

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:07-13004 Golden State TD Investments, LLC**

**Chapter 11**

**#1.00** Motion to Approve Debtors; Final Report and Account and Proposed Distribution

Docket No: 259

**Tentative Ruling:**

All assets have been liquidated and should be distributed per the motion. This is a confirmed plan, which has been complied with.

No opposition received as of 12/18. Grant.

No appearance necessary if you submit on the tentative ruling. Except in the case of a trustee's final report and simultaneous hearing on applications for approval of professional fees, the prevailing party is to lodge a proposed order in conformance with this tentative ruling within seven court days after the hearing, serving all interested parties with a copy of the proposed order.

<b>Party Information</b>
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**Debtor(s):**

Golden State TD Investments, LLC

Represented By  
Mike D Neue  
Kerri A Lyman  
Alan J Friedman  
Jeffrey Lee Costell  
Jeffrey Lee Costell  
James Stang  
Jeffrey R Richter  
Howard N Gould  
Stacey N Knox  
Alan I Nahmias  
Russell H Rapoport  
Scott H Noskin

**United States Bankruptcy Court  
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**1:07-13004 Golden State TD Investments, LLC**

**Chapter 11**

■  
**#2.00 Motion For Final Decree and Order Closing Case.**

Docket No: 261

**Tentative Ruling:**

No opposition received as of 12/18. Grant.

No appearance necessary if you submit on the tentative ruling. Except in the case of a trustee's final report and simultaneous hearing on applications for approval of professional fees, the prevailing party is to lodge a proposed order in conformance with this tentative ruling within seven court days after the hearing, serving all interested parties with a copy of the proposed order.

<b>Party Information</b>
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**Debtor(s):**

Golden State TD Investments, LLC

Represented By  
Mike D Neue  
Kerri A Lyman  
Alan J Friedman  
Jeffrey Lee Costell  
Jeffrey Lee Costell  
James Stang  
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**1:07-13004 Golden State TD Investments, LLC**

**Chapter 11**

**#2.01** Post confirmation Conference Re: Chapter 11 Case

fr. 8/31/10, 2/11/11, 3/1/11, 3/8/11, 10/4/11, 4/10/12,  
10/2/12, 4/16/13, 10/29/13, 4/22/14, 11/4/14,  
4/28/15; 10/20/15, 12/8/15, 8/16/16, 12/6/16

Docket No: 1

**Tentative Ruling:**

Off calendar.

<b>Party Information</b>
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**Debtor(s):**

Golden State TD Investments, LLC

Represented By  
Mike D Neue  
Kerri A Lyman  
Alan J Friedman  
Jeffrey Lee Costell  
Jeffrey Lee Costell  
James Stang  
Jeffrey R Richter  
Howard N Gould  
Stacey N Knox  
Alan I Nahmias  
Russell H Rapoport

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Hearing Room 303

10:00 AM

**1:07-13005 QHL Holdings Fund Ten, LLC**

**Chapter 11**

**#3.00** Motion to Approve Debtors' Final Report and Account and Proposed Distribution

Docket No: 292

**Tentative Ruling:**

All assets have been liquidated and should be distributed per the motion. This is a confirmed plan, which has been complied with.

No opposition received as of 12/18. Grant.

No appearance necessary if you submit on the tentative ruling. Except in the case of a trustee's final report and simultaneous hearing on applications for approval of professional fees, the prevailing party is to lodge a proposed order in conformance with this tentative ruling within seven court days after the hearing, serving all interested parties with a copy of the proposed order.

<b>Party Information</b>
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**Debtor(s):**

QHL Holdings Fund Ten, LLC

Represented By  
Mike D Neue  
Kerri A Lyman  
Alan J Friedman  
Jeffrey Lee Costell  
Jeffrey Lee Costell  
David M Poitras  
Jeffrey R Richter  
Stacey N Knox  
Alan I Nahmias  
Russell H Rapoport

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Central District of California  
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10:00 AM

1:07-13005 QHL Holdings Fund Ten, LLC

Chapter 11

#4.00 Motion For Final Decree and Order Closing Case.

Docket No: 294

**Tentative Ruling:**

No opposition received as of 12/18. Grant.

No appearance necessary if you submit on the tentative ruling. Except in the case of a trustee's final report and simultaneous hearing on applications for approval of professional fees, the prevailing party is to lodge a proposed order in conformance with this tentative ruling within seven court days after the hearing, serving all interested parties with a copy of the proposed order.

<b>Party Information</b>
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**Debtor(s):**

QHL Holdings Fund Ten, LLC

Represented By  
Mike D Neue  
Kerri A Lyman  
Alan J Friedman  
Jeffrey Lee Costell  
Jeffrey Lee Costell  
David M Poitras  
Jeffrey R Richter  
Stacey N Knox  
Alan I Nahmias  
Russell H Rapoport

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10:00 AM

**1:07-13005 QHL Holdings Fund Ten, LLC**

**Chapter 11**

**#4.01** Post Confirmation Plan Status Conference  
re: Chapter 11 Case

fr. 8/31/10, 2/22/11, 3/1/11, 3/8/11, 10/4/11, 4/10/12,  
10/2/12, 4/16/13, 10/29/13, 4/22/14, 11/4/14, 4/28/15,  
10/20/15, 12/8/15, 8/16/16, 12/6/16

Docket No: 1

**Tentative Ruling:**

Off calendar.

<b>Party Information</b>
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**Debtor(s):**

QHL Holdings Fund Ten, LLC

Represented By  
Mike D Neue  
Kerri A Lyman  
Alan J Friedman  
Jeffrey Lee Costell  
Jeffrey Lee Costell  
David M Poitras  
Jeffrey R Richter

**United States Bankruptcy Court  
Central District of California  
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Tuesday, December 20, 2016

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10:00 AM

**1:09-14214 Roosevelt Lofts, LLC**

**Chapter 11**

**#5.00** Post Confirmation Status Conference re: Chapter 11 case

fr. 12/01/10, 3/2/11, 7/12/11, 10/25/11, 1/10/12,  
5/8/12, 9/11/12, 4/30/13, 7/9/13, 11/19/13, 12/10/13,  
12/17/13, 7/8/14, 1/27/15; 3/31/15, 7/28/15; 11/17/15; 3/15/16; 4/5/16  
8/30/16

Docket No: 1

**Tentative Ruling:**

Per the status report filed 12/15/16, there is about \$1.7 million remaining in the reserve fund. This should be sufficient to pay the LACCD claim, any non-paid attorneys, and an Abselet claim.

proposed ruling: Continue to freeze the distribution of the Class 2 Mechanic's Lien funds. It appears that the appeal is over unless the California Supreme Court takes it. Once it is final, there is no reason to continue to hold this money and the case should be wrapped up. Continue this status conference until March 21, 2017 at 10:00 a.m.

If all parties agree to submit on the tentative ruling, appearances will be waived.

prior tentative ruling (8/30/16)

Continue the freeze of the distribution of class 2 mechanic's lien funds.  
Continue the status conference without appearance to 12/20/16 at 10:00 a.m.

prior tentative ruling (11/17/15)

On 10/14/15 the LACCD filed a status report as to the state court action. The judgment for LACCD was for \$661,700 and costs requested are in the amount of \$12,174.37. On 8/7/15. the Debtor filed a notice of appeal. This is case #B266057. This appeal is now pending.

