

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#1.00** CON'TD STATUS CONFERENCE RE: First Amended Verified Adversary Complaint for: 1. Fraudulent Transfer Pursuant to California Civil Code Section 3439-3439, 12; 2. Fraud; 3. Breach of Contract; 4. Accounting; 5. Constructive Trust; 6. Preliminary and Permanent Injunction; 7. Conversion; 8. Breach of Fiduciary Duty; 9. Breach of Implied Covenant of Good Faith and Fair Dealing; and 10. Involuntary Dissolution of Defendant Fallbrook Diagnostics, Inc.

FR: 3-12-15; 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17; 4-12-18; 10-18-18; 12-13-18; 2-12-19; 3-12-19; 6-20-19; 9-19-19; 10-3-19; 11-7-19

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 7, 2019**

The status conference will be continued to January 30, 2020 at 9:30 a.m.; joint status report must be filed by January 16, 2020. (XX)

-----

**January 30, 2020**

Discovery Cut-off Date:	June 30, 2020
Deadline to Attend Mediation:	Aug. 31, 2020
Pretrial Conference Date:	Oct. 8, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Sept. 24, 2020

**Note: *If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiffs 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 30, 2020**

**Hearing Room 5A**

9:30 AM

CONT... Donald Woo Lee

**Chapter 7**

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

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

American Edge Medical Co.

Represented By  
Marc C Forsythe

Turko United LLC

Pro Se

Nath Investments Inc.

Represented By  
Marc C Forsythe

My Imaging Center Inc.

Represented By  
Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By  
Marc C Forsythe

My Imaging Center LLC

Pro Se

Lake Elsinore Diagnostics Inc.

Pro Se

Temecula Diagnostic Center Inc.

Pro Se

Anke Ciling

Pro Se

Sammy Ciling

Pro Se

Fallbrook Diagnostics Inc.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Prime Partners Medical Group, Inc.

Represented By  
Norma Ann Dawson  
Robert B Rosenstein

Donald Woo Lee

Represented By  
Norma Ann Dawson  
Robert B Rosenstein

Linda Bae Lee

Represented By  
Norma Ann Dawson  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur

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

Thursday, January 30, 2020

Hearing Room 5A

9:30 AM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#2.00 CON'TD PRE-TRIAL CONFERENCE RE: First Amended Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust (As to Defendant Russell Wallace Only)**

(Advanced from 6-14-18)

FR: 6-7-18; 7-19-18; 12-20-18; 5-2-19; 5-7-19; 8-22-19; 11-7-19; 12-12-19

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

The following discovery schedule applies to Plaintiff and Defendant Haleh Fardi:

Discovery Cut-off Date:	Oct. 19, 2018
Deadline to Attend Mediation:	Nov. 16, 2018
Pretrial Conference Date:	Dec. 20, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 6, 2018

Deadline for Plaintiff to move for entry of default judgments as to non-answering defendants: Sept. 21, 2018

***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 30, 2020

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.  
**May 7, 2019**

Chapter 7

Court's Comments re the Joint Pretrial Stipulation:

1. A demand for jury trial has been made. Each party is required indicate whether they consent or do not consent to the jury trial being conducted in this court. Absent 100% consent by all parties, the jury trial must be held in District Court. Statements re consent or nonconsent to this court conducting the jury trial must be filed with the court by **May 21, 2019**.
2. The facts to which Defendant Russell Wallace admitted to in his answer should be reflected in the Admitted Facts Section of the Stipulation.
3. Re Section (c)(1) of the Issues of Law, why must a determination be made at trial re whether Mr. Redman and Mr. Martin breached their fiduciary duties to 29 Prime when defaults have been entered against both gentlemen?
4. Why isn't Ms. Fardi ready for trial? The reason(s) should have been set forth in the Stipuation.
5. Any motions *in limine* need to be filed no later than **June 18, 2019** and scheduled for hearing no later than **July 16, 2019**.

***Note: Appearances at this hearing are required.***

-----

**August 22, 2019**

Comments re the Joint Pretrial Stipulation filed 8/16/19:

1. Who has signed off on the JPS. No signatures for either of the remaining defendants, Russell Wallace or Haleh Fardi. Did either of them participate in the preparation of this JPS?
2. The JPS is supposed to include a section on all admitted facts that require no proof. So, why does that section include the statement that Ms. Fardi "disputes" the admitted facts? That would make them NOT admitted. Which

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

Thursday, January 30, 2020

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.

Chapter 7

facts does she actually dispute?

3. Why does the admitted facts section include Nos. 13, 18 - 48 which all appear to be DISPUTED FACTS????

4. Why does (f) state that plaintiff "intends to file a motion *in limine*" when such a motion was already filed as of August 16, 2019, the date the JPS was submitted?

