

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

Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:11-21187 Richard Jay Blaskey

Chapter 7

Adv#: 8:12-01175 Barton Properties Inc et al v. Blaskey et al

#1.00 PRE-TRIAL CONFERENCE RE: Complaint to: Recover money and property; determine validity, priority and extent of liens and other interest in property; avoid certain transfers; and obtain certain declaratory relief related to the foregoing

FR: 3-3-16; 3-10-16; 4-21-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 10, 2016

Continue Status Conference to June 9, 2016 at 9:30 a.m.; updated Joint Status Report to be filed by May 26, 2016.

The tentative continuance reflects the existence of pending motion for leave to appeal

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

April 21, 2016

Impose sanctions against Plaintiff's counsel in the amount of \$100 for failure to participate in the preparation of the joint status report.

Deadline to file Summary Judgment Motion: 5/24/16
Hearing date on Summary Judgment Motion: 6/28/16 at 10:30 a.m.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

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9:30 AM

CONT... **Richard Jay Blaskey** Chapter 7

Discovery Cut-off Date:	8/31/16
Pretrial Conference (if SJ Motion not granted): (XX)	10/20/16 at 9:30 a.m.
Deadline to file Joint Pretrial Stipulation:	10/6/16

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall, within 7 days of today's hearing, lodge a scheduling order consistent with the same.

October 20, 2016

Continue pretrial conference to December 22, 2016 at 2:00 p.m., same date/time reserved for hearing on Defendant's motion for summary judgment. Joint pretrial stipulation not required.

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

Party Information

Debtor(s):

Richard Jay Blaskey	Represented By Matthew E Faler
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Defendant(s):

Geoffrey A. Blaskey	Represented By Matthew E Faler
Jocelyn W. Blaskey	Represented By Todd C. Ringstad
Richard Jay Blaskey	Represented By Matthew E Faler

Interested Party(s):

Courtesy NEF	Represented By Anthony A Patel
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CONT... Richard Jay Blaskey

Chapter 7

William M. Burd

Plaintiff(s):

Stephen Selinger

Represented By
Anthony A Patel

Barton Properties Inc

Represented By
Anthony A Patel

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Thomas H Casey
Kathleen J McCarthy

Weneta M Kosmala (TR)

Represented By
Thomas H Casey

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:12-17186 Michael L. Keele

Chapter 7

Adv#: 8:12-01591 Rabani et al v. Keele et al

#2.00 CON'TD PRE-TRIAL CONFERENCE RE: Third Amended Complaint to Determine Dischargeability of Debt

FR: 1-15-15; 2-3-15; 4-16-15; 6-18-15; 12-17-15; 3-17-16; 4-21-16; 6-2-16; 7-21-16; 7-28-16; 9-22-16

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 15, 2015

Continue status conference to Feb. 3, 2015 at 2:00 p.m., same date/time as hearing on pending motion to dismiss. Status report not required for the 2/3/15 hearing. (XX)

Note: Appearances at today's hearing are not required.

February 3, 2015

Continue Status Conference to April 16, 2015 at 9:30 a.m., Joint Status Report to be filed by April 2, 2015 (XX)

June 18, 2015

Discovery Cut-off Date:	Sept. 15, 2015
Deadline to Attend Mediation:	Oct. 30, 2015
Pretrial Conference Date:	Dec. 3, 2015 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 19, 2015

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CONT... Michael L. Keele

Chapter 7

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.

April 21, 2016

Impose sanctions in the amount of \$100 against both Plaintiff's and Defendant's counsel for failure to timely file a pretrial stipulation as required by LBR 7016-1(b)

Note: Appearances at this hearing are required.

July 28, 2016

Continue pretrial conference to September 22, 2016 at 9:30 a.m.. The parties are ordered to file a joint pretrial stipulation in compliance with Local Bankruptcy Rule 7016-1(b), (c), and (d) no later than September 8, 2016.
(XX)

Special Note: The court is aware that Plaintiff has filed a motion for default judgment (set for hearing on August 18, 2016) on the ground that Defendant did not file answer to the Third Amended Complaint until June 16, 2015 (the answer was due March 2015). However, as Plaintiff waited more than a year after the answer was filed to file the motion for default judgment, the pretrial conference shall remain on calendar.

Note: Appearances at this hearing are required.

September 22, 2016

Impose sanctions in the amount of \$100 against each party for failure to timely file a Joint Pretrial Stipulation as ordered by the court at the July 28, 2016 pretrial conference. Impose an additional \$100 against each party if a

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CONT... Michael L. Keele

Chapter 7

joint pretrial stipulation is not filed by 2:00 pm on September 21, 2016.

Note: Appearances at this hearing are required.

October 20, 2016

Court's Comments re the Joint Pretrial Stipulation (JPS) filed 10/7/16. In sum, the JPS is wholly deficient and unacceptable and is not ready for approval by the court.

A. Undisputed Facts

The court is incredulous that there is not a single undisputed fact and is inclined to sanction counsel for Plaintiff Allen and counsel for Defendant not less than \$1000 each for failure to file a proper Pretrial Stipulation. The court has neither the time nor the desire to go through all 86 paragraphs in detail in this tentative ruling. However, examples re only a random few of the paragraphs in Section 2 are highlighted below:

- #4: Is it really disputed that Rabani owned real property? Is it disputed that she was interested in selling it via 1031 tax exchange?
- #5 Is Keele denying that he ever met Rabani in person in 2009? Is every other fact in this paragraph disputed or are there portions that are not disputed?
- #6 Without reference to any representations, is there a dispute that Rabani invested (or loaned) \$100,000 re CVLCC?
- #9 Is each and every fact stated in this paragraph disputed? For example, did CVLLC collapse or cease doing business? Did Starkey receive a \$7,000 commission? Is there a dispute as to whether the commission was paid out of Rabani's CVLLC account? Was there any sort of written agreement between Keele and Rabani? Did it include the quote

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CONT...

Michael L. Keele
set forth in this paragraph.

Chapter 7

#20 Is it disputed that Allen received a grant deed? Is it disputed that his name is not on it?

#22 Is there a dispute that the granted deed was not recorded?

#23 Does Keele deny that Allen and Rabani were not paid?

#35 Is it disputed that the Bakersfield City Redevelopment Agency selected Keele as the developer for CVLCC?

#73 Is there a dispute as to the date the bankruptcy case referenced in this paragraph was filed?

B. Missing Facts

In general, there must be undisputed facts surrounding Keele's contact/relationship with Rabani and Allen. In particular, in Section 5 of the JPS there is a reference to Keele's witness, Kathy Henry, who drafted "*various documents for the real estate transactions that the Plaintiffs were involved in along with Defendant.*" (emphasis added). This witness summary alone signals there are key, undisputed facts concerning the background and foundation of various real estate transactions that are not mentioned at all under the Undisputed Facts section of the JPS.

C. Relevancy of Facts

Rabani and Allen assert nondischargeability under 523(a)(2)(A) and 523(a)(4). However, certain of the undisputed facts that are to be tried at trial appear not to relate to the elements required of either 523(a)(2)(A) or 523(a)(4), to wit:

#14 Keele's knowledge that Allen was 83 years old

#15 Relevance of Mao knowing Keele was in bankruptcy; meaning of

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Michael L. Keele

Chapter 7

the reference to Rabani's "restrictions."