On 11/13/15 Debtor filed its post-confirmation status report. It echoes the LACCD report as to that law suit. It then discusses the Howard Abselet

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10:00 AM

**CONT... Roosevelt Lofts, LLC**

**Chapter 11**

judgment. It gives its take on what is happening in the district court and the execution.

On 11/16/15 Howard Abselet filed a response to the status report concerning his judgment against Solyman Yashouafar, Massoud Yashouafar, and Alliance Lending Group, Inc. He makes it clear that he is not levying on the RLI assets or seeking a distribution of those assets except that through an execution sale, he purchased all of S. Yashouafar's and M. Yashouafar's interests in RLI.

At this point in time, the situation concerning the Abselet judgment if not ripe for this Court. No distribution is being made to RLI or through that entity to its shareholders.

If there is no opposition, continue without appearance to March 1, 2016 at 10:00 a.m.

prior tentative ruling (7/28/15)

Per the status report filed on 7/27, the LACCD lawsuit is proceeding. A jury trial was held in April 2015 and yielded a judgment for LACCD in the amount of approximately \$625,000. Punitive damages were stricken. Both sides have appealed.

Abselet is proceeding to try to obtain property in execution of his judgment. Apparently this is through the District Court and Debtor asserts that it is not receiving notice. Actions are proceeding in the District Court and there is nothing further pending here at this time.

Continue without appearance to 11/17/15 at 10:00 a.m.

prior tentative ruling (3/31/15)

Per the status report filed on 3/16/15, the only remaining disputed claim concerns that of LACCD. The superior court trial is scheduled for April 16-24, 2014.

As to the Abselet matter, Abselet has gone forward in the district court to obtain an order that the Marshal seize the assets of the Debtor. Debtor

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CONT... **Roosevelt Lofts, LLC**

**Chapter 11**

claims that this is a violation of my prior order freezing the class 2 mechanic's lien funds without a prior order of the bankruptcy court. Debtor asserts that this was done without notice to the Debtor or to LACCD and that the order is void.

Comment by the Court - we are not going to play ping pong with the district court. I can't tell whether the Debtor is intending to just ignore the district court order or move proactively in this court. I do not intend to issue an order that freezes the distribution of the mechanic's lien funds. The prior order on the mechanic's lien funds will have to suffice. As to admonishing Mr. Kim, if the Debtor brings a motion, I will consider it at that time. But I also may ask the district court judge (unnamed in this status report) to withdraw the reference as to that motion and to deal with it.

prior tentative ruling: (7/8/14)

Per the status report filed on 6/24/14, Levene Neal is still holding the cash reserve money in a segregated trust account. The professionals have been paid and so have the mechanic's liens. The firm is holding the money pending resolution of the Abselet issues. Also the firm is holding enough to payoff the disputed claims of 700 Wilshire and the LACCD once they are resolved. This is set for trial in the LASC in 12/14. There is an interpleader adversary that has a status conference on 7/22.

Continue this status conference without appearance to January 27, 2015 at 10:00 a.m. The Mara adversary status conference will go forward as scheduled on July 22, 2014.

<b>Party Information</b>
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**Debtor(s):**

Roosevelt Lofts, LLC

Represented By  
David L. Neale

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San Fernando Valley  
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10:00 AM

**1:09-14214 Roosevelt Lofts, LLC**

**Chapter 11**

**#6.00** U.S. Trustee Motion to dismiss or convert Case With an Order Directing Payment of Quarterly Fees and for Judgment Thereon

Docket No: 1196

**Tentative Ruling:**

This motion is solely due to the failure to pay the third quarter U.S. Trustee fees of \$325 and to file the post-confirmation report.

The Los Angeles Community College District opposed since dismissal is not in the best interest of creditors. Instead, this case should be converted. The easement litigation is continuing. On 11/22/16 the Court of Appeal ruled in favor of the LACCD and the final order will be about \$226,000. This will be the claim amount and the LACCD will seek to have it paid from the estate.

Levene Neale, former counsel for the Debtor, takes no position, but notes that it is currently holding funds in reserve per the Plan. This is the Class Action Reserve, which is currently in the amount of \$1,784,271.61. Various parties have competing claims to these funds.

Debtor's current counsel requests that this be continued because he did not have notice.

proposed ruling

There is plenty of money to pay the UST fees. It seems that there is nothing to report until the money in the reserve is distributed. There is no reason to grant this at this time or to convert the case.

Continue to 3/21/17 at 10:00 a.m.

If all parties agree to submit on the tentative ruling, appearances will be waived.

**Party Information**

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10:00 AM

**CONT... Roosevelt Lofts, LLC**

**Chapter 11**

**Debtor(s):**

Roosevelt Lofts, LLC

Represented By  
David L. Neale  
Juliet Y Oh  
Lindsey L Smith  
Alan J Carnegie  
Ian Landsberg  
Kevin M. Davis

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:09-18409 Lenny Kyle Dykstra**

**Chapter 7**

Adv#: 1:10-01183      GOTTLIEB v. Simi Auto Spa Center, LP et al

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- #7.00** Pretrial Conference on Trustees Third Amended Complaint for:  
1) Breach of Contract;  
2) Fraudulent Transfer [11 USC 544, 548(a)(1)(A);  
California Civil Code 3439.04, 3439.05, 3439.07, 3439.09];  
3) Fraudulent Transfer [11 USC. 544, 548 (a)(1)(B);  
California Civil Code 3439.04, 3439.05, 3439.07, 3439.09];  
4) Recovery of Avoided Transfer [11 USC 550];  
5) Breach of Contract Purchase and Sale Agreement;  
and 6) Declaratory Relief

fr. 9/27/11, 12/13/11, 1/3/12, 1/24/12, 5/15/12,  
9/25/12, 12/11/12, 2/12/13, 6/4/13 per stip, 8/6/13,  
10/22/13, 5/13/14, 7/14/14, 12/16/14; 3/31/15,  
10/20/15, 1/26/16; 4/26/16, 8/2/16; 11/15/16

Docket No: 86

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 3/14/17 at  
10:00 a.m. - jc**

**Tentative Ruling:**

Continued by stipulation to 11/15/16 at 10:00 a.m.

prior tentative ruling (4/26/16)

Continued by stipulation to August 2 at 10:00 a.m. The parties are obtaining expert reports in aid of the mediation.

prior tentative ruling (1/26/16):

On 1/22 the parties filed a stipulation to continue the pre-trial conference. The expert reports are still being exchanged and finalized and then there will be a second mediation session. Meanwhile, there is an outstanding discovery dispute that may be brought before the Court. The parties agree to a discovery cutoff except as to expert will be 3/11/16. The Joint Pre-Trial Stipulation will be in accordance with the local rules. The Pre-Trial Conference will be continued to 4/26/16.

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**CONT... Lenny Kyle Dykstra**

**Chapter 7**

Continue the Pre-Trial Conference to 4/26/16 at 10:00 a.m.