***Special Note: If at all possible, the court would like for the trustee, Richard Marshack to participate in this hearing.***

***Note: Appearances at this hearing are required.***

-----

**November 7, 2019**

Continue the Pretrial Conference to December 12, 2019 at 9:30 a.m. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed Due to the Inability of Plaintiff to Properly Prosecute This Adversary Proceeding. The OSC hearing shall take place on Dec. 12, 2019 at 9:30 a.m. (XX)

Plaintiff's counsel has failed to timely comply with a strict order of this court re the service of an amended joint pretrial stipulation -- once again causing further delay and confusion for the defendants. The apologies offered are shallow and of no moment. The pretrial conference has previously been continued twice due to counsel's inability to present a proper, coherent and timely pretrial stipulation. Enough is enough.

-----

**December 12, 2019**

Take matter off calendar in light of tentative ruling for Calendar #2 dismissing adversary proceeding.

-----

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

Thursday, January 30, 2020

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.  
January 30, 2020

Chapter 7

The court is inclined to approve the pretrial statement filed January 9, 2020 (docket #157) on the following conditions:

1. A Final Pretrial Statement is filed within 7 days of the hearing that a) deletes the words "And Order" from the caption (a separate order approving the Stipulation must be lodged); and b) deletes the "Status of the Parties" and related chart as such is beyond the scope of LBR 7016-1(b) and clutters up what should be a straightforward statement.
2. Counsel for Plaintiff appears at the hearing and advises the court of the basis for motion to strike Defendant Wallace's answer at this late stage.

The court's usual trial procedure is to required direct testimony by declarations (filed 30 days before by Plaintiff and 21 days before by Defendant) with adverse and rebuttal testimony being presented live. All declarants must be present for cross examination. Plaintiff's counsel to advise the court if Plaintiff would prefer all live direct testimony instead of by declaration. See this court's Trial Procedures on the court's website.

***Note: Appearance at this hearing is required.***

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

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**CONT... 29 Prime, Inc.**

**Chapter 7**

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

1Network.Com

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll



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

Thursday, January 30, 2020

Hearing Room

5A

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#3.00** CON'TD STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt

FR: 7-27-17; 9-21-17, 4-12-18; 5-31-18; 7-19-18; 9-20-18; 12-6-18; 3-21-19; 5-9-19; 6-18-19; 9-19-19; 11-21-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/2/2020 AT 9:30 A.M.,  
Per Order Entered 1/24/2020 (XX)**

**Courtroom Deputy:**

**SPECIAL NOTE: Order Granting Plaintiff Woodlawn Colonial, L.P.'s Motion (1) to Dismiss Plaintiff's First & Second Claims for Relief; & (2) for Entry of Judgment on Plaintiff's Third Claim for Relief Entered 9/6/2019; Non-Dischargeable Judgment Entered 9/6/2019. Remaining Issue is Defendant's Counterclaim fld 6/12/17, dkt #7 - td (9/6/2019)**

**CONTINUED: Status Conference Continued to 4/2/2020 at 9:30 a.m., Per Order Entered 1/24/2020 (XX) - td (1/24/2020)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

-----  
**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date:

Jan. 18, 2018

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

Thursday, January 30, 2020

Hearing Room

5A

9:30 AM

CONT...

**Chad Paul Delannoy**

**Chapter 7**

Deadline to File Pretrial Motions:	Feb. 1, 2018
Reserved hearing date re Pretrial Motions:	Mar. 8, 2018 at 2:00 p.m. (xx)
Pretrial Conference: (XX)	Apr. 12, 2018 at 9:30 a.m.
Deadline to File Pretrial Stipulation	Mar. 29, 2018

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

**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.**

-----  
**July 19, 2018**

In light of pending appeal, continue status conference to September 20, 2018 at 9:30 a.m., updated status report must be filed by September 13, 2018.  
(XX)

**Note: Appearances at this hearing are not required.**

-----  
**September 20, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018. (XX)

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

-----  
**December 6, 2018**

Continue status conference to March 21, 2019 at 9:30 a.m.; updated joint status report must be filed by March 7, 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 30, 2020**

**Hearing Room 5A**

9:30 AM

CONT... Chad Paul Delannoy

Chapter 7

-----  
**March 21, 2019**

Continue status conference to May 9, 2019 at 2:00 p.m., same date/time as hearing on Plaintiff's motion for summary judgment; updated status report not required. (XX)

***Note: Appearances at the March 21, 2019 status conference are not required.***

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

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**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 30, 2020**

**Hearing Room 5A**

9:30 AM

**8:17-10706 John Jean Bral**

**Chapter 11**

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

**#4.00** 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

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 30, 2020

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.

**Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued 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

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**CONT...**

**John Jean Bral**

William N Lobel

**Chapter 11**

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**8:17-10706 John Jean Bral**

**Chapter 11**

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

**#5.00** 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

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 30, 2020

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.

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

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

**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 30, 2020

Hearing Room 5A

9:30 AM

**8:17-10706 John Jean Bral**

**Chapter 11**

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

**#6.00** 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

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 30, 2020

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.

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

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

**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 30, 2020**

**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

**#7.00** 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

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 30, 2020

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.