#28 Relevance of other failed investments for purposes of 523(a)(2)(A) and (a)(4). See also #52

#38 Relevance of ownership in the Newport Beach residence to 523(a)(2)
(A) and (a)(4). See also #s 64, 65

#70 Relevance of elder abuse allegation to 523(a)(2)(A) and (a)(4)

#88 Conversion is referenced as a disputed fact -- however, conversion
falls under 523(a)(6) but 523(a)(6) is not alleged as a basis for nondischargeability. See Section 3, paragraphs 1 and 2.

D. List of Witnesses

Cindy L Wang -- relevance of this testimony to the 523(a)(2)(A) and (a)(4) claims

Ahuva Rabani: Section 5(B) -- this is not a summary of her testimony
but allegations of her claims. Inappropriate for this section of the JPS.

E. Motions *In Limine*

Plaintiffs indicate they will file a motion *in limine*? About what?

F. Discovery Not Complete

Discovery ended more than a year ago on September 15, 2015. No motions to compel have ever been filed since such time. Why is Plaintiff Allen just now serving subpoenas on banks? Why is Plaintiff Rabani listing discovery requests in the JPS -- this is entirely inappropriate. By now, a motion to compel should have been filed. These adversaries have dragged

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CONT... Michael L. Keele Chapter 7

on long enough, having been filed *four* years ago. The court will not entertain any motions to compel at this point.

The bottom line is this Joint Pretrial Stipulation is entirely unacceptable and must be re-done from top to bottom.

Note: Appearances at this hearing are mandatory.

Party Information

Debtor(s):

Michael L. Keele

Represented By
Thomas J Polis

Defendant(s):

BMK Development LLC

Pro Se

Southwest Consulting Inc

Pro Se

Michael L Keele

Represented By
Thomas J Polis

Plaintiff(s):

William L Allen

Represented By
David B Lally

Cindy L Wang

Pro Se

Ahuva G Rabani

Represented By
David B Lally

Trustee(s):

David L Hahn (TR)

Represented By
Kristine A Thagard

David L Hahn (TR)

Pro Se

**United States Bankruptcy Court
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Santa Ana
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9:30 AM

CONT... Michael L. Keele

Chapter 7

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

Adv#: 8:15-01338 Casey v. The Kansas City Art Institute

#3.00 STATUS CONFERENCE Hearing RE: Plaintiff's Motion for Partial Summary Judgment

FR: 4-12-16; 6-7-16; 8-16-16; 8-18-16

Docket 16

Courtroom Deputy:

SPECIAL NOTE: THIS MATTER IS TRAILED TO THE 10:30 A.M. CALENDAR --eas

Tentative Ruling:

October 20, 2016

Trail matter to today's 10:30 a.m. calendar. Take matter off calendar if the motion for approval of settlement is approved.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

Defendant(s):

The Kansas City Art Institute

Represented By
Teresa C Chow
Lawrence J Hilton

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

Adv#: 8:15-01338 Casey v. The Kansas City Art Institute

#4.00 STATUS CONFERENCE Hearing RE: Defendant The Kansas City Art Institute's Motion for Summary Judgment

FR: 6-7-16; 8-16-16; 8-18-16

Docket 29

Courtroom Deputy:

SPECIAL NOTE: THIS MATTER IS TRAILED TO THE 10:30 A.M. CALENDAR --eas

Tentative Ruling:

October 20, 2016

Trail matter to today's 10:30 a.m. calendar. Take matter off calendar if the motion for approval of settlement is approved.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

Defendant(s):

The Kansas City Art Institute

Represented By
Lawrence J Hilton
Kathleen A Donahue

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 11

Adv#: 8:15-01338 Casey v. The Kansas City Art Institute

#5.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1. Avoidance of Preferential Transfers of Interests in Property Pursuant to 11 U.S.C. Section 547; 2. Avoidance of Post-Petition Transfers of Interests in Property Pursuant to 11 U.S.C. Section 549; 3. Recovery of Avoided Transfers Pursuant to 11 U.S.C. Section 550(A); and 4. Declaratory Relief

FR: 11-5-15; 6-23-16; 6-30-16; 9-8-16

Docket 1

Courtroom Deputy:

SPECIAL NOTE: THIS MATTER IS TRAILED TO THE 10:30 A.M. CALENDAR --eas

Tentative Ruling:

November 5, 2015

Discovery Cut-off Date (receipt):	Feb. 19, 2016
Deadline to file Pretrial Motions:	Mar. 21, 2016
Pretrial Conference Date: (XX)	June 23, 2016 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	June 9, 2016

Special note: Hearing date(s) regarding any pretrial motions tbd at the time the motions are filed.

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.

October 20, 2016

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Thursday, October 20, 2016

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9:30 AM

CONT... Lawrence Keith Dodge

Chapter 11

Trail matter to today's 10:30 a.m. calendar. Take matter off calendar if the motion for approval of settlement is approved.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico

Defendant(s):

The Kansas City Art Institute

Pro Se

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:14-15556 Angel Mae Bronsgeest

Chapter 7

Adv#: 8:14-01329 Palomares v. Bronsgeest

#6.00 Hearing RE: Order to Show Cause Why Adversary Proceeding Should not be Dismissed for Lack of Prosecution (OSC ISSUED 9/1/16)

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Vacate OSC

Plaintiff has submitted sufficient cause for vacation of the Order to Show Cause. However, it her duty as plaintiff to prosecute this case as expeditiously as possible and to comply with all applicable statutes, rules and orders of the Court.

Party Information

Debtor(s):

Angel Mae Bronsgeest

Represented By
Anerio V Altman

Defendant(s):

Angel Mae Bronsgeest

Pro Se

Joint Debtor(s):

Ronald Guy Bronsgeest

Represented By
Anerio V Altman

Plaintiff(s):

Melanie Palomares

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

CONT... Angel Mae Bronsgeest

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Ashley M Teesdale

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:14-15556 Angel Mae Bronsgeest

Chapter 7

Adv#: 8:14-01329 Palomares v. Bronsgeest

#7.00 CON'TD PRE-TRIAL CONFERENCE RE: First Amended Complaint for Nondischargeability of Debt Re 11 U.S.C. Section 523(a)(2)(A) - FRAUD

FR: 8-20-15; 9-15-15; 11-5-15; 3-3-16; 3-10-16; 9-1-16

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 20, 2015

Continue status conference to Sept. 15, 2015 at 2:00 p.m., same date/time as hearing on pending motion to dismiss. Updated status report not required.
(XX)

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

September 15, 2015

Take status conference off calendar in light of the dismissal of the adversary proceeding.

November 5, 2015

Continue status conference to March 3, 2016 at 9:30 a.m.; joint status report to be filed by February 18, 2016

**United States Bankruptcy Court
Central District of California
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

**CONT... Angel Mae Bronsgeest
March 10, 2016**

Chapter 7

Plaintiff needs to appear and explain why she did not file a joint status report.