No appearance necessary if you submit on the tentative ruling.

prior tentative ruling (10/20/15)

The mediation occurred in April 2015. At its conclusion the parties agreed that they need expert reports prior to a continued mediation. The Defendants' expert report as to the fraudulent transfer issue should be completed by mid-November. There also may be a discovery dispute that need to come to the Court. The parties propose the following and the Court agrees with this schedule:

discovery cut-off except for experts - 11/30/15

joint pretrial stipulation - in accordance with the local rules

**The pretrial conference will be on January 26, 2016 at 10:00 a.m.**

prior tentative ruling (3/31/15)

The parties have stipulated to extend the scheduled dates, continue the status conference, and go to mediation. An order appointing Michael Lubic as mediator was entered on 3/25/15. The mediation is set for 4/9/15.

Continue the pretrial conference to Oct. 20, 2015 at 10:00 a.m.

<b>Party Information</b>
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**3rd Party Defendant(s):**

David A. Litt	Pro Se
David A. Litt and Teresa Litt, in their ii	Pro Se
M.R.R., Inc. dba All Valley Trustee Ser	Pro Se
Teresa Litt	Pro Se

**3rd Party Plaintiff(s):**

Simi Auto Spa Center, LP	Represented By Ramin Azadegan
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Central District of California  
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**CONT... Lenny Kyle Dykstra**

**Chapter 7**

Simi Auto Spa Property, LLC

Represented By  
Ramin Azadegan

Simone Shouhed

Represented By  
Ramin Azadegan

Shahram Shouhed

Represented By  
Ramin Azadegan

Shahriar Shouhed

Represented By  
Ramin Azadegan

South Corona Auto Spa, LP

Represented By  
Ramin Azadegan

South Corona Center, LP

Represented By  
Ramin Azadegan

South Corona Auto Spa Property, LLC

Represented By  
Ramin Azadegan

South Corona 76 Property, LLC

Represented By  
Ramin Azadegan

South Corona 76, LP

Represented By  
Ramin Azadegan

Corona Petroleum, Inc.

Represented By  
Ramin Azadegan

Bahram Khadavi

Represented By  
Ramin Azadegan

Corona Lane Collection, I, LP

Represented By  
Ramin Azadegan

Karine Arditi

Represented By  
Ramin Azadegan

Scott Arditi

Represented By  
Ramin Azadegan

Hamid Shohed

Represented By

**United States Bankruptcy Court  
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CONT... Lenny Kyle Dykstra

Chapter 7

	Ramin Azadegan
Rafie O. Shouhed	Represented By Ramin Azadegan
Farshid Shohed	Represented By Ramin Azadegan
National Car Washes, Inc.	Represented By Ramin Azadegan
Kia Saidnia	Represented By Ramin Azadegan

**Counter-Claimant(s):**

Simi Auto Spa Center, LP	Represented By Ramin Azadegan
Simi Auto Spa Property, LLC	Represented By Ramin Azadegan
Simone Shouhed	Represented By Ramin Azadegan
Shahram Shouhed	Represented By Ramin Azadegan
Shahriar Shouhed	Represented By Ramin Azadegan
South Corona Auto Spa, LP	Represented By Ramin Azadegan
South Corona Center, LP	Represented By Ramin Azadegan
South Corona Auto Spa Property, LLC	Represented By Ramin Azadegan
South Corona 76 Property, LLC	Represented By Ramin Azadegan
South Corona 76, LP	Represented By

**United States Bankruptcy Court  
Central District of California  
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10:00 AM

CONT... Lenny Kyle Dykstra

Chapter 7

	Ramin Azadegan
Corona Petroleum, Inc.	Represented By Ramin Azadegan
Bahram Khadavi	Represented By Ramin Azadegan
Corona Lane Collection, I, LP	Represented By Ramin Azadegan
Karine Ardit	Represented By Ramin Azadegan
Scott Ardit	Represented By Ramin Azadegan
Hamid Shohed	Represented By Ramin Azadegan
Rafie O. Shouhed	Represented By Ramin Azadegan
Farshid Shohed	Represented By Ramin Azadegan
National Car Washes, Inc.	Represented By Ramin Azadegan
Kia Saidnia	Represented By Ramin Azadegan

**Counter-Defendant(s):**

DAVID K GOTTLIEB

Pro Se

**Debtor(s):**

Lenny Kyle Dykstra

Represented By  
Michael T Pines - DISBARRED -  
Moshe Mortner

**United States Bankruptcy Court  
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**CONT... Lenny Kyle Dykstra**

**Chapter 7**

**Defendant(s):**

Shahram Shouhed	Represented By Ramin Azadegan
Simone Shouhed	Represented By Ramin Azadegan
Hamid Shohed	Represented By Ramin Azadegan
Scott Arditi	Represented By Ramin Azadegan
Farshid Shohed	Represented By Ramin Azadegan
Karine Arditi	Represented By Ramin Azadegan
South Corona Center, LP	Represented By Ramin Azadegan
Lenny Dykstra's Car Wash Corp., a Cal	Pro Se
Lenny Dykstra's Car Wash III, LP	Pro Se
Kia Saidnia	Represented By Ramin Azadegan
Bahram Khadavi	Represented By Ramin Azadegan
South Corona 76 Property, LLC	Represented By Ramin Azadegan
South Corona Auto Spa, LP	Represented By Ramin Azadegan
South Corona 76, LP	Represented By Ramin Azadegan
Simi Auto Spa Center, LP	Represented By Ramin Azadegan

**United States Bankruptcy Court  
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10:00 AM

CONT... Lenny Kyle Dykstra

Chapter 7

Simi Auto Spa Property, LLC	Represented By Ramin Azadegan
South Corona Auto Spa Property, LLC	Represented By Ramin Azadegan
Shahriar Shouhed	Represented By Ramin Azadegan
Rafie O. Shouhed	Represented By Ramin Azadegan
National Car Washes, Inc.	Represented By Ramin Azadegan
Corona Lane Collection, I, LP	Represented By Ramin Azadegan
Corona Petroleum, Inc.	Represented By Ramin Azadegan

**Plaintiff(s):**

DAVID K GOTTLIEB	Represented By Irena L Norton Robert E Huttenhoff
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**Successor Trustee(s):**

David K Gottlieb, Chapter 7 Trustee	Represented By Irena L Norton Robert E Huttenhoff
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**Trustee(s):**

David Keith Gottlieb (TR)	Represented By Howard M Ehrenberg SulmeyerKupetz Irena L Norton Robert E Huttenhoff Victor A Sahn Leonard M Shulman
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**CONT... Lenny Kyle Dykstra**

**Chapter 7**

David K Gottlieb

Represented By  
Robert E Huttenhoff

Arturo Cisneros (TR)

Represented By  
Irena L Norton

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
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Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:10-10442 Victor Hugo Hernandez**

**Chapter 11**

**#8.00** Debtor's Second Amended Chapter 11 Plan of Reorganization  
83 Chapter 11 Plan of Reorganization

Docket No: 262

**Tentative Ruling:**

The disclosure statement has been approved.