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

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

**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 30, 2020

Hearing Room 5A

9:30 AM

**8:17-13780 Maria H. Helton-Rehburg**

**Chapter 7**

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

**#8.00** STATUS CONFERENCE RE: Complaint to: 1) Determine Non-Dischargeability of Debt 11 USC Sections 523(a)(2)(A), 523(a)(4) and 523(a)(6), and 2) Deny Discharge of Debtor Under 11 USC Sections 727(a)(2)(A), 727(a)(3), and 727(a)(4)(A)

FR: 6-21-18; 1-31-19; 5-2-19; 5-7-19; 8-8-19; 11-21-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/2/2020 AT 9:30 A.M.,  
Per Order Entered 1/22/2020 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 4/2/2020 at 9:30 a.m., Per  
Order Entered 1/22/2020 (XX) - td (1/22/2020)**

**Tentative Ruling:**

**June 21, 2018**

Discovery Cut-off Date:	Nov. 1, 2018
Deadline to Attend Mediation:	Jan. 11, 2019
Pretrial Conference Date:	Jan. 31, 2019 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Jan. 17, 2019

***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.***

-----

**November 21, 2019**

Impose sanctions in the amount of \$100 each against counsel for Plaintiff and

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**CONT...**     **Maria H. Helton-Rehburg**  
counsel for Defendant for failure to timely file a pretrial stipulation.

**Chapter 7**

Appearances at today's hearing are required.

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

**Debtor(s):**

Maria H. Helton-Rehburg

Represented By  
Christopher P Walker

**Defendant(s):**

Maria H. Helton-Rehburg

Pro Se

**Plaintiff(s):**

Lisa M. Rehburg

Represented By  
Bradley D Blakeley

**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 30, 2020

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

**#9.00** 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

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.***

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

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Defendant(s):**

Minho An

Pro Se

Byungwhan Chung

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

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

**Chapter 7**

Ronald S Goe  
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 30, 2020**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071      Albert-Sheridan v. Education Credit Management Corporation et al

**#10.00**    PRE-TRIAL CONFERENCE RE: Complaint seeking declaration that private student loan is dischargeable because not a qualified education loan and/or the loan is dischargeable due to undue hardship

FR: 7-10-18; 12-20-18; 1-31-19; 3-21-19; 6-20-19; 11-21-19

Docket      1

**\*\*\* VACATED \*\*\*    REASON: CONTINUED TO 3/19/2020 AT 9:30 A.M.,  
Per Order Entered 1/10/220 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 3/19/2020 at 9:30 a.m.,  
Per Order Entered 1/10/2020 (XX) - td (1/10/2020)**

**Tentative Ruling:**

**July 10, 2018**

Discovery Cut-off Date:	10/15/18
Deadline to Attend Mandatory Mediation:	11/16/18
Pretrial Conference Date:	12/20/18 at 9:30 a.m. (XX)
Deadline to Lodge Joint Pretrial Stipulation:	11/13/18

***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.***

-----

**March 21, 2019**

This matter will be trailed to today's 10:30 a.m. calendar.

-----

**June 20, 2019**

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

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

**Chapter 7**

Discovery Cut-off Date:	Sept. 30, 2019
Pretrial Conference Date: (XX)	Nov. 21, 2019 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Nov. 7, 2019

***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.***

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

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Education Credit Management	Represented By Scott A Schiff
-----------------------------	----------------------------------

The Education Resources Institute	Pro Se
-----------------------------------	--------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

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

Thursday, January 30, 2020

Hearing Room 5A

9:30 AM

8:19-10275 Michael J Duff

Chapter 7

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

#11.00 PRE-TRIAL CONFERENCE RE: Complaint to Deny Debtor's Discharge

FR: 8-1-19

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/20/2020 AT 9:30 A.M.,  
Per Order Entered 12/12/2019 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 2/20/2020 at 9:30 a.m.,  
Per Order Entered 12/12/2019 (XX) - td (12/12/2019)**

Tentative Ruling:

**August 1, 2019**

Discovery Cut-off Date:	Nov. 4, 2019
Deadline to Attend Mediation:	Dec. 20, 2019
Pretrial Conference Date: (XX)	Jan. 30, 2020 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Jan. 16, 2020

**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):**

Michael J Duff Pro Se

**Defendant(s):**

Michael J. Duff Pro Se

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

---

9:30 AM

**CONT... Michael J Duff**

**Chapter 7**

**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 30, 2020

Hearing Room 5A

9:30 AM

**8:19-10996 Raju Gobindlal Shewa**

**Chapter 7**

Adv#: 8:19-01126 American Outdoor Gears, LLC v. Shewa

**#12.00** PRE-TRIAL CONFERENCE RE: Complaint to Determine Nondischargeability of Debt. 1. False Pretenses, False Representations, or Actual Fraud 11 U.S.C. Section 523(a)(2); 2. Willful and Malicious Injury 11 U.S.C. Section 523(a)(6); and 3. Non-Dischargeability of Debt Pursuant to 11 U.S.C. Section 727(a)(2)(a) (5)

