

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

10:00 AM  
**1:00-00000**

**Chapter**

**#0.00 The 10:00 am calendar will be conducted remotely, using ZoomGov video and audio.**

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

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

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

**Video/audio web address:** <https://cacb.zoomgov.com/j/1605221523>

**Meeting ID:** 160 522 1523

**Password:** 555985

**Telephone Conference Lines:** 1 (669) 254-5252 or 1 (646) 828-7666

**Meeting ID:** 160 522 1523

**Password:** 555985

Docket 0

**Matter Notes:**

- NONE LISTED -

**Tentative Ruling:**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

---

10:00 AM

**CONT...**

- NONE LISTED -

**Chapter**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

10:00 AM

**1:18-13024 Kenneth C. Scott**

**Chapter 13**

Adv#: 1:19-01046 Hopper v. Scott et al

- #1.00** Status conference re third amended complaint for:
- (1) Avoidance of Transfer in Fraud of Creditors [Cal Civ. Code sections 3439, *et seq.*];
  - (2) Breach of Written Contract;
  - (3) Reimbursement of Business Expenses [Cal. Lab. Code section 2802];
  - (4) Unlawful Deductions from Wages [Cal. Lab. Code sections 216, 221];
  - (5) Fraud & Deceit [Cal. Civ. Code sections 1572-1573, 1709-1710];
  - (6) Conversion;
  - (7) Declaratory Relief Re Nondischargeability of Fraud Damages [11 U.S.C. § 523(a)(2)]  
Wrongful Constructive Termination in Violation of Public Policy;
  - (8) Waiting Time Penalties [Cal. Lab. Code § 203];
  - (9) Unlawful Retaliation [Cal. Lab. Code § 1102.5]
  - (10) Unlawful Retaliation [Cal. Lab. Code § 98.6]
  - (11) Failure to Maintain and Timely Produce Personnel Records [Cal. Lab. Code § 1198.5(k)];
  - (12) Failure to Maintain and Timely Produce Wage and Hour Records [Cal. Lab. Code § 226(f)];
  - (13) Wrongful Constructive Termination in Violation of Public Policy
  - (14) Unfair Business Practices [Cal. Bus. & Prof. Code, §§ 17200, *et seq.*]
- fr. 9/4/19; 10/2/19; 10/16/19; 11/13/19; 2/5/20; 2/26/20; 3/4/20; 3/18/20; 4/1/20; 4/8/20; 5/6/20; 6/3/20; 7/29/20; 11/4/20; 1/20/21; 3/24/21; 5/5/21; 6/16/21; 7/28/21 (cont'd from VK's 9/15/21 calendar)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

10:00 AM

**CONT... Kenneth C. Scott**

**Chapter 13**

Docket 93

**Matter Notes:**

- NONE LISTED -

**Tentative Ruling:**

This case was transferred to me (Judge Mund) and I gave notice that the status conference would be held on September 14 at 10:00. On September 1, Counsel for Plaintiff filed a notice of settlement. He estimates that the agreement will be completed by September 15 and the motion to dismiss this adversary proceeding with prejudice will be filed shortly thereafter.

I will continue this status conference without appearance from September 14 to October 5, 2021 at 10:00 a.m. to make sure that the stipulation has been completed and the motion to dismiss has been filed. If the stipulation has not been completed and signed by September 21, on September 21 the parties are to comply with Judge Kaufman's tentative ruling (as set forth below) as to filing a joint status report with the information as required.

Prior tentative ruling by Judge Kaufman

The Court will continue this status conference to **1:30 p.m. on September 15, 2021**. No later than **September 1, 2021**, the parties must file a joint status report in which they discuss their preferred dates and deadlines for the following: (A) the discovery cutoff date; (B) the date for a pretrial conference; and (C) the date by which the parties anticipate they will be ready for trial.

Regarding the parties' dispute concerning the last status report filed, the Court advises the parties to consider the following applicable Federal Rules of Civil Procedure.

Pursuant to Federal Rule of Civil Procedure ("Rule") 26(a)(1)(A)—

[A] party must, without awaiting a discovery request, provide to the other parties:

- (i) the name and, if known, the address and telephone number of each

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

10:00 AM

CONT...

**Kenneth C. Scott**

**Chapter 13**

individual likely to have discoverable information--along with the subjects of that information--that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

- (ii) a copy--or a description by category and location--of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
- (iii) a computation of each category of damages claimed by the disclosing party--who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Under Rule 26(a)(3)(A)—

In addition to the disclosures required by Rule 26(a)(1) and (2), a party must provide to the other parties and promptly file the following information about the evidence that it may present at trial other than solely for impeachment:

- (i) the name and, if not previously provided, the address and telephone number of each witness--separately identifying those the party expects to present and those it may call if the need arises;
- (ii) the designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition; and
- (iii) an identification of each document or other exhibit, including summaries

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

10:00 AM

**CONT...**

**Kenneth C. Scott**

**Chapter 13**

of other evidence--separately identifying those items the party expects to offer and those it may offer if the need arises.