There are no priority tax claims. The impaired classes are class 1 (secured debtor on the house) and class 5 (general unsecured claims, receiving 3%). The claim of the ex-spouse and her attorney have been resolved and are not impaired. Discharge will occur on completion of payments to classes 3, 4, 5, and administrative claims.

As of 12/18, there is no confirmation brief or indication of votes. No opposition or objection to confirmation has been filed.

<b>Party Information</b>
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**Debtor(s):**

Victor Hugo Hernandez

Represented By  
David I Brownstein  
Bonni S Mantovani

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:10-10442 Victor Hugo Hernandez**

**Chapter 11**

**#9.00** Status Conference on Chapter 11 Case

fr. 1/11/11, 3/29/11, 4/12/11, 6/14/11, 8/23/11, 10/25/11,  
1/17/12, 1/31/12, 2/28/12, 4/10/12, 6/12/12, 7/31/12,  
9/11/12, 11/20/12, 12/11/12, 2/26/13, 4/30/13, 6/18/13,  
8/27/13, 11/19/13, 1/14/14, 2/4/14, 3/11/14, 4/1/14, 6/24/14,  
9/16/14, 11/18/14, 12/16/14, 1/20/15, 2/24/15; 3/31/15; 5/12/15  
6/30/15; 8/18/15, 9/22/15, 2/9/16; 3/15/16; 4/26/16,  
6/7/16, 7/12/16, 8/16/16; 9/13/16, 10/11/16; 10/25/16; 11/15/16

Docket No: 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Victor Hugo Hernandez

Represented By  
David I Brownstein  
Bonni S Mantovani

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Tuesday, December 20, 2016

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10:00 AM

**1:10-15070 60th & K, LLC**

**Chapter 11**

**#10.00** Post Confirmation Status Conference

fr. 12/14/10, 3/8/10, 9/20/11, 12/13/11, 1/3/12, 4/10/12  
7/3/12, 10/9/12, 1/15/13, 4/9/13, 7/9/13, 11/19/13, 2/4/14,  
3/25/14, 4/22/14, 6/3/14, 9/2/14, 11/10/14, 2/10/15, 3/10/15,  
4/14/15, 5/26/15, 7/21/15, 9/29/15, 11/17/15, 12/22/15,  
2/9/16; 4/5/16; 6/21/16, 10/11/16

Docket No: 1

**Tentative Ruling:**

Per the status report filed 12/16, the Debtor is current under the plan.  
Continue without appearance to 5/2/17 at 10:00 a.m.

prior tentative ruling (10/11/6)

Per the status report, the effective date of the Plan is 11/5/16. The Debtor  
has sufficient cash to comply with the Plan and pay its post-confirmation  
expenses.

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

**Debtor(s):**

60th & K, LLC

Represented By  
Raymond H Aver

**Movant(s):**

60th & K, LLC

Represented By  
Raymond H Aver

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:11-14917 Encino Corporate Plaza, L.P.**

**Chapter 11**

**#11.00** Post Confirmation Status Conference Re: Chapter 11

fr. 6/28/11, 9/27/11, 11/29/11, 1/24/12, 2/7/12,  
2/21/12, 4/10/12, 5/1/12, 5/15/12, 6/19/12, 7/17/12,  
7/24/12, 1/15/13, 5/14/13, 10/29/13, 2/25/14, 3/25/14,  
7/22/14, 11/18/14, 6/30/15; 11/17/15; 3/15/16; 4/5/16  
8/30/16

Docket No: 1

**Tentative Ruling:**

I am not sure what is left of this case. Per the quarterly report filed in 11/16, it projected a final decree by 12/31/16. Nothing has been filed since. Let's discuss.

prior tentative ruling (4/5/16)

Counsel for Abselet has filed the stipulation dated 2/17/16 to appoint a trustee and for relief under §543(d) so that the receiver can take control. Apparently the mediation failed. Abselet wishes the receiver to take control.

Wells Fargo Bank, which has been granted relief from stay wishes the Court to allow the receiver to be appointed. Wells Fargo does not want a chapter 11 trustee, but if the receiver is appointed it MAY defer its foreclosure sale, which could otherwise take place as early as June 9, 2016. Also, if the receiver appointed by Judge Walter is not allowed to take over, the Wells intends to seek its own receiver in a court of competent jurisdiction.

Proposed ruling: Appoint a chapter 11 trustee and grant the relief requested under §543(d).

prior tentative ruling (3/15/16)

Wells Fargo has not given its notice of default. There is a stipulation in the district court as to the new chapter 11 (15-14234) - the civil case by Abselt and Encino Corporate Plaza - that there will be a private mediation before 4/1/16. The new chapter 11 will be dismissed when and if the parties do not

**United States Bankruptcy Court  
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CONT... **Encino Corporate Plaza, L.P.**

**Chapter 11**

reach a settlement in the mediation. If the mediation fails, the parties stipulate that the bankruptcy court may appoint a trustee in this case and may grant relief under §543 so that the receiver can take possession and control of the property under the district court receivership order.

The conditional motion for final decree or to dismiss the case was continued to 4/5/16 at 10:00 a.m. Continue the status conference without appearance to 4/5/16 at 10:00 a.m. so that I can find out what has happened in the mediation.

prior tentative ruling (11/17/15):

Per the Debtor's status report, it is basically current under the confirmed plan, but it trying to refinance to pay off Wells Fargo Bank. It had a refinance in place, but could not get an accurate payoff amount and so lost the refinance. This put it a few payments in arrears to WF. The negotiations are set forth in detail. The Debtor then details the payoff demand issues that exist. There is a new special servicer and they are working to reconcile the figures. Once this is resolved, the payoff will occur. It is likely that the Debtor will not receive any funds from the refinance and may have to incur unsecured debt to complete it. If it can't obtain a refinance, it will seek to reinstate the loan.

On 11/10, Wells Fargo Bank filed comments and reservation of rights regarding post-confirmation defaults in performance under the Debtor's Second Amended Plan as modified and the Loan Agreement, etc. signed by the Reorganized Debtor.

The debtor missed the plan payment on 7/1/15 (\$50,000). Since June 2015, the Debtor has remitted three nsf payments to WF. It appears that Howard Abselet filed motions in the district court action to enjoin Debtor's efforts to refinance the Loan and to obtain the appointment of a receiver. These are set for hearing on 11/16. (Abselet v. Alliance Lending Group, etc., et al, 2:11-CV-00815 JFW (JEMx).

While WF could accelerate and foreclose, it is willing to be patient if Debtor can repay in full in the near future and address the recently asserted creditor claims against the principals.

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10:00 AM

CONT... Encino Corporate Plaza, L.P.

Chapter 11

Continue without appearance to March 15, 2016 at 10:00 a.m.

prior tentative ruling (6/30/15)

Per the status report, the prior attempt to refinance fell through and the Debtor is negotiating with a new lender for a possible refinance. If this occurs, the Plan will be paid off in full from the refinance.

