempt Debtor's interests in certain causes of action and account receivables (the "Objection")[dkt. 607]. Debtor timely filed opposition to the Objection (the "Opposition")[dkt 610] to which Trustee timely replied (the "Reply")[dkt. 611].

In sum, this court lacks jurisdiction to adjudicate the merits of the Objection to the Second Amended Exemptions while the Ninth Circuit appeal of the First Amended Exemption Order remains pending.

When a bankruptcy court order is appealed, the bankruptcy court is divested of jurisdiction over the appealed order and it may not "vacate or

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

Chapter 7

modify an order while on appeal." *In re Bialac*, 694 F.2d 625, 627 (9th Cir. 1982); *In re Padilla*, 222 F.3d 1884, 1190 (9th Cir. 2000). "Once an appellate court renders its decision on the appealed order, jurisdiction remains with the appellate court until that court issues its mandate pursuant to Fed.R.App.P. 41." *In re Marino*, 234 B.R. 767, 770 (9th Cir. BAP 1999).

The timely filing of an appellate order from the BAP, however, confers jurisdiction on the Ninth Circuit and divests "both the BAP and the bankruptcy court of *control over those aspects of the case involved in the appeal.*" See, *Padilla*, 222 F.3d at 1189-90 (emphasis added); *Marino*, 234 B.R. at 770 (stating that even if mandate is issued, timely appeal re-divests the lower court of jurisdiction). "The rule divesting lowers courts of jurisdiction of aspects of a case involved in an appeal is [sic] judge-made doctrine designed to avoid the confusion and waste of time that might flow from putting the *same issues before two courts at the same time.*" *Padilla*, 222 F3d. at 1190 (emphasis added). The rule is "not absolute" though, because the lower court retains jurisdiction to "take actions that preserve the status quo during the pendency of an appeal...but 'may not finally adjudicate substantial rights directly involved in the appeal.'" *Id.*

In this case, the court defers any ruling on the Objection because the court lacks jurisdiction to adjudicate issues that are currently pending on appeal that could impact this court's adjudication of the same, e.g., the validity of Debtor's exemptions of the "Claims Against 3P," "Other Contingency," and Account Receivables. See, Mot., Ex. 12 (the First Amended Exemption Order) and Ex. 13 (the BAP Memorandum).

Per the First Amended Exemption Order, the court previously ruled on the substance of these issues. Debtor timely appealed these matters to the BAP thereby divesting this court of jurisdiction over these exemptions claims. And while the BAP affirmed the First Amended Exemption Order, Debtor timely appealed the BAP's decision to the Ninth Circuit Court of Appeals, case no. 20-60006, and this appeal remains currently pending. See, Obj., p. 2, n. 1; Opp'n, p. 11:15-16. Thus, this court has again been divested of jurisdiction over these specific exemptions per the First Amended Exemption Order which is on appeal.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT...

Lenore LuAnn Albert-Sheridan

Chapter 7

That the appeal before the Ninth Circuit currently involves the same issues is demonstrated by a comparison of Debtor's opposition and Debtor's Opening Br. [case. no. 20-60006, dkt. 9], p. 11-13; Opp'n, p. 5:25-6:6 and Opening Br., p. 14-15; Opp'n, p. 7:14-8:4 and Opening Br., p. 19-21. "A court may take judicial notice of a document filed in another court 'not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation and related filings.'" § 201:5 Judicial Notice of Bankruptcy Court's Own Records, Bankr. Evid. Manual § 201:5 (2019 ed.)(citations omitted). And while Debtor's issue on appeal does not formally mention the Account Receivables, Debtor directly addresses the Account Receivables in her opening brief to the Ninth Circuit also. See, e.g., Opening Br., at p. 26.

The divesting of this court's jurisdiction to adjudicate the Objection further promotes the goal of avoiding putting the same issues before two courts at the same time and risking confusion and the waste of judicial resources.

That Debtor added further citations in support of the Second Amended Exemptions [CCP §§ 695.030 and 688.1, *Law v. Siegel*, 571 U.S. 415 (2014), *Baum v. Duckor, Spradling & Metzger*, 72 Cal. App. 4th 54 (1999) and *Murphy v. Allstate Ins. Co.*, 17 Cal. 3d 937 (1976)] does not change this result. Importantly, Debtor discusses all three cases at length in her opening brief to the Circuit. See, Opening Br. at pp. 9-11, 15, 19-22, 25, 30 and 34.