FR: 9-19-19

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation and Dismissing Adversary Proceeding Entered 11/20/2019**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation and Dismissing Adversary Proceeding Entered 11/20/2019 - td (11/20/2019)**

**Tentative Ruling:**

**September 19, 2019**

Discovery Cut-off Date:	Oct. 31, 2019
Deadline to Attend Mediation:	Dec. 20, 2019
Pretrial Conference Date: (XX)	Jan. 30, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Jan. 16, 2020

**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):**

Raju Gobindlal Shewa

Represented By

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

9:30 AM

**CONT... Raju Gobindlal Shewa**

Leonard M Shulman

**Chapter 7**

**Defendant(s):**

Raju Gobinal Shewa

Pro Se

**Plaintiff(s):**

American Outdoor Gears, LLC

Represented By  
Michael A Ortiz

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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

Thursday, January 30, 2020

Hearing Room 5A

9:30 AM

**8:19-13858 Bruce Elieff**

**Chapter 11**

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

**#13.00** STATUS CONFERENCE RE: First Amended Complaint for Mandatory Subordination Pursuant to 11 U.S.C. §510(b) and Avoidance and Recovery of Preferential and Fraudulent Transfers

Docket 5

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons  
Issued 12/11/2019; New Status Conference Set for 3/5/2020 at 9:30 a.m. (xx)**

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 12/11/2019; New Status  
Conference Set for 3/5/2020 at 9:30 a.m. (xx) - td (12/11/2019)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Bruce Elieff

Represented By  
Paul J Couchot

**Defendant(s):**

Todd Kurtin

Pro Se

**Plaintiff(s):**

Bruce Elieff

Represented By  
Paul J Couchot

Morse Properties, LLC

Represented By  
Paul J Couchot

4627 Camden, 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 30, 2020

Hearing Room 5A

10:00 AM

**8:19-10247 Loren Tramontano and Monique Chevalier**

**Chapter 13**

**#14.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTORS

Docket 34

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/19/2020 AT 10:00 A.M.,  
Per Order Entered 1/13/2020 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 3/19/2020 at 10:00 a.m., Per Order  
Entered 1/13/2020 (XX) - td (1/13/2020)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Loren Tramontano

Represented By  
Paul Y Lee

**Joint Debtor(s):**

Monique Chevalier

Represented By  
Paul Y Lee

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Robert P Zahradka

**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 30, 2020**

**Hearing Room 5A**

10:00 AM

**8:19-14100 Sandra Irene Farias**

**Chapter 7**

**#15.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Grant with 4001(a)(3) waiver.

***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.***

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

**Debtor(s):**

Sandra Irene Farias

Represented By  
Marlin Branstetter

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

---

10:00 AM

**CONT... Sandra Irene Farias**

**Chapter 7**

**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 30, 2020**

**Hearing Room 5A**

10:00 AM

**8:19-14150 Brandi Bagley**

**Chapter 7**

**#16.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
LEANN BENVENUTI, AN INDIVIDUAL  
VS.  
DEBTOR

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Grant with 4001(a)(3) waiver and annulment.

***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.***

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

**Debtor(s):**

Brandi Bagley

Represented By  
Omid J Shirazi

**Movant(s):**

Leann Benvenuti

Represented By  
Richard Sontag

**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 30, 2020**

**Hearing Room 5A**

10:00 AM

**CONT... Brandi Bagley**

**Chapter 7**

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

Thursday, January 30, 2020

Hearing Room 5A

10:00 AM

8:19-14798 Linda L Rock

Chapter 13

#17.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
WILMINGTON SAVINGS FUND SOCIETY, FSB  
VS.  
DEBTOR

Docket 11

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Pan Entered 1/21/2020

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Pan Entered 1/21/2020 - td (1/24/2020)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Linda L Rock

Pro Se

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Austin P Nagel

**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 30, 2020**

**Hearing Room 5A**

10:00 AM

**8:19-14858 Pedro Carrillo-Garcia and Ana Rosa Elias De Carrillo**

**Chapter 7**

**#18.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FORD MOTOR CREDIT COMPANY LLC  
VS.  
DEBTORS

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Grant with 4001(a)(3) waiver.

***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.***

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

**Debtor(s):**

Pedro Carrillo-Garcia

Represented By  
Michael H Colmenares

**Joint Debtor(s):**

Ana Rosa Elias De Carrillo

Represented By  
Michael H Colmenares

**Movant(s):**

Ford Motor Credit Company LLC

Represented By

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

---

10:00 AM

**CONT... Pedro Carrillo-Garcia and Ana Rosa Elias De Carrillo  
Sheryl K Ith**

**Chapter 7**

**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 30, 2020**

**Hearing Room 5A**

10:00 AM

**8:19-14073 Greenplanet Broadbord Inc.**

**Chapter 7**

**#18.10** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BENJAMIN P. LUCAS, ET AL.

VS.

DEBTOR

FR: 12-5-19; 1-9-20

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 9, 2020**

Continue hearing to January 30, 2020 at 10:00 a.m. to allow Movant to correct service issue (XX)

Service issue: Though Debtor has retained counsel (Dana Douglas Esq) as of November 21, 2019, the Motion has not been served on such counsel as required by LBR 4001-1(c)(1)(C)(i).