Continue without appearance to November 17, 2015 at 10:00 a.m.

prior tentative ruling (11/8/14)

On 10/10/14 an order was entered modifying the plan to implement the settlement with the lender. What is left to do on this case? When will there be a motion for a final decree?

prior tentative ruling (7/22/14)

Per the status report filed on 7/8/14, Levene Neale is still owed its fees. The Debtor is still negotiating with the Bank, but it looks like an agreement is in the offing and it is pending before the Bank's Lending Committee. They have agreed that the reinstatement amount as of 12/14/12 was \$4,745,000. The Debtor has paid three installments totalling \$2,750,000, but there is a dispute as to the balance owing. The Debtor has paid other secured and priority claims. The undisputed unsecured claims are being paid (it is unclear from the status report whether the final \$50,000 cash disbursement (due on 4/9/14) was made. There is a refinancing in process (maybe), but the Debtor is waiting to see if the Bank accepts its agreement and will then decide whether to refinance or to continue making payments to reinstate the loan.

The Debtor requests that this be continued for 4 months. **Continue without appearance to November 18, 2014 at 10:00 a.m.**

prior tentative ruling (3/25/14)

The Reorganized Debtor gave a notice of intent to refinance the real property and consummate its second amended plan. Wells Fargo Bank filed a notice that it has not entered into a implementation agreement as there is a disagreement over the amount of principal to be credited to it.

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10:00 AM

CONT... **Encino Corporate Plaza, L.P.**

**Chapter 11**

Per the status report, Levene Neale is still owed its fees. Other disbursements are being made according to schedule. Negotiations are taking place with the Bank as to the reinstatement amount and various other matters. [Per the Court, Debtor seems to think that a deal was made, but the bank does not.]

If the refinancing is approved, everyone will be paid off and the plan will be fully consummated. If the refinancing does not go forward, by Jan 2015 the Loan should be reinstated in accordance with the terms of the plan.

At the request of the Debtor, I will continue this without appearance to 7/22/14 at 10:00 a.m. By that point there should be an agreement with Wells Fargo as to what is owed so that this can be paid off by Jan. 2015.

prior tentative ruling (10/29/13)

Per the status report filed on 10/15/13, counsel has not yet been paid on its fee order. There is an agreement in principle with the Bank as to the reinstatement amount. That is being documented. The Debtor has baid both reinstatement installments under the plan (total \$1,750,000) to the Bank. All other payments are being made under the plan and there are no other claims disputes. Once the Loan has been reinstated in accordance with the plan, Debtor will seek a final decree. Debtor estimates that this will be in early January 2015.

If there is no objection, continue without appearance to February 25, 2014 at 10:00 a.m.

prior tentative ruling (5/14/13)

Per the status report, counsel has not been paid on its fee order. The Debtor and the Bank are still negotiating as to the amount of the cure. Debtor has paid the first installment of the Reinstatement Amount, in the sum of \$750,000, to the Bank from the New Value Contribution. The Bank Purchased Claims have also been paid. The priority tax claim has been paid. Two distributions were made to the undisputed unsecured claims. The only objectionable claim is that of Kiev Equities and that has been filed and was heard on 4/30/13.

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Hearing Room 303

10:00 AM

CONT... **Encino Corporate Plaza, L.P.**

**Chapter 11**

Continue without appearance to 10/29 at 10:00 a.m.

prior tentative ruling (1/15/13)

The plan was confirmed on 9/20/12. The effective date was 10/9/12. Plan payments have begun. Claims objections will be filed by 2/6/13.

Continue without appearance to 5/14/13.

<b>Party Information</b>
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**Debtor(s):**

Encino Corporate Plaza, L.P.

Represented By  
David L. Neale  
Juliet Y Oh  
Gwendolen D Long

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:11-22424 Ronald Alvin Neff**

**Chapter 7**

**#12.00** Status conference after remand and vacature of order regarding claim of exemption by Ninth Circuit Bankruptcy Appellate Panel

fr. 5/14/15; 7/23/15; 8/20/15; 10/22/15; 1/14/16; 2/10/16; 2/17/16; 4/13/16  
8/10/16; 8/30/16; 10/25/16

Docket No: 87

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 2/7/17 at 10:00 a.m. - jc**

**Tentative Ruling:**

Off calendar. The memorandum and order were entered on 12/15/16.

A status conference on this adversary case will be held on Feb. 7, 2017 at 10:00 a.m. The Court will give notice.

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

**Debtor(s):**

Ronald Alvin Neff

Represented By  
Michael D Kwasigroch

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
M Douglas Flahaut  
Aram Ordubegian

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:13-10386 Shirley Foose McClure**

**Chapter 11**

**#13.00** Status Conference re: Ch 11 Case

fr. 1/24/2013, 4/30/13, 5/14/13, 7/23/13, 8/6/13,  
9/17/13, 9/24/13, 11/19/13, 12/17/13, 1/21/14, 2/18/14,  
3/11/14, 4/15/14, 5/6/14, 6/24/14, 9/9/14, 9/23/14,  
10/7/14, 11/24/14, 1/6/15, 1/20/15, 2/10/15, 3/10/15,  
4/28/15; 5/12/15; 9/29/15, 10/22/15, 12/8/15, 3/1/16,  
6/7/16, 7/12/16, 8/16/16, 10/11/16

Docket No: 1

**Tentative Ruling:**

Per the status report filed on 12/13/16, the rental properties are all insured and PMB is being paid the amounts that were paid prior to the Trustee's appointment. There is a new lease on Hewitt, with one year of prepaid rent. Corbett #1 has been repaired and is ready to be leased. Corbett #2 tenant has renewed that lease through 12/17. A broker will be hired to sell the Michigan properties. The Trustee has settled with the California Franchise Tax Board - a 9019 motion is pending.

The Debtor is unwell and awaiting surgery, so cannot fully respond to the Trustee's inquiries. The Tidus trial is also being delayed due to Ms. McClure's health. The Trustee intends to proceed with that trial.

The Litt appeal is pending and Judge Wu ordered the Trustee to provide Litt's litigation counsel with a list of the Trustee's claim in the Litt Litigation. The Trustee is moving forward on this.

From the Court: There is a notice to compromise with the Franchise Tax Board. \$16,2 million will be recognized as gross income to the Debtor for tax year 2006 and is not subject to a valid 1033 Election. Debtor did not realize taxable Cancellation of Debt Income in connection with the foreclosure of the Long Beach properties. No opposition received as of 12/18. The Court will sign the order.

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CONT... Shirley Foose McClure

Chapter 11

Continue the status conference to April 4, 2017 at 10:00 a.m. If the Trustee, McClure, Litt, and PNB all agree, no appearance will be needed on 12/20.

prior tentative ruling (10/11/16)

Mr. Reitman has been adding staff. I have no other indication of what is happening since no status report was filed. It may be that he has not calendared this hearing. If there is no appearance, I will continue it and make sure that he knows that date and to give notice to all interested parties.

prior tentative ruling (8/16/16)

On 8/12 Mr. Reitman filed an application to employ his firm as counsel for the Trustee. No hearing was scheduled. I will hold this for the lodging period to see if there are any objections.

This is a case where the professional fees have become immense due to a variety of factors. I want to be sure that Mr. Reitman will keep a close handle on fees and will not pass on to attorneys work that is properly done by the Trustee himself. Also, Ms. McClure is able to provide some assistance, though her desire to run the case may interfere with her utility. Let's discuss this.