In *In re Bialac*, 694 F.2d 625, 626-27 (9th Cir. 1982) the Ninth Circuit affirmed the BAP's vacating an injunction obtained by the debtor from a second bankruptcy court after the first bankruptcy court granted relief from stay for creditor to foreclose on a note. The Ninth Circuit reasoned that the second bankruptcy court lacked jurisdiction because the order granting relief from stay had been timely appealed and the issues before both courts were the same. See *id.* at 627. The Ninth Circuit found that the only difference between the proceedings was that the debtor was trying to further develop the argument that the note was necessary for reorganization, but even this further argument was insufficient to convey jurisdiction on the second bankruptcy court. See *id.*

Similarly here, by filing the Second Amended Exemptions with the new

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

supporting citations, Debtor is attempting to add further argument to her contention that First Amended Exemptions are valid. However, as discussed above, those issues are already on appeal after Debtor timely appealed the First Amended Exemption Order to the Ninth Circuit. The court therefore only retains limited jurisdiction to "take actions that preserve the status quo during the pendency of an appeal...but 'may not finally adjudicate substantial rights directly involved in the appeal.'" *Padilla*, 222 F3d. at 1190.

Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

January 21, 2021

Continue hearing to May 20, 2021 at 10:30 a.m.; status report regarding the status of the pending appeal before the Ninth Circuit must be filed by the Trustee on or before May 6, 2021 or sanctions in the amount of \$400 will be imposed on Trustee's counsel. (XX)

Basis for Tentative Ruling:

The court previously ordered the Trustee to file a status report by January 14, 2021. No status report was timely filed by such date.

Note: If the parties accept the tentative ruling, appearances will not be required and the Trustee shall serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Jonathan A. Michaels
Eric P Israel
Aaron E de Leest

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT...

Lenore LuAnn Albert-Sheridan

Sonia Singh

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 11

#24.00 Post Confirmation Status Conference RE: Debtors and Debtors-In-Possessions'
First Amended Chapter 11 Plan of Reorganization

(Set at Plan Conf. Hrg. Held 7/16/20)

Docket 152

***** VACATED *** REASON: OFF CALENDAR: Final Decree and Order
Granting Motion for Entry of Final Decree, Discharge, and Order Closing
Debtor's Chapter 11 Case Entered 10/9/2020**

Courtroom Deputy:

**OFF CALENDAR: Final Decree and Order Granting Motion for Entry of
Final Decree, Discharge, and Order Closing Debtor's Chapter 11 Case
Entered 10/9/2020 - td (10/9/2020)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes
Luis A Solorzano

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes
Luis A Solorzano

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:19-13587 Trent Tyrell Berglin and Adrienne Lynn Berglin

Chapter 7

#25.00 Post Confirmation Status Conference RE: Second Amended Chapter 11 Plan of Reorganization

(Set at Plan Conf. hrg. held 7-16-20)

Docket 85

***** VACATED *** REASON: OFF CALENDAR: Order on Debtor's Motion to Convert Case Under 11 U.S.C. Sections 706(a) or 1112(a) Entered 9/29/2020; Case Converted from Chapter 11 to Chapter 7**

Courtroom Deputy:

OFF CALENDAR: Order on Debtor's Motion to Convert Case Under 11 U.S.C. Sections 706(a) or 1112(a) Entered 9/29/2020; Case Converted from Chapter 11 to Chapter 7 - td (9/29/2020)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trent Tyrell Berglin

Represented By
Michael Jones
Sara Tidd

Joint Debtor(s):

Adrienne Lynn Berglin

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 7

#26.00 Hearing RE: Creditor Todd Kurtin's Objection to Homestead Exemption Claim

Docket 1077

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Grant motion in part to reduce the homestead exemption to \$75,000.

Note: If the parties accept the tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:19-14171 KOSEP USA, Inc.

Chapter 7

#27.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[THOMAS H. CASEY, CHAPTER 7 TRUSTEE]

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

KOSEP USA, Inc.

Represented By
James C Bastian Jr

Trustee(s):

Thomas H Casey (TR)

Represented By
James C Bastian Jr
Jai H Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:19-14171 KOSEP USA, Inc.

Chapter 7

#28.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[SHULMAN BASTIAN FRIEDMAN & BUI LLP, ATTORNEY FOR THOMAS H. CASEY, CHAPTER 7 TRUSTEE]

Docket 45

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

KOSEP USA, Inc.

Represented By
James C Bastian Jr

Trustee(s):

Thomas H Casey (TR)

Represented By
James C Bastian Jr
Jai H Kim

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:19-14171 KOSEP USA, Inc.

Chapter 7

#29.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From April 24, 2020 Through September 6, 2020

[HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

KOSEP USA, Inc.

Represented By
James C Bastian Jr

Trustee(s):

Thomas H Casey (TR)

Represented By
James C Bastian Jr
Jai H Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:20-11026 Little John's Antique Arms, Inc.