In accordance with Rule 37(c), if either party fails to make or supplement disclosures in accordance with Rule 26, among other things, the Court may enter an order excluding the evidence at issue from consideration by the Court.

The Court will not award sanctions based on the debtor's discussion of settlement offers and/or the parties' conduct regarding the mediation with Judge Zive. The failure to settle is not sanctionable, and the debtor's emails concerning settlement discussions are irrelevant to the Court's adjudication of this adversary proceeding.

**Party Information**

**Debtor(s):**

Kenneth C. Scott

Represented By  
Arash Shirdel

**Defendant(s):**

Kenneth C. Scott

Represented By  
Arash Shirdel

My Private Practice, Inc. a

Represented By  
Arash Shirdel

Kenneth Scott, PSY.D. a California

Represented By  
Arash Shirdel

**Plaintiff(s):**

H. Samuel Hopper

Represented By  
Daniel Parker Jett

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

10:30 AM

**1:19-13099 Marshall Scott Stander**

**Chapter 7**

Adv#: 1:20-01025 Rob Kolson Creative Productions, Inc. v. Stander

**#2.00** Status Conference Re: Complaint Objecting to Discharge Pursuant to Section 727 of the Bankruptcy Code.

fr. 5/6/20; 6/24/20(MT); 7/21/20, 10/27/20, 11/17/20; 1/12/21  
3/16/21; 4/20/21,7/13/21

Docket 1

**Matter Notes:**

- NONE LISTED -

**Tentative Ruling:**

On 9/10 the parties filed a joint stipulation to continue this to December because they have mediated and reached an agreement in principle, which they are documenting. Thank you, Mr. Marshak, for conducting the mediation. I am willing to continue this for the 90 days that they wish, but this will be the last continuance. If the settlement is not documented by 12/1/21, discovery cutoff will be 12/20/21 - as noted in the prior tentative ruling, that means that all discovery is complete by that time.

The status conference currently set for 9/14 is continued without appearance to **December 21, 2021 at 10:00 a.m.**

prior tentative ruling (7/31/21)

On 4/5/21 a joint status conference report was filed. Counsel for defendant does not give any time estimates because she is waiting for the ruling on the motion to dismiss.

The tentative ruling is to deny that motion. There needs to be a discovery cutoff. It is Plaintiff's burden of proof and he suggests that it be in 45 days. He wishes to depose the Defendant and Rita McKenzie and will propound written discovery. The cutoff means that all discovery is complete, not the last day to mail it out. Unless the Defendant wants a later date, discovery cutoff will be June 15, 2021. That will be sufficient time for written

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

Tuesday, September 14, 2021

Hearing Room 303

10:30 AM

CONT... **Marshall Scott Stander**

**Chapter 7**

discovery to be served and responded to.

This Court does not set trial dates until discovery is complete. However, once that occurs, the trial can happen without much delay. Since the trial is anticipated at 2 days, I am not sure that a pretrial is needed - but if either party wants one, I will order it. I suggest that the next hearing (if a status and trial setting conference) should be on June 29 at 10:00 a.m. If it is a pretrial conference, it should be on July 13 at 10:00 a.m.

prior tentative ruling 11/17/21

Per the status report filed on 10/16, an answer was filed. Both parties think that discovery cut-off at the end of March is workable and that the trial will be ready in June. Both sides want to do discovery. Both sides want a pretrial conference in late May. Plaintiff does not want mediation at this time, though Defendant does. Given that Plaintiff needs to determine the strength of its case as noted immediately below, it seems that an order to mediation at this time is premature. Though, of course, the parties can always agree to mediate.

There seems to be a discovery issue concerning communications that may be covered by attorney-client privilege. That may be key to settlement. Plaintiff intends to depose Peter Babos, Defendant's non-bankruptcy counsel, and that may give Plaintiff grounds to attack the attorney-client privilege.

It seems that this is such a key issue that it needs to be resolved first. Let's talk about how Plaintiff intends to proceed on it and set some dates and continuances.

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

**Debtor(s):**

Marshall Scott Stander

Represented By  
Leslie A Cohen

**Defendant(s):**

Marshall Scott Stander

Pro Se

**Plaintiff(s):**

Rob Kolson Creative Productions,

Represented By  
Lane M Nussbaum



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
Courtroom 303 Calendar**

**Tuesday, September 14, 2021**

**Hearing Room 303**

---

10:30 AM

**CONT... Marshall Scott Stander**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se