As to the overlaps in various matters which are disclosed in the application, I am sure that the Firm can set up a structure so that there is no conflict.

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

**Debtor(s):**

Shirley Foose McClure

Represented By  
Andrew Goodman  
Yi S Kim  
Robert M Scholnick  
James R Felton  
Faye C Rasch  
Faye C Rasch  
Elaine Nguyen

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:13-11566 Nelly R. Randin**

**Chapter 11**

**#14.00** Post Confirmation Status Conference

fr. 5/14/2013, 9/17/13,10/1/13,10/29/13, 12/17/13,  
3/11/14, 3/25/14, 5/6/14, 6/3/14, 6/24/14, 9/9/14,  
9/23/14, 1/6/15, 2/10/15; 3/31/15, 5/26/15; 6/2/15,  
6/30/15, 7/21/15, 9/1/15; 9/29/15; 10/20/15; 11/17/15  
12/8/15; 1/12/16; 1/26/16; 6/21/16, 10/11/16; 11/15/16

Docket No: 1

**Tentative Ruling:**

On 11/15/16. Debtor filed a motion for final decree, discharge, and an order closing the case. This was filed without a hearing date. It says that all fees have been paid, but there is no order on fees. It states that the Trustee shall be discharged, but there is no Trustee. There have been no objections. No proposed order has been lodged.

Before I can enter a final decree, I need to determine the fees. As noted, the approved amount (when there is one) will be reduced by 20%. If the application for fees is not filed by 12/31/16, the reduction will increase to 25%; by 1/10/17 it will grow to 30%. Continue without appearance to January 17 at 10:00 a.m. Once an order on the motion for final decree, etc. is lodged, it will be held until after the 1/17/17 hearing.

prior tentative ruling (11/15/16)

Nothing further received as of 11/13. If the fee application is not filed by 12/1, I will deduct 10% off the approved amount. If it is not filed by 12/14, I will deduct an additional 10% off the approved amount.

Continued without appearance to 12/20/16 at 10:00 a.m.

prior tentative ruling (10/11/16)

Nothing further received as of 10/6/16. No fee application has been filed.

prior tentative ruling (6/21/16)

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10:00 AM

**CONT... Nelly R. Randin**

**Chapter 11**

The plan was confirmed by order entered on 2/9/16. Per the status report filed on 6/13/16, counsel will file her fee application by mid-July and set it for hearing. Debtor has made her payments according to the plan and is current on her tax liabilities.

Continue without appearance to October 11, 2016 at 10:00 a.m.

<b>Party Information</b>
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**Debtor(s):**

Nelly R. Randin

Represented By  
Dana M Douglas

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:13-12220 Bethel Healthcare, Inc.**

**Chapter 11**

**#15.00** Motion to Enforce Order Approving Stipulation  
Between Debtor and Internal Revenue Service  
Resolving Claim Nos. 1-3, 46-3, and 38-1

Docket No: 667

**Tentative Ruling:**

The United States, on behalf of the Internal Revenue Service (the "IRS"), moves for the enforcement of a stipulation and court order approving that stipulation. (For ease of reference, dollar amounts have been rounded to the nearest thousand.)

Background

Bethel Healthcare, Inc. ("Bethel") and Corinthian Sub-Acute and Rehabilitation Center, Inc. ("Corinthian" and with Bethel the "Debtors") commenced these chapter 11 cases on April 1, 2013.

The IRS has filed (second amended) proofs of claim and administrative claims in the Debtor's cases. On November 3, 2014, the Debtors and the United States (on behalf of the IRS) entered into a stipulation regarding these claims (dkt. #504 on Bethel docket 13-bk-12220, but entered into by and applicable to both Debtors; the "Stipulation"), which the Court approved by order dated November 18, 2014 (dkt. #508; the "Order") and which provided as follows:

- Secured claims of \$778,000 for Bethel and \$3,085,000 for Corinthian were to be reduced by 20%, with that reduced amount to be paid within five days of the Order becoming final and non-appealable. These claims were paid in December 2014. (The Order became final and non-appealable on December 3, 2014.)
- Administrative claims of \$40,000 were to be paid within five days of the Order becoming final and non-appealable. These claims were also paid in December 2014.

**United States Bankruptcy Court  
Central District of California  
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10:00 AM

CONT...

**Bethel Healthcare, Inc.**

**Chapter 11**

- Unsecured claims of \$602,000 were to remain and be resolved pursuant to the terms of a plan of reorganization.
- Priority claims of \$1,394,000 for Bethel and \$1,064,000 for Corinthian (the "Priority Claims") were to be paid in full within five days of the Order becoming final and non-appealable. These Priority claims have not been paid and are the subject of this motion.

Motion

Under the Stipulation and the Order, the Priority Claims were required to be paid in full in December 2014. Despite several conversations with Debtors' counsel regarding payment, the Priority Claims have not been paid.

Courts have the inherent power to enforce compliance with lawful orders entered by them. Section 105(a) of the Bankruptcy Code also implicitly gives the Court the power to enforce its orders.

This motion should be granted in full and the Debtors should be required to immediately pay the IRS \$2,458,000 (the total amount of the Priority Claims). Furthermore, the Debtor's most recent status report (dkt. # 658) states that the Debtors are continuing to formulate an appropriate exit strategy in these cases, but does not discuss payment of the Priority Claims. The Debtor should not be allowed to dismiss these cases prior to full payment of the Priority Claims.

Limited Opposition of the Committee

The Official Committee of Unsecured Creditors (the "Committee") in the Debtors' cases does not object in principal to the motion, but requests that the hearing on the motion be continued. The Committee and the Debtors are preparing a joint motion for an orderly dismissal of these cases and plan to have this dismissal motion heard in the first quarter of 2017. To conserve resources of the estates and make payments to creditors at the same time, the Committee asks this enforcement motion by the United States be continued until March 2017.

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CONT... **Bethel Healthcare, Inc.**

Chapter 11

Reply

The United States opposes any further delay. The Limited Opposition provides no good cause for delay. It offers no information regarding the payment of the Priority Claims. The Debtors have had two years to pay the Priority Claims. They did not even file an opposition to this motion.

Waiting until a motion to dismiss is heard in March is too late for the IRS to find out whether, or how much, it will be paid. Furthermore, there is no guarantee that the motion to dismiss will be heard in March 2017: it was supposed to be filed months ago but has been delayed for various reasons. Delay only increases administrative expenses, meaning the IRS will be paid less.

The laissez-faire attitude of the Debtors (who did not even file an opposition) and the Committee and their failure to comply with this Court's order should not be condoned. The United States has been trying to informally resolve this matter for the past two years without success. As a last resort, it is seeking the Court's assistance. The Court should enter an order enforcing the Order and requiring the Debtors to immediately pay the total \$2,458,000 of Priority Claims.

Analysis

This motion asks that the Court enter an order enforcing the Order, but does not specify any means of enforcement. It also asks that the Court enter an order requiring the Debtor to immediately pay the Priority Claims, but does not specify how such an order would be different from the original Order – which required the Debtors to pay the Priority Claims in full by December 2014.