Chapter 11

#30.00 Hearing RE: Debtor and Debtor-in-Possession's Omnibus Motion for Order to Disallow Claims:

Cl. #2	Southern California Edison	\$1,164.87
Cl. #10	Robert Huntington	\$Unknown
Cl. #11	Manuel Ruben Solarzano	\$104,476.00
Cl. #16	Raymond P. Tenold Trust	\$Unknown
Cl. #17	James F. Burke	\$1,705.00
Cl. #19	Estate of Charles Abshire	\$500,000.00

Docket 147

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Grant the Motion in its entirety.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Little John's Antique Arms, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... Little John's Antique Arms, Inc.

Chapter 11

Richard A Marshack
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:20-11026 Little John's Antique Arms, Inc.

Chapter 11

#31.00 Hearing RE: Debtor and Debtor-in-Possession's Second Omnibus Motion Objecting to Claims:

Cl. #4	Theodore Lauriano	\$2,400.00
Cl. #5	Dale/Eileen Strong	\$199,650.00
Cl. #7	Estate of Charles Porter	\$47,533.00
Cl. #12	Gene Kan	\$84,000.00
Cl. #13	Ron/Nicki Chambers	\$129,357.00
Cl. #16	Rosalva Garcia	\$45,000.00

Docket 149

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Grant Motion as to Claim #5 (Dale & Eileen Strong), Claim #7 (Estate of Charles Porter) in the reduced amount of \$19,474.25, Claim #12 (Gene Kan), Claim #13 (Ron & Nicki Chambers), and Claim #18 [erroneously identified as Claim #16 in the Motion (Rosalva Garcia)]. Continue hearing as to Claim #4 (Theodore Lauriano) to March 4, 2021 at 10:30 a.m. to allow Debtor to correct service [served at incorrect address]. (XX)

Basis for Tentative Ruling:

1. According to the Claims Register, the claim of Rosalva

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... Little John's Antique Arms, Inc.

Chapter 11

Garcia is Claim #18, not #16.

2. The proof of service attached to the Motion indicates that claimant Theodore Lauriano was served at "13723 Canyon Crest Way, **Corona**, CA 92880". However, the proof of claim shows the address as "13723 Canyon Crest Way, **Eastvale** CA 92880." Tentative ruling for 3/4/21 hearing (if unopposed): Grant.

Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Little John's Antique Arms, Inc.

Represented By
Richard A Marshack
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:20-12328 Chase Merritt Global Fund LLC

Chapter 11

#32.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;
and (2) Requiring Report on Status of Chapter 11 Case

FR: 10-22-20

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
Pursuant to Motion by United States Trustee to Dismiss or Convert Case to
One Under Chapter 7 Pursuant to 11 U.S.C. Section 1112(b) Entered
1/19/2021**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case Pursuant to Motion by United
States Trustee to Dismiss or Convert Case to One Under Chapter 7
Pursuant to 11 U.S.C. Section 1112(b) Entered 1/19/2021 - td (1/19/2021)**

Tentative Ruling:

October 22, 2020

**[Special Notice: This hearing is being conducted by Zoomgov. See the
first page of the calendar for today's hearings for participation details.]**

Claims Bar Date:	12/23/20 (notice to creditors by 10/23/20)
Deadline to file plan/DS:	1/11/21
Continued Ch 11 Status Conf:	1/21/21 at 10:30 a.m. (XX)
Updated Status Report due:	1/14/21 (waived if DS is filed by 1/11/20)

In addition to the foregoing, Debtor's counsel must file an employment application by or before **October 30, 2020**.

Note: If Debtor accepts the tentative ruling and is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm substantial compliance with the US Trustee prior to the hearing. The court will issue its own order re the tentative ruling.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

CONT... Chase Merritt Global Fund LLC

Chapter 11

Party Information

Debtor(s):

Chase Merritt Global Fund LLC

Represented By
Thomas C Nguyen

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:20-12985 Geoff Owen Delabar

Chapter 13

#33.00 Hearing RE: Chapter 13 Trustee's Objection to Claims of Exemption

Docket 15

*** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion, filed 1/13/2021

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion, filed
1/13/2021 - td (1/13/2021)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Geoff Owen Delabar

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#33.10 Hearing RE: Trustee's Motion for Order Approving Overbid Procedures for the Sale of Property

Docket 524

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang
Stefan Perovich

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#34.00 Hearing RE: Reorganized Debtor John Bral's Objection to Beitler & Associates, Inc.'s Amended Proof of Claim [Amended Claim No. 9]

Docket 938

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Sustain the Objections to Claim Nos. 9, and 11 subject to Claimants' rights under 11 U.S.C. 502(j) and Fed.R.Bankr.P. 3008. [This Tentative Ruling applies to Calendar #s 34 and 35]

Basis for Tentative Ruling:

Short Answer: Though Claimant has posed a number of procedural suggestions to the court, e.g., permitting Claimant to withdraw the Claim without prejudice to the nondischargeability action, postponing the hearing to a time after the Arbitration matter is resolved, or consolidating the Objection with the the nondischargeability action. However, Claimant has not presented a substantive response to the Objection on the merits of the same. Debtor has raised substantive objections sufficient to shift the ultimate burden of proof to Claimant; Claimant has not satisfied that burden of proof.