Tentative ruling for 1/30/20 hearing: Grant motion with 4001(a)(3) waiver under both 362(d)(1) (cause shown -- lack of proof of insurance) and 362(d)(2) (no equity in the property per Debtor's own schedule D and property not necessary for reorganization -- there is no reorganization in chapter 7 cases).

Objection of creditor Tariq Ahmad is overruled. Neither the Local Bankruptcy Rules or the Federal Rules of Bankruptcy Procedure require service of the Motion on creditors of the estate in chapter 7 cases. Further, Mr. Ahmad's



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

Thursday, January 30, 2020

Hearing Room 5A

10:00 AM

CONT... Greenplanet Broadbord Inc.

Chapter 7

opposition states no substantive ground for denial of the Motion.

***Note: If the parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Movant shall serve notice of the continued hearing date/time.***

-----

**January 30, 2020**

Deny motion without prejudice -- service to Debtor's attorney remains defective.

No further continuances. Hearing was continued to allow service to Debtor's attorney. Debtor's attorney was not served at either the correct street address or the email address indicated on the Substitution of Attorney filed 11/21/19.

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

**Debtor(s):**

Greenplanet Broadbord Inc.

Pro Se

**Movant(s):**

Benjamin P. Lucas, a Sole

Represented By  
Edward T Weber

**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 30, 2020

Hearing Room 5A

10:00 AM

8:20-10002 Jeffrey J. Axton

Chapter 13

#19.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Grant motion, except that the stay will terminate on May 4, 2020 if the lump sum plan payment of \$65,000 is not paid by such date.

Basis for Tentative Ruling

Comparing Debtor's Schedule I in the prior case with Schedule I in the current case, Debtor's monthly income has actually *decreased* significantly. Accordingly, the offer of an early lump sum plan payment is the critical factor supporting the assertion of changed circumstances and good faith.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing tentative ruling. 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):**

Jeffrey J. Axton

Represented By  
Michael D Franco

**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 30, 2020**

**Hearing Room 5A**

10:00 AM

**CONT... Jeffrey J. Axton**

**Chapter 13**

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

Thursday, January 30, 2020

Hearing Room 5A

10:00 AM

8:18-13487 Shahid Jamil

Chapter 13

#19.10 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

AJAX MORTGAGE LOAN TRUST 2019-A

VS.

DEBTOR

FR: 1-16-20

Docket 45

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered 1/22/2020

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 1/22/2020 - td (1/29/2020)

Tentative Ruling:

January 16, 2020

Grant with 4001(a)(3) waiver and co-debtor relief.

***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):

Shahid Jamil

Represented By  
Brian J Soo-Hoo

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:00 AM

**CONT... Shahid Jamil**

**Chapter 13**

**Movant(s):**

Ajax Mortgage Loan Trust 2019-A,

Represented By  
Joshua L Scheer  
Reilly D Wilkinson

**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 30, 2020

Hearing Room 5A

10:30 AM

8:10-14723 Susan Doan

Chapter 7

#20.00 Hearing RE: Application by Chapter 7 Trustee to Employ Investors' Property Services as Property Manager and Pay Management Expenses

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Susan Doan

Represented By  
Gregory J Doan

**Movant(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Tinho Mang

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Tinho Mang

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

8:10-14723 Susan Doan

Chapter 7

#21.00 Hearing RE: Trustee's Motion to Operate Debtor's Rental Property Under 11 U.S.C. Section 721

Docket 93

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Susan Doan

Represented By  
Gregory J Doan

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Tinho Mang

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#22.00**      CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE:  
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19

Docket      128

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 16, 2019**

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 8, 2019**

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 15, 2019**

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**October 17, 2019**

Judgment creditor has not sought the issuance of an OSC re contempt.  
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC



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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

re contempt may be heard on the same date.  
-----

**November 21, 2019**

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.  
-----

**January 30, 2020**

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

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

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**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 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247 Damon v. Haythorne

**#23.00** CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:  
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19

Docket 130

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 16, 2019**

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 8, 2019**

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 15, 2019**

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**October 17, 2019**

Judgment creditor has not sought the issuance of an OSC re contempt.  
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

CONT... Stephen J Haythorne  
re contempt may be heard on the same date.  
-----

Chapter 7

**November 21, 2019**

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.  
-----

**January 30, 2020**

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom (no doctor's note was filed by January 16, 2020 excusing her appearance).