The Court could consider holding the Debtors' in contempt for failing to pay the Priority Claims in violation of the Stipulation and Order:

It is generally held that a party is in contempt of court if (1) there is a "specific and definite" order of the court which that party has violated and (2) the party had actual knowledge of that order. *See, e.g., Fidelity Mortgage Investors v. Camelia Builders, Inc.*, 550 F.2d 47 (2nd Cir.1976), cert. denied, 429 U.S. 1093, 97 S. Ct. 1107, 51 L.Ed.2d 540

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CONT...

**Bethel Healthcare, Inc.**

**Chapter 11**

*(1977); United States v. Christie Industries, Inc.*, 465 F.2d 1002 (3d Cir.1972); *In re Mealey*, 16 B.R. 800 (Bkrtcy.E.D.Pa.1982); *In re Norton*, 15 B.R. 623 (Bkrtcy.E.D.Pa.1981).

*MA Salazar, Inc. v. Inc. Vill. of Atl. Beach*, 499 B.R. 268, 274–75 (E.D.N.Y. 2013).

However, this priority claim cannot be paid until the Court is assured that there is enough money to pay all claims with a higher priority, as well as to pay claims with the same priority at a *pro rata* rate. Thus, without knowing more facts, such as whether the Debtor has the present ability to pay this \$2.5 million and other claims of higher and equal priority, the Court is reluctant to impose contempt sanctions. (Although, it should be noted that it is the Debtor's failure to file an opposition that leaves the Court without this relevant information.) After two years of non-compliance, a sudden award of sanctions without warning of consequences also strikes the Court as somewhat arbitrary. Furthermore, any monetary contempt sanctions would merely add to the administrative claim burden on the estates, which (as the United States points out) only reduces the resources available to pay the IRS.

Proposed Ruling

I am inclined to enter an order continuing this matter until March 2017 and warning the Debtor that sanctions may be imposed unless the Priority Claims are paid in full or the IRS has been provided with a clear and detailed explanation of (i) the Debtors' ability to pay the Priority Claims (*i.e.*, the value and nature of the Debtors' assets and the amount of all outstanding claims with greater or equal priority to the Priority Claims) and (ii) the Debtors and Committee proposal for an orderly dismissal and what the IRS would expect to receive in that scenario. That information could possibly be conveyed through a motion for an orderly dismissal, but if such a motion is not yet ready, the Debtors will nonetheless need to provide this information directly to the IRS.

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

**Debtor(s):**

Bethel Healthcare, Inc.

Represented By  
Hamid R Rafatjoo  
Hamid R Rafatjoo  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Tuesday, December 20, 2016**

**Hearing Room 303**

10:00 AM

**CONT... Bethel Healthcare, Inc.**

**Chapter 11**

Michael T Delaney

**Movant(s):**

UNITED STATES OF AMERICA on t

Represented By  
Najah J Shariff

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
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Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:13-15929 KSL MEDIA INC**

**Chapter 7**

Adv#: 1:15-01212      Gottlieb v. Landau et al

■

**#16.00**      Status Conference re: Counterclaim of Defendant of  
Landau Gottfriend & Berger LLP

fr. 7/12/16, 8/2/16, 10/11/16

Docket No: 102

**Tentative Ruling:**

This matter has been settled. Continue without appearance to Feb. 21, 2017  
at 10:00 a.m.

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

**Counter-Claimant(s):**

Landau Gottfriend & Berger LLP      Pro Se

**Counter-Defendant(s):**

David K Gottlieb      Pro Se

**Debtor(s):**

KSL MEDIA INC      Represented By  
Rodger M Landau  
Monica Rieder  
Jon L Dalberg

**Defendant(s):**

Landau Gottfriend & Berger LLP      Represented By  
Kyle Kveton  
Edith R Matthai  
T. John Fitzgibbons

Rodger M Landau      Represented By  
Kyle Kveton  
Edith R Matthai

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Geraldine Mund, Presiding  
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Tuesday, December 20, 2016

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10:00 AM

CONT... KSL MEDIA INC

Chapter 7

T. John Fitzgibbons

**Interested Party(s):**

Courtesy NEF

Represented By  
John P Reitman  
Jennifer A Landau

**Plaintiff(s):**

David K Gottlieb

Represented By  
Eric R Wilson

**Respondent(s):**

Peter I. Isola

Represented By  
William K Mills  
Peter L Isola

John P. Reitman

Represented By  
John P Reitman

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeffrey W Dulberg  
Steven J Kahn  
Scotta E McFarland  
Eric R Wilson  
Jason S Pomerantz  
Philip D Robben  
Andrew W Caine  
Jeffrey P Nolan

David Keith Gottlieb (TR)

Represented By  
Eric R Wilson

**US Trustee(s):**

United States Trustee (SV)

Pro Se

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

Tuesday, December 20, 2016

Hearing Room 303

10:00 AM

**1:15-14213 Michael Robert Goland**

**Chapter 7**

Adv#: 1:16-01046 Lewis v. Goland

■  
**#17.00** Pre-Trial conference re: complaint to determine  
non-dischargeability of debt under 11 USC 523(a)(6)

fr. 6/8/16; 7/20/16, 12/14/16(xfr from Judge Kaufman's calendar)

Docket No: 1

**\*\*\* VACATED \*\*\* REASON: Order cont. to 2/21/17 @10am (eg)**

**Tentative Ruling:**

Stip. to continue filed on 11/17/16. Continue pre-trial conference to 2/21/17 at 10:00 a.m. to trail other motions.

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Parties should be prepared to discuss the following:

Why is the plaintiff opposed to participating in mediation?

Deadline to complete discovery: 10/31/16.

Deadline to file pretrial motions: 11/14/16.

Deadline to complete and submit pretrial stipulation in accordance with Local Bankruptcy Rule 7016-1: 11/30/16.

Pretrial: 1:30 p.m. on 12/14/16.

In accordance with Local Bankruptcy Rule 7016-1(a)(4), within seven (7) days after this status conference, the plaintiff must submit a Scheduling Order.

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

<b>Party Information</b>
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**Debtor(s):**

Michael Robert Goland

Represented By  
David S Hagen

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

Tuesday, December 20, 2016

Hearing Room 303

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10:00 AM

CONT... Michael Robert Goland

Chapter 7

**Defendant(s):**

Michael Goland

Pro Se

**Plaintiff(s):**

Bret D Lewis

Represented By  
Bret D Lewis

**Trustee(s):**

Diane Weil (TR)

Pro Se

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
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10:00 AM

**1:16-11387 Real Estate Short Sales Inc**

**Chapter 11**

**#18.00** Status Conference

fr. 7/28/16 (note: previously Judge Tighe's case),  
8/2/16; 8/30/16

Docket No: 1

**Tentative Ruling:**

On Dec. 6 the Court granted Mr. Orantes motion to withdraw as counsel. Debtor's principal is aware that this debtor must be respresented by counsel. The Court allowed and extension until 1/15 to file a disclosure statement and plan. Continue this status conference without appearance to January 17, 2017 at 10:00 a.m. at which time the Court will ascertain that a disclosure statement and plan have been filed and that counsel has been employed.

prior tentative ruling (8/30/16)

Motion to continue denied. See cal. #16.