Deadline to complete discovery: June 3, 2016

Joint Pretrial Stipulation must be filed by: July 7, 2016

Pretrial Conference Date: July 21, 2016 at 9:30 a.m.

Plaintiff has primary responsibility for drafting the Joint Pretrial Stipulation in accordance with Local Bankruptcy Rule 7016-1(b)(1) and (2), and 7016-1(c).

Note: Appearances at this hearing are required.

September 1, 2016

Plaintiff must advise the court why she has, once again, failed to follow the Local Bankruptcy Rules by not preparing and participating in the filing of a joint pretrial stipulation. Local Bankruptcy Rule 7016-1

Defendant, on the other hand, has filed a unilateral pretrial statement in accordance with LBR 7016-1. Defendant has indicated no witnesses will be called for trial. Does this mean that Defendant herself will not be testifying as a witness in her defense?

Note: Appearances at this hearing are required.

October 20, 2016

Defendant Bronsgeest to advise the court if she accepts Plaintiff's modifications to the Pretrial Stipulation.

As for the 17 third party witnesses Plaintiff lists on pages 5 and 6, the court is not inclined to allow any testimony that does not directly relate the transaction

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9:30 AM

CONT... **Angel Mae Bronsgeest** **Chapter 7**
(s) between Plaintiff and Defendant as 523(a)(2)(A) involves alleged fraud imposed by the debtor defendant upon the *plaintiff*.

Note: Appearances by both parties is required.

Party Information

Debtor(s):

Angel Mae Bronsgeest

Represented By
Anerio V Altman

Defendant(s):

Angel Mae Bronsgeest

Pro Se

Joint Debtor(s):

Ronald Guy Bronsgeest

Represented By
Anerio V Altman

Plaintiff(s):

Melanie Palomares

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

Richard A Marshack (TR)

Represented By
D Edward Hays
Ashley M Teesdale

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

United States Bankruptcy Court
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:15-15902 Scott Pham

Chapter 7

Adv#: 8:16-01026 Emerging Display Technologies Corporation v. Pham

#8.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Nondischargeability of Debt

FR: 4-21-16

Docket 1

*** VACATED *** REASON: OFF CALENDAR; ORDER APPROVING STIPULATION FOR ENTRY OF JUDGMENT ENTERED 5/2/16

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation for Entry of Judgment for Debt To Be Non-Dischargeable [11 U.S.C. Section 523(a)(2)] entered 5/2/16 (liz)(5/2/16)

Tentative Ruling:

April 21, 2016

Discovery Cut-off Date: Aug. 31, 2016
Pretrial Conference Date: Oct. 20, 2016 at 9:30 a.m.
(XX)
Deadline to Lodge Joint Pretrial Stipulation: Oct. 6, 2016

Special Note: Currently, the earliest available dates for summary judgment hearing is September 20 and 22 at 2pm (hearing must be reserved with the Courtroom Deputy).

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

**United States Bankruptcy Court
Central District of California
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

CONT... Scott Pham

Chapter 7

Debtor(s):

Scott Pham

Represented By
Bruce A Boice

Defendant(s):

Scott Pham

Pro Se

Plaintiff(s):

Emerging Display Technologies

Represented By
Phillip Ashman

Trustee(s):

Richard A Marshack (TR)

Pro Se

Richard A Marshack (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, October 20, 2016

Hearing Room 5A

9:30 AM

8:16-11751 J & L Metal Polishing Inc.

Chapter 7

Adv#: 8:16-01176 Marshack v. J.C. Coating Solutions, Inc. et al

#8.10 CONT'D STATUS CONFERENCE RE: Complaint to Avoid Fraudulent Transfer;
Alter Ego

FR: 10-6-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 6, 2016

Continue status conference to October 20, 2016 at 9:30 a.m.; joint status report must be filed by October 6, 2016.

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

October 20, 2016

Discovery Cut-off Date:	Apr. 21, 2017
Deadline to Attend Mediation:	Feb. 18, 2017
Pretrial Conference Date:	Jun 15, 2017 at 9:30 a.m.
Joint Pretrial Stipulation Due:	Jun 1, 2017

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.

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9:30 AM

CONT... J & L Metal Polishing Inc.

Chapter 7

Party Information

Debtor(s):

J & L Metal Polishing Inc.

Represented By
William Radcliffe

Defendant(s):

Julian Navarro

Pro Se

Cesar Soto

Pro Se

J.C. Coating Solutions, Inc.

Pro Se

Rigoberto Navarro

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Donald W Sieveke

Trustee(s):

Richard A Marshack (TR)

Represented By
Donald W Sieveke

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

8:11-10325 Elizabeth Durand

Chapter 13

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

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED
ASSET INVESTMENT LOAN TRUST

VS.

DEBTOR

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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.

Party Information

Debtor(s):

Elizabeth Durand

Represented By
Anerio V Altman

Movant(s):

U.S. Bank National Association, as

Represented By
Gilbert R Yabes

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Elizabeth Durand

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

8:15-10556 Lillian S. Dulac

Chapter 13

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

U.S. BANK N.A.

VS.

DEBTOR

FR:8-30-16; 9-22-16

Docket 105

***** VACATED *** REASON: rder Approving Stipulation for Adequate
Protection Entered 9/26/16**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation for Adequate Protection
Entered 9/26/16- mp/td(9/26/16)**

Tentative Ruling:

August 30, 2016

The parties are ordered to meet and confer prior to the hearing re the possible resolution of this matter.

Note: If the parties have agreed to an APO by the time of the hearing, appearances are waived and a stipulation shall be filed within 7 days of today's hearing.

September 22, 2016

Movant to advise the court re the status of this matter.

Party Information

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Lillian S. Dulac

Chapter 13

Debtor(s):

Lillian S. Dulac

Represented By
Halli B Heston
Halli B Heston
Halli B Heston

Movant(s):

U.S. Bank National Association, as

Represented By
Gilbert R Yabes

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:15-10672 Debra Cynthia Hookey

Chapter 13

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

TD AUTO FINANCE LLC

VS.

DEBTOR

FR: 9-22-16

Docket 44

*** VACATED *** REASON: Order Approving Stipulation for Adequate Protection ENTERED 9/29/16

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation for Adequate Protection ENTERED 9/29/16 -- eas

Tentative Ruling:

September 22, 2016

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):

Debra Cynthia Hookey

Represented By
Tina H Trinh

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Debra Cynthia Hookey

Chapter 13

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:15-10952 Beatriz Torres

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
BAYVIEW LOAN SERVICING, LLC
VS.
DEBTOR

Docket 23

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from Stay (Settled by Stipulation) Entered 10/19/16

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from Stay (Settled by
Stipulation) Entered 10/19/16 - td (10/19/2016)**

Tentative Ruling:

October 20, 2016

Grant motion with 4001(a)(3) waiver unless the parties are able to reach
adequate protection arrangement by the time of the hearing.