Long Answer:

On February 24, 2017, John Jean Bral ("Debtor") filed a voluntary chapter 11 petition. The claims bar date was June 16, 2017. On June 26, 2019, the Court approved Debtor's fourth amended plan, which was subsequently filed on July 31, 2019 ("Plan")[dkt. #761] and the confirmation order was entered on July 31, 2019 (the "Confirmation Order")[dkt. #762]. The next post-confirmation status conference is set for January 21, 2021.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT... John Jean Bral

Chapter 11

Debtor moves for an order disallowing proof of claim no. 9 and 11 in their entirety (collectively, the "Objections")[dkt. 938, as to claim 9][dkt. 939- as to claim 11][dkt. 970- Omnibus Reply]. Debtor also filed his declaration in support of the Objections (the "Bral Declaration")[dkt. 163]. Alternatively, Debtor requests an order determining the amount of such claims. The claimants are Beitler & Associates, Inc. dba Beitler Commercial Realty Services ("BCRS") and Barry Beitler ("Beitler"), (hereafter, collectively, "Claimants."). Proof of claims nos. 9 and 11 are hereinafter referred to sometimes collectively as the "Claims."

Claimants oppose the Objections and request that the court either: (1) authorize Claimants to withdraw the Claims without prejudice to the pending dischargeability actions currently pending against Debtor, or (2) continue this hearing to a date after the completion of the judicial reference proceedings pending before Bankruptcy Judge Zive, scheduled for February 23 and 24, 2021 regarding the "Final Purchase Price" for the Debtor's membership interests in Mission and Westcliff, or (3) consolidate the Objections with the dischargeability proceedings and treat the January 21, 2021 hearing on the Objections as a status and scheduling conference ("Omnibus Opposition")[dkt. 958].

A. The Claims' Background Facts

Prior to 2007, Debtor and Beitler formed six single purpose entities as a series of limited liability companies to acquire and manage commercial real estate projects in Southern California. These limited liability companies include Westcliff Investors, LLC ("Westcliff"), Ocean View Medical Investors, LLC ("Ocean View"), Harbor Medical Investors, LLC ("Harbor") and Mission Medical Investors, LLC ("Mission"). Debtor manages and partially owns Westcliff, Ocean View, Mission, and Harbor.

Debtor also formed Javaher Investors, LLC ("Javaher") and Eyestreet Medical Investors, LLC ("Eyestreet") which also own and manage commercial real estate projects. Debtor is the co-manager of Javaher and Eyestreet, and Beitler is not a co-manager of either. Debtor and Beitler own indirect interests in Javaher and Eyestreet through their respective membership interests in

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room

5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

Westcliff. Westcliff, Ocean View, Harbor, Mission, Javaher and Eyestreet are collectively referred to herein as the "SPEs." After the SPEs' formation, they required management and certain brokerage services such as leasing and lease renewal. In 2006, Debtor formed Venture RE Group ("VREG") which for a period of time performed these services for the SPEs. VREG is owned 50% by Debtor and (contrary to the allegations in the Claim) 50% by Beitler. In October 2013, Debtor formed Bral Realty Advisors, Inc. ("BRAI"). On April 21, 2014, BCRS and Beitler filed a complaint against Debtor in LA Superior Court, case no. BC543410 (the "State Court Complaint"). BCRS and Beitler allege that Debtor breached several oral and implied agreements regarding the split of each of the SPEs property management fees between them and that the property management would be conducted through an entity owned and controlled by both of them. BCRS and Beitler also alleged that Debtor and Beitler entered into several oral agreements relating to VREG, including ownership, property management services, brokerage services, and deferred repayments of draws from VREG. See Obj., 9-12 (for ease of reference, citations to the Objections will be to the objection to Claim 9, dkt. 938).

- B. The Objections are sustained because Debtor has rebutted the *prima facie* validity of the Claims and Claimants have failed to carry their ultimate burden of proof

A proof of claim executed and filed in accordance with FRBP 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Therefore, a proof of claim will be deemed allowed unless a party in interest objects. *Lundell*, 223 F.3d at 1039. Once a party in interest objects, the proof of claim will still provide some evidence as to its validity and amount and will be strong enough to carry over a mere formal objection without more. *Id.* Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 223 F.3d at 1039. The

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d 620 (9th Cir. 1991).

