

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 19, 2020

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#1.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17, 4/4/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20

Also #2

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

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6:16-14273 Allied Injury Management, Inc.

Chapter 11

#2.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20

Also #1

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

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6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#3.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

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CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

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6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01109 David M. Goodrich, Chapter 11 Trustee v. Titanium Resource Company,

#4.00 CONT Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against Titanium Resource Company, Inc., a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 - preference, 13 Recovery of money/property - 548 fraudulent transfer

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Titanium Resource Company, Inc., a

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

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CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

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6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01110 David M. Goodrich, Chapter 11 Trustee v. Larson, D.C., an individual

#5.00 CONT Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against John Larson, D.C., an individual. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers, Avoidance of Improper Distributions, and Unjust Enrichment and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 preference, 13- Recovery of money/property - 548 fraudulent transfer

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

John Larson, D.C., an individual

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

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CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

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6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01114 David M. Goodrich, Chapter 11 Trustee v. The Blue Law Group, Inc, a

#6.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01114. Complaint by David M. Goodrich, Chapter 11 Trustee against The Blue Law Group, Inc, a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Werth, Steven)

From: 7/10/18, 2/27/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

The Blue Law Group, Inc, a

Represented By
Michael K Blue

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth
Mark S Horoupian

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

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CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

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6:16-15813 John E. Tackett

Chapter 7

Adv#: 6:18-01138 Speier v. Conestoga Settlement Services, LLC et al

#7.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01138. Complaint by Steven M Speier against Conestoga Settlement Services, LLC, Conestoga International Holdings, LLC, Conestoga Trust, Provident Trust Group, LLC, De Leon & Washburn, P.C., Thomas Washburn, Hector De Leon, Jeff Converse, Michael Woods, Michael McDermott. (Charge To Estate). Complaint for: (1) Breach of Written Contract; (2) Rescission and Restitution for Fraud; (3) Money Had and Received; (4) Unjust Enrichment; (5) Fraud; (6) Negligent Representation; (7) Negligence; (8) Rescission and Restitution for Sale of Unqualified Securities [Cal. Corp. §25503]; (9) Damages for Sale of Unqualified Securities [Cal. Corp. §25503]; (10) Rescission: Securities: Misrepresentation [Cal. Corp. §25501]; (11) Damages: Securities: Misrepresentation [Cal. Corp. § 25501]; (12) Contempt for Willful Violation of Automatic Stay Pursuant to 11 U.S.C. § 105; and (13) Elder Financial Abuse [Cal. Welf. & Inst. Code § 15600 et seq.] Nature of Suit: (14 (Recovery of money/property - other)) (Eastmond, Thomas)
(AS TO REMAINING DEFENDANTS)
(Jeff Converse - dismissed 12/2/19)
(Provident Trust Group LLC - dismissed 12/17/19)
(De Loeon & Washburn, P.C. - dismissed 1/8/20)
(Thomas Washburn - dismissed 1/8/20)
(Hector De Leon - dismissed 1/8/20)

From: 8/29/18, 11/28/18, 1/9/19, 4/10/19, 11/6/19, 2/12/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John E. Tackett

Represented By

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CONT... John E. Tackett

Chapter 7

Stefan R Pancer

Defendant(s):

Conestoga Settlement Services, LLC

Represented By
Charles Miller

Conestoga International Holdings,

Represented By
Charles Miller

Conestoga Trust

Represented By
Charles Miller

Michael Woods

Pro Se

Michael McDermott

Pro Se

Joint Debtor(s):

Ellen O. Tackett

Represented By
Stefan R Pancer

Plaintiff(s):

Steven M Speier

Represented By
Thomas J Eastmond
Robert P Goe
Rafael R Garcia-Salgado

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

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6:17-17773 Laura Valles

Chapter 7

#8.00 CONT Motion For Sale of Property of the Estate under Section 363(b) - No Fee
Re: Subject to All Existing Liens, Claims, Encumbrances, Charges and Interest
(2) Approving Bidding Procedures Utilized and (3) Granting Related Relief

From : 2/12/20

EH__

Docket 21

Tentative Ruling:

2/19/20

BACKGROUND

On September 16, 2017, Laura Valles ("Debtor") filed a Chapter 7 voluntary petition. On Schedule A, Debtor lists a 50% interest (owned with her mother) in certain real property located at 13768 Ochre Ln., Victorville, CA 92394 (the "Property"). Schedule A identifies the value of the Property as \$277,582. Schedule D listed a lien, apparently a second mortgage, against the Property in the amount of \$51,649. That entry on Schedule D stated "only mother on 1st mortgage." Debtor did not claim an exemption in the Property. On January 3, 2018, Debtor received a discharge.

On January 13, 2020, Trustee filed the instant sale motion. Trustee proposes to sell the estate's 50% interest in the Property to Joanne Lopez, Debtor's mother, for \$25,000. The sale is not free and clear of liens. While the sale motion does not detail the liens against the Property, the Court notes that the preliminary title report attached as Exhibit 2 identifies three deeds of trusts totaling \$228,873 – which would indicate that there is approximately \$60,000 equity in the Property.

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CONT... Laura Valles

Chapter 7

The Court has not received any opposition to the Trustee's sale motion.

DISCUSSION

A. Sale Motion

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

The declaration of Trustee states that "[t]he purchase price and terms contained in the Real Estate Purchase and Sale Agreement were negotiated by the parties based upon the market value of the real property, the liens recorded against the property and costs of sale by a real estate broker and other related professional fees." Based upon the liens identified in the preliminary title, the Court's knowledge of the customary fees and costs associated with the sale of real property, and assuming the relative accuracy of the valuation identified on Schedule, which is not contradicted by any evidence in the record, the Court can surmise that it would be unlikely that Trustee could obtain a materially higher distribution for the estate by attempting to sell the estate's interest in the Property, or the entire Property, to a disinterested purchaser. Given this conclusion, and noting that the proposed sale would generate a meaningful distribution for unsecured creditors, the Court finds that Trustee has articulated a valid

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CONT... Laura Valles

Chapter 7

business justification for the sale of the Property.

II. *14-Day Stay*

FED. R. BANKR. P. Rule 6004(h) states: "An order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." The Court deems the absence of objections to be consent to the relief requested, pursuant to Local Rule 9013-(1)(h), and, therefore, will waive the stay of Rule 6004(h).

III. *Miscellaneous Provisions*

The Court has reviewed the remainder of Trustee's miscellaneous requests. Regarding the overbidding procedures, the Court has reviewed the proposed overbidding procedures and finds said procedures to be reasonable in the circumstances. Trustee to confirm that there are no overbids.

Regarding Trustee's request for a good faith determination pursuant to § 363(m), the Court notes that Trustee has not provided a declaration of the buyer, and the buyer is the mother of Debtor. Given these facts, and noting that the Property was not marketed and Trustee has not made an independent attempt to determine the fair market value of the Property, the Court is not inclined to make a good faith finding.

TENTATIVE RULING

The Court is inclined to GRANT the sale motion in its entirety with the exception of the request for a good faith determination pursuant to 11 U.S.C. § 363(m).

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CONT... Laura Valles

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Laura Valles

Represented By
Dana Travis

Movant(s):

John P Pringle (TR)

Represented By
Charles W Daff

Trustee(s):

John P Pringle (TR)

Represented By
Charles W Daff