***Note: If Moving Party is amenable, continue hearing to November 10,
2016 at 10:00 a.m. as holding date. If the parties agree to the continued
hearing date, appearances at this hearing are not required.***

Party Information

Debtor(s):

Beatriz Torres

Represented By
Gary Leibowitz

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Beatriz Torres

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:16-10465 Richard Allen Lenard

Chapter 13

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

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 67

*** VACATED *** REASON: OFF CALENDAR: Voluntary Dismissal of
Motion filed 10/13/16

Courtroom Deputy:

OFF CALENDAR: Voluntary Dismissal of Motion filed 10/13/16- mp
(10/13/16)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Allen Lenard

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Nationstar Mortgage LLC

Represented By
Kristin A Zilberstein

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:16-12957 Carla Lee Johnston-Mueller

Chapter 7

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

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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.

Party Information

Debtor(s):

Carla Lee Johnston-Mueller

Represented By
Joseph M Tosti

Movant(s):

The Bank of New York Mellon fka

Represented By
Erin M McCartney

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Carla Lee Johnston-Mueller

Chapter 7

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:16-13472 Elisabeth Mary Ziesmer

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

IKRAM SHAH AND IKRAM USHAHAND FAUZIA SHAH TRUSTEE OF THE
SHAH FAMILY TRUST DATED AUGUST 15, 1996

VS.

DEBTOR

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Grant motion without 4001(a)(3) waiver; grant request for annulment, except that Debtor shall have five days from the date of entry of the order granting relief from stay to respond to the state court unlawful detainer complaint.

Overrule Debtor's objection -- she may pursue her rights in state court. The court notes that Debtor has admitted to filing false bankruptcy commencement documents by deliberately failing to list Moving Party as a creditor.

Party Information

Debtor(s):

Elisabeth Mary Ziesmer

Represented By
Mark R Hamilton

Movant(s):

Fritz J. Firman

Represented By
Fritz J Firman

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Elisabeth Mary Ziesmer

Chapter 7

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:16-13625 Ronnie Gerard Medrano-Madrigal

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BMW BANK OF NORTH AMERICA
VS.
DEBTOR; THOMAS H. CASEY, CHAPTER 7 TRUSTEE

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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.

Party Information

Debtor(s):

Ronnie Gerard Medrano-Madrigal

Represented By
Brian J Soo-Hoo

Movant(s):

BMW Bank of North America

Represented By
Marian Garza
Timothy J Silverman

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

Thursday, October 20, 2016

Hearing Room 5A

10:00 AM

CONT... Ronnie Gerard Medrano-Madrigal

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, October 20, 2016

Hearing Room 5A

10:00 AM

8:16-14032 Sammy T. Kotob

Chapter 7

#17.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate All Debtors personal property.

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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):

Sammy T. Kotob

Represented By
Joseph A 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, October 20, 2016

Hearing Room 5A

10:30 AM

: Chapter 0
Adv#: 8:16-01110 Windsor Financial Group LLC v. Asics America Corporation et al

#18.00 CON'TD RE: Plaintiff Windsor Financial Group, LLC's Motion to Abstain And Remand

FR: 6-7-16; 7-19-16; 8-9-16; 9-6-16; 9-22-16

Docket 6

*** VACATED *** REASON: OFF CALENDAR: The Determination of the Motion to Abstain or Remand and any Related Deadlines shall be Stayed, Pending the Conclusion of the Parties' Mediation, Per Order Approving Stipulation RE: Extension of Time on Status Hearing and Motion to Abstain or Remand Entered 10/6/16

Courtroom Deputy:

OFF CALENDAR: The Determination of the Motion to Abstain or Remand and any Related Deadlines shall be Stayed, Pending the Conclusion of the Parties' Mediation, Per Order Approving Stipulation RE: Extension of Time on Status Hearing and Motion to Abstain or Remand Entered 10/6/16 - td (10/6/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Defendant(s):

Motoi Oyama	Pro Se
Katsumi Kato	Pro Se
Ronald Pietersen	Represented By Andrew D Skale Jeffry A Davis
Kenji Sakai	Represented By Andrew D Skale Jeffry A Davis

**United States Bankruptcy Court
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Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT...

Chapter 0

Asics America Corportion

Represented By
Jeffry A Davis
Andrew D Skale

Asics Corportion

Pro Se

Kevin Wulff

Represented By
Andrew D Skale
Jeffry A Davis

Movant(s):

Windsor Financial Group LLC

Represented By
James H Turken
Christopher L Frost

Plaintiff(s):

Windsor Financial Group LLC

Represented By
James H Turken
Christopher L Frost

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

Chapter 0

Adv#: 8:16-01110 Windsor Financial Group LLC v. Asics America Corporation et al

#19.00 CONT'D STATUS CONFERENCE RE: Notice of Removal of State Court Action Pursuant to 28 U.S.C. Section 1441, 1446 and 1452 and Rule 9027 of The Federal Rules of Bankruptcy Procedure and Pursuant to Complete Diversity Under 28 U.S.C. Section 1332 -]Orange County Superior Court Case No. 30-2016-00842319-CU-FR-CJC, assigned for all purposes to the Honorable Geoffrey T. Glass, Dept. C32]

FR: 6-2-16; 7-19-16; 8-9-16; 9-6-16; 9-22-16

Docket 1

***** VACATED *** REASON: OFF CALENDAR: The Determination of the Motion to Abstain or Remand and any Related Deadlines shall be Stayed, Pending the Conclusion of the Parties' Mediation, Per Order Approving Stipulation RE: Extension of Time on Status Hearing and Motion to Abstain or Remand Entered 10/6/16**

Courtroom Deputy:

OFF CALENDAR: The Determination of the Motion to Abstain or Remand and any Related Deadlines shall be Stayed, Pending the Conclusion of the Parties' Mediation, Per Order Approving Stipulation RE: Extension of Time on Status Hearing and Motion to Abstain or Remand Entered 10/6/16 - td (10/6/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Defendant(s):

Motoi Oyama	Pro Se
Katsumi Kato	Pro Se
Ronald Pietersen	Represented By Andrew D Skale
Kenji Sakai	Represented By

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT...

Chapter 0

	Andrew D Skale
Asics America Corportion	Represented By Jeffry A Davis Andrew D Skale
Asics Corportion	Pro Se
Kevin Wulff	Represented By Andrew D Skale

Plaintiff(s):

Windsor Financial Group LLC	Represented By James H Turken
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U.S. Trustee(s):

United States Trustee (SA)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

:
Adv#: 1:16-01120 Speier v. SunCal Management LLC et al

Chapter 0

#20.00 Hearing RE: Trustee's Motion for Correction of Order Granting the Trustee's Motion for Partial Summary Adjudication

Docket 382

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

[THIS TENTATIVE RULING APPLIES TO CALENDAR #S 20, 21, 22, 23, 24]

Grant motion.

Basis for tentative ruling:

A. Short Answer

The court intended to grant the specific relief requested in the Trustee's Motion for Partial Summary Adjudication (MPSA) and intended to convey that in its oral ruling, a written version of which was attached to the September 20, 2016 Order. The last paragraph of the ruling which appears in the September 20 Order at p. 2, lines 17-19 was intended by the court to paraphrase the second request for relief in the MPSA, not to substantively change it. By not using the exact language in the MPSA, the court inadvertently created an ambiguity that it never intended.