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

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**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 30, 2020

Hearing Room 5A

10:30 AM

8:17-10486 Girishkumar Someshwar Joshi and Neeta Girishkumar

Chapter 7

#24.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Girishkumar Someshwar Joshi Pro Se

**Joint Debtor(s):**

Neeta Girishkumar Joshi Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Erin P Moriarty

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

8:17-10486 Girishkumar Someshwar Joshi and Neeta Girishkumar

Chapter 7

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

**[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR JEFFREY I.  
GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Girishkumar Someshwar Joshi Pro Se

**Joint Debtor(s):**

Neeta Girishkumar Joshi Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Erin P Moriarty

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#26.00 Hearing RE: Trustee's Final Report and Application for Approval of Final Fees and Expenses

**[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]**

Docket 104

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#27.00 Hearing RE: First and Final Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP, GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE  
RICHARD A. MARSHACK]**

Docket 102

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#28.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From August 13, 2019 Through December 1, 2019

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE,  
RICHARD A. MARSHACK]**

Docket 103

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

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.***

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

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang



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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:19-10483 Emil Peter Joros**

**Chapter 13**

**#29.00** Hearing RE: UDR Harbor Greens L.P.'s Motion to Compel Post-Petition Rent Payment Under Lease and Request for Expedited Hearing, or, Alternatively, for Allowance and Payment of an Administrative Expense Claim

Docket 55

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Deny motion for the reasons stated in the Chapter 13 Trustee's Opposition, which the court incorporates by reference herein. See Chapter 13 Trustee's Opposition to UDR Green's Motion to Compel at pp. 4-6.

The court notes parenthetically that if Debtor does not agree with the amended proof of claim, he should file a formal objection.

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

**Debtor(s):**

Emil Peter Joros

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 30, 2020

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#30.00 Hearing RE: Debtor-in-Possession's Motion for an Order Dismissing Chapter 11 Case

Docket 123

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Grant Motion; judgment in favor of United States Trustee for outstanding UST fees, if any.

***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.***

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

**Debtor(s):**

SPN Investments Inc

Represented By  
Jeffrey S Shinbrot

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

**8:19-10893 SPN Investments Inc**

**Chapter 11**

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

FR: 5-16-19; 6-13-19; 9-12-19; 11-7-19; 12-12-19

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 16, 2019**

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case. (XX)

***Note: Appearances at this hearing are not required.***

-----  
**June 13, 2019**

Claims Bar Date: 8/22/19 (notice to creditors by  
6/20/19)

Deadline to file Plan/DS: 8/29/19 (no extensions will be  
granted)

Continued Status Conf: 9/12/19 at 10:30 a.m. (XX)

Updated Status Report due: 8/29/19 -- waived if Plan/DS timely  
filed

***Note: If the parties accept the foregoing tentative ruling, appearances at this status conference are not required -- the court will issue its own order re the same.***

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

Thursday, January 30, 2020

Hearing Room

5A

10:30 AM

CONT... SPN Investments Inc  
**September 12, 2019**

Chapter 11

Continue status conference to November 7, 2019 at 10:30 a.m. to allow Debtor to notice a hearing date on approval of its Disclosure Statement. (XX)

*Special Note: This court does not set hearings on approval of disclosure statements. Counsel for the debtor must self-calendar hearings.*

***Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the U.S. Trustee. It is Debtor's responsibility to ascertain its compliance status prior to the hearing.***

-----  
**November 7, 2019**

Continue status conference to December 12, 2019 at 10:30 a.m., same date/time as hearing re approval of first amended disclosure statement. Updated status report not required. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**December 12, 2019**

No tentative ruling. Disposition will depend upon the outcome of #19 on today's calendar.

-----  
**January 30, 2020**

Off calendar in light of granting of Debtor's motion to dismiss case.

***Note: Appearances at the hearing not required.***

Party Information

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:30 AM

**CONT... SPN Investments Inc**

**Chapter 11**

**Debtor(s):**

SPN Investments Inc

Represented By  
Jeffrey S Shinbrot

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

**Thursday, January 30, 2020**

**Hearing Room**

**5A**

10:30 AM

**8:19-12411 Orange County Bail Bonds, Inc.**

**Chapter 11**

**#32.00** CONT'D STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and  
(2) Requiring Report on Status of Chapter 11 Case

FR: 8-22-19; 10-17-19; 11-7-19

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 22, 2019**

Deadline to file Plan and Disclosure Statement: 10/21/19

Continued Status Conference Date: 11/21/19 at 10:30 a.m.

Updated Status Report due date: 11/7/19 unless a plan  
& DS

have been  
filed, in which case

the  
requirement of a report will

be waived.

*Special Note: The court does not ordinarily set a deadline for the filing of  
objections to claim.*

***Note: If Debtor is in substantial compliance with the requirements of the  
United States Trustee, appearance at this hearing is not required. It is  
Debtor's responsibility to confirm compliance with the UST prior to the  
hearing.***

-----  
**October 17, 2019**

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

Thursday, January 30, 2020

Hearing Room

5A

10:30 AM

CONT... **Orange County Bail Bonds, Inc.**

**Chapter 11**

Continue status conference to November 7, 2019 at 10:30 a.m., same date/time as hearing on Debtor's motion to extend exclusivity. Updated status report not required. (XX)

-----  
**November 7, 2019**

Deadline to file plan/disclosure statement: Dec. 20, 2019

Continued status conference: Jan. 30, 2020 at 10:30 am  
(XX)

Updated status report due (only if plan &  
DS not timely filed by 12/20/19): Jan. 16, 2020

***Note: If Debtor is in substantial compliance with the requirements of the United States Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the UST prior to the hearing.***

-----  
**January 30, 2020**

Continue status conference to 2/20/20 at 10:30 a.m., same date/time as hearing on approval of disclosure statement; updated status report not required.