In this case, Debtor alleges that the Claims should not be afforded the presumption of *prima facie* validity because Claimants both assert damages for the same actions but fail to allege the amount of damages, and Claimants fail to allege whether the SPE Management Agreements were in writing or oral agreements. See Obj., 13-15. The Claims, however, were filed on the official proof of claim form, included an attachment explaining that the Claims were based on the State Court Complaint and included a copy of the State Court Complaint. See Obj., Ex. 2. Moreover, Debtor's argument that the underlying agreements are not attached to the Claims is not persuasive because there exists a fine distinction here- the Claims are not based on those agreements but rather on the state law causes of action alleged in the State Court Complaint (which is attached) that are bases on the alleged breaches of the underlying agreements. "There is an evidentiary presumption that a correctly prepared proof of claim is valid as to liability and amount....The rules add that a proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure constitutes prima facie evidence of the validity and amount of the claim." *In re Garner*, 246 B.R. 617, 620-21 (B.A.P. 9th Cir. 2000)(internal citations omitted). Accordingly, the Claims are entitled to the *prima facie* presumption of validity because the Claims explain the underlying basis of the Claim and provided more than sufficient notice to Debtor regarding the alleged basis. Thus, Debtor must overcome this presumptive validity by negating one or more of the sworn facts in the Claims.

1. Debtor has rebutted the *prima facie* validity of the Claims.

Debtor has presented his declaration, with supporting documentation, refuting the underlying allegations in the State Court Complaint upon which the Claims are based, including that Beitler currently holds a 50% ownership in VREG. See Bral Decl. [dkt 163], 2-9; Obj., 22:21-23:11. Debtor has also presented several arguments that could make the Claims unenforceable against Debtor. For example, the causes of action in the State Court Complaint appear to be, at least partially, time-barred by the statute of limitations since the State Court Complaint was filed in 2014 but the alleged

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

breaches occurred before 2012 or 2010 (Cal Code of Civ. Proc. § 339- 2 year statute of limitations for breach of oral contract & 4 year statute of limitations for breach of written contract) and the alleged intentional and negligent misrepresentations also occurred before 2012 or 2011 (Cal Code of Civ. Proc. § 338(d)-- 3 year statute of limitations for intentional misrepresentation, and § 335.1- 2 year statute of limitations for negligent misrepresentation). See Obj., 15-17 and 19-22. Accordingly, Debtor has presented sufficient evidence to negate one or more of the sworn facts in the Claims to rebut the *prima facie* validity of the Claims.

2. Claimants have failed to carry their burden to prove the ultimate validity of the Claims

Having rebutted the *prima facie* validity of the Claims, Debtor has shifted the burden onto Claimants to prove the ultimate validity of the Claims. In their Omnibus Opposition though, Claimants failed to provide any substantive arguments against the Objections. See Omnibus Reply, 6:4-11; see *generally*, Omnibus Opp'n, 8-11. Instead, Claimants proposed three alternatives to a ruling on the Objection which are addressed separately below.

- a. Relief under FRBP 3006 is denied

First, pursuant to FRBP 3006, Claimants request that the court authorize Claimants to withdraw their Claims without prejudice to their pending dischargeability actions against Debtor. See Omnibus Opp'n, 8-9.

FRBP 3006 states, in relevant part, that, "If after a creditor has filed a proof of claim an objection is filed thereto... the creditor may not withdraw the claim except on order of the court after a hearing on notice to the trustee or debtor in possession, and any creditors' committee elected pursuant to § 705(a) or appointed pursuant to §1102 of the Code." FRBP 3006 is akin to a voluntary dismissal under FRCP 41(a)(2). See *Resorts International, Inc. v. Lowenschuss (In re Lowenschuss)*, 67 F.3d 1394, 1399 (9th Cir. 1995) (holding that bankruptcy court erred in not permitting conditional withdrawal of proof of claim by creditor). A "bankruptcy court's exercise of discretion over a creditor's voluntary withdrawal of claims" is reviewed for abuse of discretion.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...
Id.

John Jean Bral

Chapter 11

In this case, relief under FRBP 3006 is denied because, as noted by Debtor, such relief requires a motion and no noticed motion was filed even though Claimants have had notice since October 2020 (and the Objections were filed on October 1, 2020) that Debtor was not agreeable to allowing Claimants to withdraw the Claims. See Omnibus Reply, 3-6; FRBP 3006 ("If after a creditor has filed a proof of claim an objection is filed thereto... the creditor may not withdraw the claim except on order of the court *after a hearing on notice...*")(emphasis added).