B. Long Answer

On May 21, 2012, the Trustee filed thirteen (13) adversary proceedings against defendants SunCal Management, LLC ("SCM") and Argent Management, LLC ("Argent")(collectively, "Defendants") in his capacity as

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT...

Chapter 0

trustee. The Trustee filed the subject Motions for Partial Summary Adjudication (referred to herein as "the MPSA") on August 21, 2015. By the MPSA, the Trustee requested two specific findings:

- (1) Debtor was not a party to any written agreement, including the Development Management Agreement ("DMA"), requiring it to pay management fees to SunCal or otherwise contractually obligated at any time to pay management fees to SCM, and
- (2) The DMA's existence precluded and precludes SCM from receiving management fees from the Debtor under applicable law based on an oral or implied contract or a theory of unjust enrichment, quantum meruit or another similar "equitable" theory.

Following oral argument on July 21, 2016, the court took the matter under advisement and set August 30, 2016 as the date for the issuance of its oral ruling. The court advised that no further oral argument by counsel would be entertained at the August 30, 2016 hearing. On August 30, 2016, the court issued a written version of its "oral" ruling, in which it granted the MPSA and set forth its detailed analysis with instructions that the written version ("Ruling") be filed as an incorporated attachment with the lodged order.

At the outset of the Ruling, the court referenced the two aforementioned requests of the Trustee verbatim. Thereafter, the court provided its analysis of the MPSA and opposition thereto. The Writing concludes as follows:

For the reasons noted above, the Trustee's motions for partial summary adjudication are granted as follows:

(1) The Debtors were not a party to any written agreement, including the DMA, requiring it to pay management fees of SCM or otherwise contractually obligated at any time to pay management fees to SCM; and

(2) SCM has no claim to receive management fees from the Debtor under a theory of implied contract or under theories of unjust enrichment, quantum meruit, or another similar equitable theory.
Ruling, pp. 18-19.

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5A

10:30 AM

CONT...

Chapter 0

As is evident, the second finding does not match the second request for relief set forth in the MPSA. The Trustee thereafter lodged an order that reflected the exact language appearing in the Writing. Following entry of the order on September 20, 2016, the Trustee filed the instant motion for correction of the September 20, 2016 Order ("Motion"), such that the Order would reflect the exact relief requested in MPSA.

FRCP 60

Federal Rule of Civil Procedure Rule 60, which is incorporated by Bankruptcy Rule 9024, governs the reconsideration, vacating, or set aside of a judgment or order.

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

For the reasons articulated in the Trustee's Motion and Reply, the court finds that granting the Motion is appropriate.

In its opposition, Defendants claim the Trustee seeks a finding from the Court that SunCal Management, LLC ("SCM") was precluded from receiving management fees under any conceivable theory or even as a gift and that the Debtor's payments to SCM were illegal. This is not accurate. The Motion merely seeks what was originally sought in the MPSA -- an order finding "[t]he DMA's existence precluded and precludes SCM from receiving management fees from the Debtor under applicable law based on an oral or implied contract or a theory of unjust enrichment, quantum meruit or another similar 'equitable' theory." Such a finding does not provide that Debtor was precluded from paying management fees to SCM under *any conceivable theory* or as a *gift* or that it was "*illegal* for SCM to be paid by the Debtor." Reply, p.1:4-14.

Where a court clearly states its intention to make a finding and then enters an order that does not include such finding, a motion under Rule 60(a)

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Thursday, October 20, 2016

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5A

10:30 AM

CONT...

Chapter 0

is appropriate to correct the order. *Garamendi v. Henin*, 683 F.3d 1069, 1078 (9th Cir. 2012); see also *Robi v. Five Platters, Inc.*, 918 F.2d 1439, 1445 (9th Cir. 1990) ("A district court judge may properly invoke Rule 60(a) to make a judgment reflect the actual intentions and necessary implications of the court's decision."); *Miller v. Transamerican Press, Inc.*, 709 F.2d 524, 527 (9th Cir. 1983) (under Rule 60(a), a court may "conform the written judgment to the partly tacit intention of its oral ruling"). In deciding whether to alter a judgment pursuant to Rule 60(a), the Court's focus should be on what it originally intended to do. *Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1033 (9th Cir. 1990).

The Court's Ruling Reflects the Court's Intent to Order the Specific Relief the Trustee Requested

In the Ruling, the court repeatedly indicates its intent to adopt the specific findings the Trustee requested. In addition, adopting the specific findings the Trustee requested is a necessary implication and *fait accompli* based on the language therein.

As pointed out by the Trustee, the Ruling begins with the words "Grant motion." Ruling, p. 1. The Ruling then states that

By the motions, the Trustee requests two specific findings:

(1) The Debtors were not parties to any written agreement, including the Development Management Agreement ("DMA"), requiring it to pay management fees to SunCal or otherwise contractually obligated at any time to pay management fees to SCM, and

(2) The DMA's existence precluded and precludes SCM from receiving management fees from the Debtors under applicable law based on an oral or implied contract or a theory of unjust enrichment, quantum meruit or another similar 'equitable' theory.

Ruling, pp. 1-2.

Later in the Ruling, the Court makes several statements affirmatively adopting the specific requested findings. First, in discussing Defendants' equitable estoppel and laches defense, the Court stated that "Defendants'

**United States Bankruptcy Court
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Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT...

Chapter 0

affirmative defenses do not prevent this court from granting partial summary adjudication *on the two limited facts as requested by the Trustee's motions.*" Ruling, p. 17 (emphasis added). The Court repeats its position two paragraphs later ruling that "[r]egardless of whether Defendants' affirmative defenses have merit, it does not create a triable issue of fact *as to the two specific findings the Trustee seeks in the motions.*" *Id.* (emphasis added).

The language Defendants cite and characterize from the Ruling in their Opposition, utilizing both the past tense and the present tense, only underscores the fact that not only is the Debtor now not required to pay SCM's management fees under applicable law based on an oral or implied contract or a theory of unjust enrichment, quantum meruit or another similar equitable theory but that it has never been required to do so under any of those legal theories. Reply, p.4:26-5:2.

The Trustee is correct that the court never intended to grant different relief than that requested in the MPSA. The court does not share Defendants' view that the requested correction has the broad effect of finding that SCM was precluded from receiving payments from Debtor under *any* theory.

The court declines to address arguments in the Opposition that have already been considered and rejected by the court in its Ruling, to wit:

1. The Court has already held the affirmative defenses of laches and equitable estoppel do not prevent the entry of the findings the Trustee sought in the Motion.
2. The Court has already rejected Defendants' attempt to distinguish *California Medical*.
3. The Court already rejected Defendants' contention that the documents that defendants introduced in Opposition to the Trustee's Motion somehow created an obligation for the Debtor to pay SCM management fees.
4. The Court already rejected Defendants' contention that the Trustee's requested findings should not be entered because he seeks summary adjudication on his declaratory relief claims.

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT...

Chapter 0

Party Information

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

:
Adv#: 1:16-01121 Speier v. SunCal Management, LLC et al

Chapter 0

#21.00 Hearing RE: Trustee's Motion for Correction of Order Granting the Trustee's
Motion for Partial Summary Adjudication

Docket 349

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

See tentative ruling for #20 on today's calendar.