***Note: Appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

Orange County Bail Bonds, Inc.

Represented By  
Marc C Forsythe

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:19-12741 Michael E. Silbermann**

**Chapter 13**

**#33.00** Hearing RE: Debtor's Objection to Proof of Claim / FCI Lender Services, Inc.

Docket 35

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Chapter 13 Confirmation Hearing Entered 11/27/2019**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13  
Confirmation Hearing Entered 11/27/2019 - td (11/27/2019)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Michael E. Silbermann

Represented By  
Joseph C Rosenblit

**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 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:19-12741 Michael E. Silbermann**

**Chapter 13**

**#34.00** Hearing RE: Debtor's Objection to Proof of Claim #10-1 / FCI Lender Services, Inc.

Docket 36

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Chapter 13 Confirmation Hearing Entered 11/27/2019**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13  
Confirmation Hearing Entered 11/27/2019 - td (11/27/2019)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Michael E. Silbermann

Represented By  
Joseph C Rosenblit

**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 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:19-13858 Bruce Elieff**

**Chapter 11**

**#35.00** Hearing RE: Motion to Approve Compromise Under Rule 9019 Between Related Debtor Bruce Elieff, Citi Investments Capital Inc., and W.C.R. Development Company, LLC

Docket 179

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 30, 2020**

Deny the motion in its entirety.

The court is inclined to order that all the relevant parties attend a judicial mediation, such relevant parties being Debtor, WCR, Todd Kurtin, the IRS, Citi Investment, the Creditors Committee, Chase and Ms. Elieff.

Basis for the Tentative Ruling:

For various and far-ranging reasons, this court cannot approve the Motion or the proposed agreement to which it relates as presented. The basis for the tentative ruling is summarized below:

1. As a preliminary matter, the Motion seeks this court's approval of an unexecuted, nonfinal "memorandum of understanding." Given the complexities noted below, the court will not consider approving anything other than a completed and executed final document.
2. The Motion appears to be a "quasi" 363 sale motion without the protections afforded creditors, e.g., under 363(f) and the opportunity for overbidding. Debtor has admitted receiving an unsolicited offer for the subject property of \$6.5M or nearly \$1M more than that paid by Citi at the foreclosure sale. Proper marketing of the property could generate an even higher amount

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

CONT... **Bruce Elieff**

Chapter 11

for the benefit of the estate. The court is somewhat surprised by the position of the Creditors' Committee, which appears to be uninterested in maximizing the value of the subject property.

3. Debtor's attempt to style the Motion as one designed to effectuate a fraudulent transfer recovery under 550 and 551 falls short. According to the Declaration of Bruce Elieff ("Debtor"), Debtor caused WCR (the transferee of the Parham property in 2018) to transfer the subject property back to him on October 2, 2019 before the filing of the within chapter 11 case on the same date. Indeed, the quitclaim deed signed by Debtor (as the 100% owner of WCR) is dated October 2, 2019 and the same reflects a notary's affidavit with the same date. Thus, it appears that delivery of whatever interest WCR held in the property was delivered to Debtor by himself on October 2, 2019 prior to the bankruptcy filing. The deed was not recorded, however, until October 4, 2019, i.e., postpetition. Either way, whether the reconveyance occurred just prior to or shortly after the filing, as of at least October 4, 2019 there appears to be no transfer to avoid or recover. In any event, Debtor has presented insufficient evidence or legal analysis to support this court's finding of a viable 550(a) recovery claim.

4. The court does not share the confidence of either Debtor or Citi that the foreclosure sale was absolutely valid and that the notice of rescission was absolutely invalid. See, e.g., *Bank of America v. La Jolla Group II*, 129 Cal.App. 4th 706, 712 (2005) (Court upheld the invalidation of a trustee's deed where the trustor and beneficiary mutually consented to cure the default less than 5 days prior to the foreclosure sale, finding that the beneficiary had no power to sell the property, notwithstanding CC 2924(c) and notwithstanding the fact that the third party purchaser had no knowledge of the cure agreement).

5. If the foreclosure sale was invalid, Citi gets its \$5.6M back and the property is property of the estate and available for sale at a price higher than \$5.6M, subject to all valid liens, which liens will likely exceed the ultimate value of the property.

6. If the foreclosure sale was valid, the \$5.6M is property of the bankruptcy estate within the meaning of 11 U.S.C. 541 over which this court has subject

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

CONT... **Bruce Elieff**

**Chapter 11**

matter jurisdiction, contrary to the position apparently taken by MTC Financial. Such proceeds would, of course, be subject to any valid liens.