- b. The Final Purchase Price has mostly been determined

Claimants request a continuance of the hearing on the Objections until the Final Purchase Price is determined in the arbitration. See Omnibus Opp'n, 5-6 and 10. However, according to the Arbitration Order entered on October 27, 2020, a Final Purchase has already been effectively determined and the only limited issue to be decided is the validity and amount of the "Avalon Trust Deed" against Mission- "No other issues remains to be adjudicated to determine the Final Purchase Price." See Arbitration Order, 2, ¶4; Omnibus Reply, 12, ¶6 and Ex. 3; see also, FRE 201; *In re Blumer*, 95 B.R. 143, 146 (BAP 9th Cir. 1988)("It is well established that a court may take judicial notice of its own records..."). As such, Claimants' argument that the court should defer ruling on the Objections until it can be determined whether general unsecured creditors will receive a distribution after the Final Purchase Price is adjudicated rings hollow. See Omnibus Opp'n, 9:25-10:17.

It is more likely, as presented by Debtor, that Claimants, who hold over 90% of the general unsecured claims in this case, have already determined that further litigation over the Claims does not make economic sense since further litigation over the Claims would only increase administrative expenses resulting in further decreased distributions to general unsecured creditors. See Omnibus Reply, 11-13, ¶¶4-10; Omnibus Opp'n, 3:9-10.

- c. Consolidation of the Objections with the pending adversary proceedings is denied

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

Claimants last request is that the Objections be consolidated with the related, pending dischargeability actions and the court treat this hearing as a status conference in the dischargeability actions. See Omnibus Opp'n, 10-11. Related to this request is Claimants' argument that, because the Plan has become effective yet, the estate continues to exist and Debtor is using estate resources to defend against the dischargeability actions. *Id.* In short, Claimants argue that issues of liability and dischargeability cannot be bifurcated.

First, as noted by Debtor, this request to consolidate the Objections with the adversary proceedings was not requested in a noticed motion, so the request is procedurally defective. See Omnibus Reply, 9.

Next, Debtor litigating the issue of Debtor's liability within the context of claim objections is exactly what the court previously told the parties could occur. As noted by Claimants, a similar issue arose at the outset of adversary proceeding no. 17-01092. See Omnibus Opp'n, 7, n. 3. Debtor, at that time, had filed a motion to bifurcate the issues which was subsequently withdrawn at the hearing. However, unlike Claimants characterization that Debtor "is now attempting to do what was previously told he cannot do," see *id.*, Debtor is doing exactly what Judge Clarkson said Debtor could do- which is to litigate the issue of liability within the context of the claim objection process *and* use estate resources to do so.

Reviewing the transcript of the October 19, 2017 hearing on Debtor's motion to bifurcate the liability and dischargeability issues within the adversary proceedings (which was not cited by the parties), Judge Scott C. Clarkson determined that the motion was premature because Debtor's counsel had not requested to be employed by the estate to defend the dischargeability actions- and show that the services would benefit to the estate. See Tr. of Oct. 19, 2017 Hr'g [AP dkt. 23], 17:21-19:2, 20:9, 38:16-21 (page references are to transcript page numbers at top right). Judge Clarkson then went on to advise, however, that litigating the liability portion could be compensable from the estate if done within the context of the claim objection process. See *id.*, 20:11-17 and 38:23-39:8 ("I can actually say—I do have the discretion to say that you can be compensated, or Mr. Bral's

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT... John Jean Bral

Chapter 11

attorney can be compensated, for matters that would arise under claim objections...").

Judge Clarkson also advised that Debtor could also do what is occurring here now: Debtor litigating the issue of liability within the context of claims process which may affect the resolution of the dischargeability actions. See Tr. of Oct. 19, 2017 Hr'g [AP dkt. 23], 39:3-8 ("[Debtor] is going to have to decide maybe I want to give up on those dischargeability cases. But, I'll still proceed under liability. Because if there's no liability... then what is he worried about discharge for."). Accordingly, there is no basis for denying Debtor the opportunity to use the claims process to determine liability of Debtor's estate for the Claims and requiring the consolidation of the Objections with the dischargeability actions.

In sum, Claimants' three request are denied, and having presented no substantive opposition to the Objections, Claimants have failed to carry their burden to prove the ultimate validity of the Claims.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl
Gary A Pemberton
Shane M Biornstad

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#35.00 Hearing RE: Reorganized Debtor John Bral's Objection to Barry Beitler's Amended Proof of Claim [Amended Claim No. 11]

Docket 939

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Same tentative ruling as for #34 on today's calendar.