Party Information

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management, LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

:
Adv#: 1:16-01122 Speier v. SunCal Management LLC et al

Chapter 0

#22.00 Hearing RE: Trustee's Motion for Correction of Order Granting the Trustee's Motion for Partial Summary Adjudication

Docket 341

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

See tentative ruling for #20 on today's calendar.

Party Information

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

:
Adv#: 1:16-01123 Speier v. SunCal Management LLC et al

Chapter 0

#23.00 Hearing RE: Trustee's Motion for Correction of Order Granting the Trustee's Motion for Partial Summary Adjudication

Docket 340

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

See tentative ruling for #20 on today's calendar.

Party Information

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

:
Adv#: 1:16-01124 Speier v. SunCal Management LLC et al

Chapter 0

#24.00 Hearing RE: Trustee's Motion for Correction of Order Granting the Trustee's Motion for Partial Summary Adjudication

Docket 344

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

See tentative ruling for #20 on today's calendar.

Party Information

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:12-11721 Moisey Fridman

Chapter 7

Adv#: 8:14-01037 Anderson v. Gureyeva

#25.00 Examination of Victoria Gureyeva to Furnish Information to Aid in Enforcement of a Money Judgment

Docket 37

*** VACATED *** REASON: CONTINUED TO 12/22/16 AT 10:30 A.M.,
PER ORDER ENTERED 10/19/16 (XX)

Courtroom Deputy:

CONTINUED: Order Approving Stipulation to Continue Hearing on Appearance and Examination ENTERED on 10/19/16; Matter continued to 12/22/16 at 10:30 a.m. (XX) -- eas / td

Tentative Ruling:

Party Information

Debtor(s):

Moisey Fridman

Represented By
Michael Jones
Laily Boutaleb
Michael Galang David
Andrew Edward Smyth
Sherilyn L ODell

Defendant(s):

Victoria Gureyeva

Represented By
Joseph Trenk

Joint Debtor(s):

Rosa Fridman

Represented By
Michael Jones
Laily Boutaleb
Michael Galang David
Sherilyn L ODell

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Moisey Fridman

Chapter 7

Plaintiff(s):

Karl T Anderson

Represented By
Anthony A Friedman
Todd A Frealy
Lindsey L Smith

Trustee(s):

Karl T Anderson (TR)

Represented By
Thomas J Polis
Juliet Y Oh
Todd A Frealy
Carmela Pagay
Lindsey L Smith

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:12-19829 Structured Investments Co., LLC

Chapter 7

#26.00 Hearing RE: Administrative Claim Application of Blue Capital Law Firm, P.C. for Allowance of Fees and Expenses and Motion for Allowance Thereon

[BLUE CAPITAL LAW FIRM, ATTORNEY FOR CREDITOR DARRYL D. HENRY, COURT-CERTIFIED CLASS REPRESENTATIVE]

Docket 396

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Comments re application:

1. The court will require a declaration from the trustee and/or his attorneys concerning the substantial contributions of this applicant re mediation, explanation of business structure of Debtor and claims analysis, etc.

2. The court is not inclined to award any fees for opposition to the motion to convert to chapter 11. The court has reviewed the relevant pleadings as well as its notes from the hearing re the same (including its tentative ruling and notes from the actual hearing) and determined that the court's ruling was based entirely upon evidence and argument presented by the Trustee and not applicant.

Party Information

Debtor(s):

Structured Investments Co., LLC

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT...

Structured Investments Co., LLC

Leonard M Shulman
Franklin J Contreras

Chapter 7

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:13-10331 Paul A Robbins

Chapter 7

#27.00 CON'TD Hearing Show Cause hearing why Nationstar Mortgage, LLC Should not be Adjudged in Contempt of Court for Violating the Permanent Injunction of 11 U.S.C. Section 524 (OSC Issued 9/12/16)

FR: 10-6-16

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Grant motion. Sanctions in the amount of \$2100.00 shall payable to Debtor's counsel within 60 days of entry of the order granting 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):

Paul A Robbins

Represented By
Donald W Sieveke

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, October 20, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

#28.00 Hearing RE: Trustee's Motion to Approve Settlement Between Trustee Thomas H. Casey, on Behalf of the Estate, and **Segerstrom Center for The Arts**

Docket 550

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

#29.00 Hearing RE: Trustee's Motion to Approve Settlement Agreement Between Trustee Thomas H. Casey, on Behalf of The Estate, and **The Kansas City Art Institute**

Docket 554

*** VACATED *** REASON: CONTINUED TO 11/3/16 AT 10:30 A.M.,
PER ORDER ENTERED 10/18/16 (XX)

Courtroom Deputy:

CONTINUED: Order Approving Stipulation to Continue Hearing to 11/3/16 at 10:30 a.m. Entered 10/18/16 (XX) - td (10/18/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:13-19694 Jeffrey Alan James and Patricia Lynn James

Chapter 11

#30.00 Hearing RE: Motion to Dismiss Case for Failure to Make Plan Payments and Failure to File Post-Petition Tax Returns and Pay Post-Petition Tax

Docket 202

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Grant Motion with 180-day bar.

Special Note: Debtors' counsel has filed a status report indicating he has had no contact from Debtors regarding this Motion but that he will be in attendance at the hearing. However, having not filed a timely opposition, the Motion will be granted.

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):

Jeffrey Alan James

Represented By
Matthew E Faler

Joint Debtor(s):

Patricia Lynn James

Represented By
Matthew E Faler
Matthew E Faler

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:13-19694 Jeffrey Alan James and Patricia Lynn James

Chapter 11

#31.00 CON'TD Post Confirmation Status Conference RE: Chapter 11 Plan

(Set at Conf. Hrg. Held 11-18-14)

FR: 5-21-15; 8-20-15; 11-12-15; 12-17-15; 2-11-16; 6-30-16; 8-18-16

Docket 137

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 21, 2015

Continue status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015 and must be current as of July 31, 2015.
(XX)

Note: If Debtors are in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required -- it is Debtors' responsibility to confirm compliance status with the US Trustee's Office.

August 20, 2015

Updated status report not filed. If no appearance is made by or on behalf of Debtors at the hearing, the court will issue an Order to Show Cause why the Case Should Not be Dismissed or Converted to Chapter 7.

Note: Appearances at this hearing are required.

November 12, 2015

Continue postconfirmation status conference to December 17, 2015 at 10:30 a.m.; Court to issue Order to Show Cause why this case should not be

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... **Jeffrey Alan James and Patricia Lynn James** **Chapter 11**

dismissed or converted due to failure of Debtors to 1) file postconfirmation status reports and 2) appear at postconfirmation status conferences. OSC hearing to be held on December 17, 2015 at 10:30 a.m.

December 17, 2015

US Trustee to advise the court re the status of this matter. The court assumes that as the US Trustee did not file a report confirming Debtors are current with plan payments and quarterly fees, Debtors are not in compliance.

Note: Appearances at this hearing are required.