Does Mr. Orantes seek to be employed? He has not filed his clarifying declaration as to his scope of work, etc. If this is not done by 8/29, I will deny the motion to be employed.

New schedules need to be filed - at no charge to the Debtor since this is an attorney error. Every creditor is listed as "contingent, unliquidated, disputed." While some claims might be disputed (ie. Dapeer), it is liquidated and not contingent. You even marked the FTB and IRS claims (each \$0) as contingent, unliquidated, and disputed.

Amended schedules B, D, and E/F are to be filed no later than 9/9/16.

Definitions (from Ballentine's Law Dictionary, 3d edition):

contingent claim - A liability which depends upon some future event which may or may not happen, and which, therefore, makes it wholly uncertain whether ultimately there ever will be a liability.

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CONT... **Real Estate Short Sales Inc**

**Chapter 11**

unliquidated claim - A claim in respect to which the exact amount which the claimant is entitled to recover has not been ascertained.

disputed claim - ... a dispute as to the amount of the sum actually due, as to whether anything is due, or as to the construction of the terms of the contract between the parties, which is bona fide, honest, and based upon a reasonably tenable or plausible ground.

Thus, the amount in question of most or all of these creditors is liquidated and - unless some action prior to collection is required - they are not contingent. Some may be disputed, but this requires a good-faith determination on your part.

Mr. Orantes: If this is your normal method of completing schedules, I am putting you on warning that you are violating Rule 9011. This practice is to immediately stop. I will check some of the cases that you file in the next few months and if I see this practice is continuing, I will notify the judges on those cases so that they can bring Rule 9011 motions against you and/or seek a disciplinary hearing under our court disciplinary rule.

As to the next steps in this case, the status report suggest a claims bar date of 9/9/16, objections to be filed by 10/14/16, avoidance actions by 10/2/16, and a proposed plan and disclosure statement by 10/28/16. I have no problem with this schedule, but amended schedules are to be filed (as set forth above) by 9/2. Since all that this will do is remove the necessity for some creditors to file a claim - FRBP 3003(c)(2), the proposed claims bar date will stand. However, Mr. Orantes is to serve the amended schedules on all creditors.

prior tentative ruling (8/2/16)

The Debtor seeks to employ the Orantes Law Firm. Two things about the application need clarification:

(1) the retainer agreement refers to the law firm being "co-counsel" and also "general bankruptcy counsel" fo the Debtor. There are some "limited scope" provisions. Please clarify what work the Law firm will be doing and what the DIP will be doing.

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**CONT... Real Estate Short Sales Inc**

**Chapter 11**

(2) similarly, the application states that the firm took "a modest retainer only to assist the Debtor to proposed a plan to reorganize its debt." (Dkt. 29, p. 4:28-5:1). I do not understand how this fits into the limited scope.

<b>Party Information</b>
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**Debtor(s):**

Real Estate Short Sales Inc

Represented By  
Giovanni Orantes

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10:00 AM

**1:16-11670 The Automart, Inc.**

**Chapter 11**

**#19.00** Emergency motion to authorize debtor's use of cash collateral

from: 6/15/16; 7/5/16, 8/23/16(xfr from Judge Barash calendar),  
8/16/16

Docket No: 6

**Tentative Ruling:**

The current stipulation expires on 12/26/16. Will there be a new stipulation?

prior tentative ruling (8/16/16)

On 8/9/16 HSBC Bank USA and the Debtor filed a stipulation for continued use of cash collateral through 12/28/16. If there is no objection, continue this hearing without appearance to 12/20/16 at 10:00 a.m.

**Ruling for July 5, 2016:**

Motion approved in part on a final basis for the debtor in possession to use cash collateral pursuant to the stipulation with the secured creditor.

Motion continued in part to 08/23/16 at 1:30 pm.

Any supplemental papers in support of motion to be filed and served no later than 08/09/16.

Any supplemental opposition to be filed and served no later than 08/16/16.

Debtor in possession to file an order thereon.

**Tentative Ruling for July 5, 2016:**

Grant on a final basis. No opposition filed; appearances excused. The debtor in possession shall lodge an order no later than July 12, 2016.

**Ruling for June 15, 2016:**

Grant in the interim. Debtor and HSBC to agree on form of order. Continue to 07/05/16 at 1:30 pm.

<b>Party Information</b>
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**Debtor(s):**

The Automart, Inc.

Represented By

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**CONT... The Automart, Inc.**

Blake J Lindemann

**Chapter 11**

**United States Bankruptcy Court  
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**1:16-12388 Major Textile Imports Inc.**

**Chapter 7**

**#20.00** Motion In Limine To Preclude The Testimony  
Of Claimant Sepehr Omranis Writing Expert.

Docket No: 113

**Tentative Ruling:**

Stip. to continue Motion in Limine to 1/17/17 at 10:00 a.m. as Mr. Omrani is set to start a five-day trial on 12/19/16.

<b>Party Information</b>
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**Debtor(s):**

Major Textile Imports Inc.

Represented By  
Jaenam J Coe  
Michael Jay Berger

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
Christian T Kim  
James A Dumas Jr

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**1:16-11538 Majestic Air, Inc.**

**Chapter 11**

**#21.00** Debtor's Motion for Modification of  
Sale Order Entered on December 9, 2016

Docket No: 137

**Tentative Ruling:**

The sale that was approved on 11/15/16 was to Telestar, with a backup offer of \$72,500 by OKAY Airways. Telestar withdrew its offer and OKAY reduced its offer to \$30,000 based on further research. The only third party offer is from Reich for \$12,500. But Cue's husband's company Highbury Asia has offered to purchase for 40,000. OKAY is in China and it would be prohibitively expensive to try to enforce the sale order.

Debtor has moved to its new location and spent \$20,000 in packing and moving expenses. The new landlord is willing to allow the Debtor to store the parts for \$13,500 per month. LTP has indicate that it might be willing to pick up the parts, but has not set a date.

Debtor requests the court to approve either the \$30,000 OKAY offer or the \$40,000 Highbury offer or issue an order that LTP pick up its parts and pay for packing and shipping by a date certain.

LTP opposes in that it will not pick up the parts since it has no idea of their condition. It has not objection to sale to the highest bidder so long as it gets 60% of the sale price. LTP should have no liability for the cost of shipping and packing due to the Debtor's failed sale. The parts should be sold without any representations or warranties and LTP should have no liability as to the parts.

proposed ruling

Unless Ansett objects, grant the sale to Highbury Asia for \$40,000 plus the cost of shipping and packing. On what date will Highbury be liable? If Highbury will not accept this or does not perform, approve the reduced OKAY offer plus the cost of packing and shipping. Will Highbury be moving these parts to another facility? We need to figure out exactly what the additional

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CONT... **Majestic Air, Inc.**

**Chapter 11**

cost of packing will be since these are already packed and some part of that \$20,000 must be paid by the buyer. That portion of the packing and also the shipping from the current location is to be borne by the buyer.

As to LPT's request, the entered sale order is sufficient and will not be reopened except as to the identity of the buyer and the amount of the sale.

<b>Party Information</b>
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**Debtor(s):**

Majestic Air, Inc.

Represented By  
Stella A Havkin