Party Information

Debtor(s):

John Jean Bral

Represented By

Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl
Gary A Pemberton
Shane M Biornstad

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#36.00 Hearing RE: Reorganized Debtor John Bral's Objection to Barry Beitler's Proof of Claim [Amended Claim No. 14]

Docket 940

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 21, 2021

Sustain the Objections to Claim No. 14 subject to Claimant's rights under 11 U.S.C. 502(j) and Fed.R.Bankr.P. 3008.

Basis for Tentative Ruling:

Short Answer: Though Claimant has posed a number of procedural suggestions to the court, e.g., permitting Claimant to withdraw the Claim without prejudice to the nondischargeability action, postponing the hearing to a time after the Arbitration matter is resolved, or consolidating the Objection with the the nondischargeability action. However, Claimant has not presented a substantive response to the Objection on the merits of the same. Debtor has raised substantive objections sufficient to shift the ultimate burden of proof to Claimant; Claimant has not satisfied that burden of proof.

Long Answer

1. Debtor has rebutted the *prima facie* validity of the Claims.

Here, Debtor has presented his declaration, with supporting documentation, that refutes the allegations in the Claim, including that the parties never agreed that Claimant would receive 50% of the top line revenues generated by VREG, the payments to BREG and BRAI by the SPEs were ordinary course payments, and the parties agreed that VREG would

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

received 100% of the commissions generated from leasing activity performed on behalf of the SPEs. See Bral Decl. [dkt 163], 4-5, ¶¶14-22; Obj., 12:21-13:20. Debtor also presented his testimony refuting the Claim's allegations regarding capital contributions because the parties were sophisticated investors who knowingly entered into the OPAs, which are attached and reflect the ownership split between Debtor and Claimant. See Bral Decl. [dkt 163], 5-7, ¶¶24-39; Obj., 22:12-23:8. Debtor has explained how Claim 14 is duplicative of Claim 11 because it vaguely references allegations regarding the "other SPEs" but does not provide any additional details regarding them. See Obj., 10-11 and 19-22.

Debtor has also presented several arguments that the Claim is unenforceable against Debtor as a matter of law. For example, with regard to the Mission and Westcliff allegations, Debtor has argued that the Claim is time-barred since the OPA were signed in 2007 and 2007 (Code of Civil Procedure ("CCP") § 338(d)- 3 year statute of limitation for reformation), and barred by the parol evidence rule, promissory estoppel, and waiver. See, Obj., 16-19. With regard to the allegations regarding the SPEs, the Claim is also time-barred since the alleged breaches occurred before 2012 or 2010 (CCP § 339- 2 year statute of limitations for breach of oral contract & 4 year statute of limitations for breach of written contract), Claimant lacks standing since BCRS is the party who holds the Claim, and laches. See Obj., 19-22. Accordingly, Debtor has presented sufficient evidence to negate one or more of the sworn facts in the Claims to rebut the *prima facie* validity of the Claims.

2. Claimants have failed to carry their burden to prove the ultimate validity of the Claims

Having rebutted the *prima facie* validity of the Claims, Debtor has shifted the burden onto Claimants to prove the ultimate validity of the Claims. In their Omnibus Opposition though, Claimants failed to provide any substantive arguments against the Objections. See Omnibus Reply, 6:4-11; see *generally*, Omnibus Opp'n, 8-11. Instead, Claimants proposed three alternatives to a ruling on the Objection which are addressed separately below.

- a. Relief under FRBP 3006 is denied

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

First, pursuant to FRBP 3006, Claimants request that the court authorize Claimants to withdraw their Claims without prejudice to their pending dischargeability actions against Debtor. See Omnibus Opp'n, 8-9.

FRBP 3006 states, in relevant part, that, "If after a creditor has filed a proof of claim an objection is filed thereto... the creditor may not withdraw the claim except on order of the court after a hearing on notice to the trustee or debtor in possession, and any creditors' committee elected pursuant to § 705(a) or appointed pursuant to §1102 of the Code." FRBP 3006 is akin to a voluntary dismissal under FRCP 41(a)(2). See *Resorts International, Inc. v. Lowenschuss (In re Lowenschuss)*, 67 F.3d 1394, 1399 (9th Cir. 1995) (holding that bankruptcy court erred in not permitting conditional withdrawal of proof of claim by creditor). A "bankruptcy court's exercise of discretion over a creditor's voluntary withdrawal of claims" is reviewed for abuse of discretion. *Id.*

In this case, relief under FRBP 3006 is denied because, as noted by Debtor, such relief requires a motion and no noticed motion was filed even though Claimants have had notice since October 2020 (and the Objections were filed on October 1, 2020) that Debtor was not agreeable to allowing Claimants to withdraw the Claims. See Omnibus Reply, 3-6; FRBP 3006 ("If after a creditor has filed a proof of claim an objection is filed thereto... the creditor may not withdraw the claim except on order of the court *after a hearing on notice...*")(emphasis added).