February 11, 2016

Continue status conference to June 23, 2016 at 10:30 a.m.; updated status report to be filed by June 9, 2016.

Special Note: Debtors are instructed to file status reports under their own name and to not use Attorney Matthew Faler's letterhead at the upper right corner of the pleading as Mr. Faler is not filing the document.

Note: If Debtors are in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required -- it is Debtors' responsibility to confirm compliance status with the US Trustee's Office.

June 30, 2016

The court cannot discern from the postconfirmation report what amount is being paid to Class 5 unsecured creditors and whether such amount is consistent with the amount required to be paid in the confirmed plan.

Note: Appearance by at least one Debtor is required.

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Jeffrey Alan James and Patricia Lynn James

Chapter 11

August 18, 2016

Updated Post Confirmation Status Report was not timely filed per this court's Order entered July 1, 2016 requiring that the Report be filed by August 4, 2016. Court to issue Order to Show Cause why this case should not be dismissed or converted to chapter 7. Debtors appear unable to file timely and complete post confirmation reports.

Note: Appearance at this hearing is required.

October 20, 2016

Take matter off calendar in light of dismissal of the case.

Party Information

Debtor(s):

Jeffrey Alan James

Represented By
Matthew E Faler

Joint Debtor(s):

Patricia Lynn James

Represented By
Matthew E Faler

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

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

FR: 4-3-14; 7-31-14; 8-5-14; 10-16-14; 1-22-15; 2-10-15; 4-7-15; 6-2-15; 8-13-15; 11-10-15; 12-15-15; 1-21-16; 2-9-16; 3-15-16; 6-14-16; 7-19-16; 8-9-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 3, 2014

Claims Bar Date: June 13, 2014 (notice to creditors by April 11, 2014)

Deadline to file application to employ real estate broker: April 18, 2014

Deadline to file Plan/
Disclosure Statement: July 11, 2014

Continued Status Conference: July 31, 2014 at 10:30 a.m. (XX)

Updated Status Report due: July 17, 2014 (unless a plan/disl. stmt has been timely filed, in which case the requirement of a status report will be waived).

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

July 31, 2014

Continue hearing to August 5, 2014 at 10:30 a.m., same date/time as hearing on Debtor's motion to extend time to file a plan and disclosure statement. If that motion is not granted, this case may be dismissed or converted. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

October 16, 2014

Debtor's counsel to file, within 7 days of today's hearing, a declaration confirming that a bar date notice was served on creditors in time for the court-ordered June 13, 2014 deadline. The status report does not indicate that such notice was sent and the court cannot verify the same on the the docket.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

April 7, 2015

Continue status conference to June 16, 2015 at 10:30 a.m.; court to issue Order to Show Cause Why This Case Should Not be Converted Due to Inability of Debtor to Reorganize Under Chapter 11 to be heard on the same date and at the same time as the status conference.

June 2, 2015

Continue status conference to August 20, 2015 at 10:30 a.m.; court to issue Order to Show Cause Why This Case Should Not be Dismissed or Converted

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... **Robert Boyajian**

Chapter 11

Due to Inability of Debtor to Reorganize Under Chapter 11 to be heard on the same date and at the same time as the status conference.

This case has been pending for 18 month with little progress by way or reorganization. Accordingly, an OSC will issue.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

August 13, 2015

Continue status conference to November 10, 2015 at 10:30 a.m.; updated status report to be filed by Oct. 27, 2015. Court to issue an OSC re conversion or dismissal of the case in light of the Debtor's inability to propose a viable plan of reorganization within a reasonable time (18 months), which OSC shall be set for the same date/time. (XX)

December 15, 2015

Continue status conference to January 21, 2016 at 10:30 a.m. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

November 10, 2015

Take matter off calendar if the case is converted to chapter 7.

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

January 21, 2016

Take matter off calendar if the case is converted to chapter 7.

February 9, 2016

Continue hearing to May 12, 2016 at 10:30 a.m.; updated status report to be filed by May 5, 2016.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

June 14, 2016

Continue status conference to July 19, 2016 at 10:30 a.m., same date/time as hearing on US Trustee's motion to dismiss/convert case. (XX)

Note: Appearances at this hearing are not required.

July 19, 2016

Continue status conference to November 17, 2016 at 10:30 a.m.; updated status report to be filed by November 3, 2016, unless a new disclosure statement has been filed by such date, in which case the requirement of an updated status report will be waived. Deadline to file an amended plan and disclosure statement is re-set to November 3, 2016.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

August 9, 2016

Debtor's counsel to appear and advise the court why no appearance was made at the last hearing when it was known that Debtor was not in compliance with UST requirements.

Debtor's counsel to also explain why a plan and disclosure statement cannot be filed by August 30, 2016.

October 20, 2016

Continue status conference to November 3, 2016 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

Party Information

Debtor(s):

Robert Boyajian

Pro Se

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:14-13585 Scott A. Bourdelais

Chapter 11

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

FR: 4-7-15; 7-7-15; 9-3-15; 9-15-15; 12-17-15; 1-14-16; 3-17-16; 4-21-16; 5-19-16; 7-19-16

Docket 58

*** VACATED *** REASON: Order Continuing Status Conference to
12/1/16 at 10:30 am Signed 10/17/16 (XX)

Courtroom Deputy:

**CONTINUED: Order Continuing Status Conference to 12/1/16 at 10:30 am
Signed 10/17/16 (XX)- mp/td(10/17/16)**

Tentative Ruling:

April 7, 2015

Claims bar date:	June 15, 2015 (notice by 4/15/15)
Deadline to file plan/disc. stmt:	June 22, 2015
Deadline to file employment applic:	April 21, 2015

Continued Status Conf:	July 7, 2015 at 10:30 a.m.; updated Status Report must be filed by June 23, 2015 unless a plan/DS has filed by such date, in which case no report will be required. (XX)
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Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

July 7, 2015

Continue status conference to September 3, 2015 at 10:30 a.m.; updated

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Scott A. Bourdelais

Chapter 11

status report must be filed by August 20, 2015, unless a plan and disclosure statement have been timely filed by such date in which case the requirement of an updated report will be waived. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

September 3, 2015

Continue status conference to September 15, 2015 at 10:30 a.m.; same date/time as hearing on approval of employment application. Updated status report not required. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

September 15, 2015

Continue status conference to Dec. 17, 2015 at 10:30 a.m.; updated status report to be filed by Dec. 3, 2015, unless a plan and disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. If no claims bar date notice has been served, re-set claims bar date to Nov. 24, 2015 with notice by Sept. 24, 2015. Deadline to file plan and disclosure statement re-set to Dec. 3, 2015. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

January 14, 2016

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... Scott A. Bourdelais

Chapter 11

No tentative ruling; disposition depends on outcome of disclosure statement hearing.

July 19, 2016

Continue status conference to October 20, 2016 at 10:30 a.m.; updated status report must be filed by October 6, 2016, unless Debtor has timely filed an amended plan and disclosure statement by such time, in which case the requirement of updated status report will be waived. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

Party Information

Debtor(s):

Scott A. Bourdelais

Represented By
Carlos F Negrete

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#34.00 Hearing RE: Debtor's Amended Objection to Claim Made by Creditor OBM
(\$306,029.90)

Docket 340

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Overrule objection. Debtor has failed to come forth with evidence sufficient to rebut the presumed validity of the proof of claim.