7. Even if Debtor could somehow persuade this court of the application of the avoidance/recovery provisions, the issue regarding Ms. Elieff's interest in the property is nuanced and needs to be adequately addressed by Debtor. Characterizing her interest as community property may or may not be accurate. The property was held by Debtor and Ms. Elieff as joint tenants. There is an open question as to the interest of a nondebtor *joint tenant* spouse. See, *In re Brace*, 908 F.3d 531 (9th Cir. 2018). In *Brace*, the chapter 7 trustee avoided a real property transfer in which the debtor and the non-debtor held the property as joint tenants pre-transfer. The issue before the bankruptcy court was whether the trustee had recovered a community interest as whole or only debtor's one-half interest in the property as a joint tenant. The 9th Circuit has certified the following question to the California Supreme Court:

"Does the form of title presumption set forth in section 662 of the California Evidence Code overcome the community property presumption set forth in section 760 of the California Family Code in Chapter 7 bankruptcy cases where: (1) the debtor husband and non-debtor wife acquire property from a third party as joint tenants; (2) the deed to that property conveys the property at issue to the debtor husband and non-debtor wife as joint tenants; and (3) the interests of the debtor and non-debtor spouse are aligned against the trustee of the bankruptcy estate?"

The question remains pending before the California Supreme Court.

8. Finally, the court cannot make a finding that the proposed compromise is fair, reasonable or adequate. *A&C Properties*, 784 F.2d 1377, 1381 (9th Cir. 1986). As stated earlier, the compromise is structured to create an avoidance recovery where there is none and to avoid "a whole layer of additional entanglement" that a proper motion to sell would require. Motion at p. 13. The court declines Debtor's invitation to sanction a legal fiction (avoidance recovery) for the sake of convenience and is not persuaded that the proposed settlement is of paramount interest to creditors in light of the apparent below-market value offered in the compromise. At bottom, Debtor is endeavoring to jam a square peg into a round hole.

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

---

10:30 AM

CONT...

**Bruce Elieff**

**Chapter 11**

**Party Information**

**Debtor(s):**

Bruce Elieff

Represented By  
Paul J Couchot

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

Thursday, January 30, 2020

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#36.00 CONT'D Hearing RE: Motion in Debtors' Chapter 11 Cases For Order Authorizing Debtor in Possession to Employ Professional Real Estate Broker Timothy Tamura **[Affects Bruce Elieff]**

FR: 12-5-19; 12-19-19; 1-9-20

Docket 50

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/6/2020 AT 10:30 A.M.,  
Per Judge's Oral Ruling on 1/9/2020, which supercedes the stipulated order  
continuing the matter to 1/30/2020 at 10:30 am (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 2/6/2020 at 10:30 a.m., Per Judge's Oral  
Ruling on 1/9/2020, which supercedes the stipulated order continuing  
the matter to 1/30/2020 at 10:30 am (XX) - td (1/23/2020)**

**Tentative Ruling:**

**January 9, 2020.**

Continue hearing one final time to February 6, 2020 at 10:30 a.m. (XX)

The omnibus notice [docket #149] does not comply with LBR 2014-1(b)(3)(B), (C), (D) and (E).

Debtors will be allowed one final opportunity to properly serve the notice of the Applications. Debtors' counsel shall not charge Debtors for the preparation of the notice reflected as docket #149.

**Party Information**

**Debtor(s):**

Bruce Elieff

Represented By  
Paul J Couchot

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

**Thursday, January 30, 2020**

**Hearing Room 5A**

10:30 AM

**8:19-14614 Delecia A Holt**

**Chapter 7**

**#37.00** Hearing RE: Order to Show Cause RE: Dismissal for Failure to Comply with Rule 1006(b) (\$83.75 Installment Payment Due 12/20/2019) (OSC Issued 12/26/2019)

Docket 18

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Second Fee Installment of \$83.75 Paid on 1/6/2020, Receipt #80074529**

**Courtroom Deputy:**

**OFF CALENDAR: Second Fee Installment of \$83.75 Paid on 1/6/2020, Receipt #80074529 - td (1/7/2020)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Delecia A Holt

Pro Se

**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 30, 2020

Hearing Room 5A

2:00 PM

**8:19-13858 Bruce Elieff**

**Chapter 11**

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

**#38.00** Hearing RE: Defendant's Motion to Dismiss Second Amended Complaint

Docket 19

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/9/2020 AT 2:00 P.M.,  
Per Order Entered 1/27/2020 (XX)**

**Courtroom Deputy:**

**SPECIAL NOTE: Hearing Continued to 4/9/2020 at 2:00 p.m., Per Order  
Entered 1/27/2020 (XX) - td (1/27/2020)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Bruce Elieff

Represented By  
Paul J Couchot

**Defendant(s):**

Todd Kurtin

Represented By  
Lewis R Landau

**Movant(s):**

Todd Kurtin

Represented By  
Lewis R Landau

**Plaintiff(s):**

Bruce Elieff

Represented By  
Paul J Couchot

Morse Properties, LLC

Represented By  
Paul J Couchot

4627 Camden, 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 30, 2020**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Bruce Elieff**

**Chapter 11**