- b. The Final Purchase Price has effectively already been determined

Second, Claimants request a continuance of the Objections until the Final Purchase Price is determined in the arbitration. See Omnibus Opp'n, 5-6 and 10. Yet, pursuant to the Arbitration Order entered on October 27, 2020, a Final Purchase has already been effectively determined and the only limited issue to be decided is the and what remains to be decided is the validity and amount, if valid, of the "Avalon Trust Deed" against Mission- "No other issues remains to be adjudicated to determine the Final Purchase Price." See Arbitration Order, 2, ¶4; Omnibus Reply, 12, ¶6 and Ex. 3; see

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

also, FRE 201; *In re Blumer*, 95 B.R. 143, 146 (BAP 9th Cir. 1988)("It is well established that a court may take judicial notice of its own records..."). As such, Claimants' argument that the court should defer ruling on the Objections until it can be determined whether general unsecured creditors will receive a distribution after the Final Purchase Price is adjudicated rings hollow. See Omnibus Opp'n, 9:25-10:17.

It is more likely, as presented by Debtor, that Claimants, who hold over 90% of the general unsecured claims in this case, have already determined that further litigation over the Claims does not make economic sense since further litigation over the Claims would only increase administrative expenses resulting in further decreased distributions to general unsecured creditors. See Omnibus Reply, 11-13, ¶¶4-10; Omnibus Opp'n, 3:9-10.

- c. Consolidation of the Objections with the pending adversary proceedings is denied

Claimants last request is that the Objections be consolidated with the related, pending dischargeability actions and the court treat this hearing as a status conference in the dischargeability actions. See Omnibus Opp'n, 10-11. Related to this request is Claimants' argument that, because the Plan has become effective yet, the estate continues to exist and Debtor is using estate resources to defend against the dischargeability actions. *Id.* In short, Claimants argue that issues of liability and dischargeability cannot be bifurcated.

First, as noted by Debtor, this request to consolidate the Objections with the adversary proceedings was not requested in a noticed motion, so the request is procedurally defective. See Omnibus Reply, 9. Next, Debtor is litigating the issue of Debtor's liability within the context of claim objections is exactly what the court previously told the parties could occur. As noted by Claimants, a similar issue arose at the outset of adversary proceeding no. 17-01092. See Omnibus Opp'n, 7, n. 3. Debtor, at that time, had filed a motion to bifurcate the issues which was subsequently withdrawn at the hearing. However, unlike Claimants characterization that Debtor "is now attempting to do what was previously told he cannot do," see *id.*, Debtor is doing exactly what Judge Clarkson said Debtor could do- which is to litigate

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

the issue of liability within the context of the claim objection process *and* use estate resources to do so.

Reviewing the transcript of the October 19, 2017 hearing on Debtor's motion to bifurcate the liability and dischargeability issues within the adversary proceedings (which was not cited by the parties), Judge Scott C. Clarkson determined that the motion was premature because Debtor's counsel had not requested to be employed by the estate to defend the dischargeability actions- and show that the services would benefit to the estate. See Tr. of Oct. 19, 2017 Hr'g [AP dkt. 23], 17:21-19:2, 20:9, 38:16-21 (page references are to transcript page numbers at top right). Judge Clarkson then went on to advise, however, that litigating the liability portion could be compensable from the estate if done within the context of the claim objection process. See *id.*, 20:11-17 and 38:23-39:8 ("I can actually say—I do have the discretion to say that you can be compensated, or Mr. Bral's attorney can be compensated, for matters that would arise under claim objections...").

Judge Clarkson also advised that Debtor could also do what is occurring here now: Debtor litigating the issue of liability within the context of claims process which may affect the resolution of the dischargeability actions. See Tr. of Oct. 19, 2017 Hr'g [AP dkt. 23], 39:3-8 ("[Debtor] is going to have to decide maybe I want to give up on those dischargeability cases. But, I'll still proceed under liability. Because if there's no liability... then what is he worried about discharge for."). Accordingly, there is no basis for denying Debtor the opportunity to use the claims process to determine liability of Debtor's estate for the Claims and requiring the consolidation of the Objections with the dischargeability actions.

In sum, Claimants' three request are denied, and having presented no substantive opposition to the Objections, Claimants have failed to carry their burden to prove the ultimate validity of the Claims.

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 21, 2021

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl
Gary A Pemberton
Shane M Biornstad