The court is not persuaded that OBM waived any claim against the estate by virtue of the settlement reached with the Chapter 7 trustee and that the assertion of a claim is legally impossible. Indeed, the claim was expressly not dealt with in the settlement term sheet, which provided that OBM had the right to file a proof of claim against the estate in the amount of \$306,029.90.

Debtor has no standing to assert an offset -- if any such offset exists, it would be property of the estate. Only the chapter 7 trustee has authority and standing affirmatively prosecute claims on behalf of the estate.

The court finds Debtor's substantive objection to the claim unsupported by persuasive evidence and that the evidence presented is not sufficient enough to defeat OBM's asserted claim by probative force equal to that of the set forth in the proof of claim. Even if the court found the evidence to be of equal probative force, OBM has, by its opposition, satisfied its ultimate burden of proof by persuasive evidence and argument.

Party Information

Debtor(s):

EQD Corporation

Represented By

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

CONT... EQD Corporation

Chapter 7

Kent Salveson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#35.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

[INDEPENDENT MANAGEMENT SERVICES TRUSTEE FIELD
REPRESENTATIVE]

Docket 342

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#36.00 Hearing RE: First Interim Application for Allowance and Payment of Fees and Reimbursement of Expenses

[LOBEL WEILAND GOLDEN FRIEDMAN LLP, COUNSEL FOR THE CHAPTER 7 TRUSTEE]

Docket 343

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Approve 50% of fees and 100% of expenses requested on an interim basis

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):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 20, 2016

Hearing Room 5A

10:30 AM

8:16-11028 Jasmine Blue Prasad Verma

Chapter 13

#37.00 Hearing RE: Debtors' Motion RE: Objection to Claim filed by Claimant Wells Fargo Bank, N.A.,

Docket 32

***** VACATED *** REASON: CONTINUED TO 12/15/16 AT 10:30 A.M.,
PER ORDER ENTERED 10/7/16 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 12/15/16 at 10:30 a.m., Per Order
Entered 10/7/16 (XX) - td (10/7/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jasmine Blue Prasad Verma

Represented By

Joseph C Rosenblit
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, October 20, 2016

Hearing Room 5A

10:30 AM

8:16-12209 Kwang Hyon Kim and Sun Ok Kim

Chapter 7

#38.00 Hearing RE: United States Trustee's Motion for an Order Imposing Fines and Directing Disgorgement of Fees Against Bankruptcy Petition Preparer Sean Kim and Beverly Hills Associates Pursuant to 11 U.S.C. Section 110

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Grant motion with fines in the total amount of \$2400 based on the following: Pursuant to Section 110(l)(1), \$200 each for violation of Sections 110(b)(1), 110(b)(2), 110(c) and 110(h) (collectively \$800), tripled pursuant to Section 110(l)(2)(D) to \$2400.

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):

Kwang Hyon Kim Pro Se

Joint Debtor(s):

Sun Ok Kim Pro Se

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, October 20, 2016

Hearing Room 5A

10:30 AM

8:16-12788 Silvia Silverio and Eduardo Silverio-Francisco

Chapter 7

#39.00 Hearing RE: U.S. Trustee's Motion to Dismiss Chapter 7 Case with 180 Day Bar to Refiling Pursuant to 11 U.S.C. Sections 707(B)(3)(A), 105(A), 109(G), and 349

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

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):

Silvia Silverio

Represented By
Bradford D Calvin
Bradford D Calvin

Joint Debtor(s):

Eduardo Silverio-Francisco

Represented By
Bradford D Calvin
Bradford D Calvin
Bradford D Calvin

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, October 20, 2016

Hearing Room 5A

2:00 PM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:12-01224 Speier v. SunCal Management LLC et al

#40.00 CONT'D Hearing RE: Trustee's Motion for Partial Summary Adjudication of His Breach of Contract Claim for Relief

FR: 8-30-16

Docket 306

*** VACATED *** REASON: OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16

Courtroom Deputy:

OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16 - td (8/30/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:12-01225 Speier v. SunCal Management, LLC et al

#41.00 CON'TD Hearing RE: Trustee's Motion for Partial Summary Adjudication of his Breach of Contract Claim for Relief

FR: 8-30-16

Docket 284

*** VACATED *** REASON: OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16

Courtroom Deputy:

OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16 - td (8/30/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management, LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:12-01226 Speier v. SunCal Management LLC et al

#42.00 CON'TD Hearing RE: Trustee's Motion for Partial Summary Adjudication of his Breach of Contract Claim for Relief

FR: 8-30-16

Docket 276

*** VACATED *** REASON: OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16

Courtroom Deputy:

OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16 - td (8/30/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
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Louis R Miller

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:12-01227 Speier v. SunCal Management LLC et al

#43.00 CON'TD Hearing RE: Trustee's Motion for Partial Summary Adjudication of His Breach of Contract Claim for Relief

FR: 8-30-16

Docket 275

*** VACATED *** REASON: OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16

Courtroom Deputy:

OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16 - td (8/30/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
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Francis T Donohue
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Louis R Miller

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:12-01228 Speier v. SunCal Management LLC et al

#44.00 CON'TD Hearing RE: Trustee's Motion for Partial Summary Adjudication of his Breach of Contract Claim for Relief

FR: 8-30-16

Docket 276

*** VACATED *** REASON: OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16

Courtroom Deputy:

OFF CALENDAR: Adversary Proceeding to be Transferred to Retired Judge Geraldine Mund, Per Hearing Held 8/30/16 - td (8/30/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

Argent Management, LLC

Represented By
Craig H Averch

SunCal Management LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

Adv#: 8:14-01145 Johnson et al v. Johnson et al

#45.00 Hearing RE: Defendant's Motion to Alter or Amend Order Adjudicating Facts not Genuinely in Dispute and Findings of Fact and Conclusions of Law in Support of Order Summarily Adjudicating Less than this Entire Action

Docket 100

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

The court is inclined to deny the motion as to the Barmouth property due to insufficiency of evidence supporting amendment of the subject Order as to this property.

The court would like the parties to address the following re the Manleigh property:

1. The legal impact of the transfer of the property from James Johnson to Sandra Johnson as "husband and wife as joint tenants" -- Interspousal Transfer Grant Deed filed 2/16/06 (recorded 3:03 pm).
2. Why the context of the Interspousal Transfer Grant Deed signed by Sandra Johnson on 2/16/06 (recorded 8:00am) is not relevant.

Party Information

Debtor(s):

Sandra Elisabeth Johnson

Represented By
Lorraine G Howell
Michael E Reznick
Mark S Rosen

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

Thursday, October 20, 2016

Hearing Room 5A

2:00 PM

CONT... Sandra Elisabeth Johnson

Chapter 7

Defendant(s):

Karen S Naylor

Represented By
William M. Burd

James H. Johnson

Pro Se

Plaintiff(s):

Sandra Elisabeth Johnson

Represented By
David R. Weinstein
Lorraine G Howell

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty