

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Thursday, December 08, 2016

Hearing Room 302

9:00 AM

1:16-13322 Ronnie Davis Jr

Chapter 13

#0.01 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket No: 7

**Tentative Ruling:**

- NONE LISTED -

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

Ronnie Davis Jr

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Thursday, December 08, 2016

Hearing Room 302

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9:00 AM

1:16-13339 Enrico Garcia

Chapter 13

#0.02 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket No: 9

**Tentative Ruling:**

- NONE LISTED -

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

Enrico Garcia

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Thursday, December 08, 2016

Hearing Room 302

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9:00 AM

1:16-13343 Sylvia Garcia

Chapter 13

#0.03 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket No: 8

**Tentative Ruling:**

- NONE LISTED -

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

Sylvia Garcia

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Thursday, December 08, 2016

Hearing Room 302

9:00 AM

1:16-13351 Ismael Perez

Chapter 13

#0.04 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket No: 7

**Tentative Ruling:**

- NONE LISTED -

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

Ismael Perez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Thursday, December 08, 2016

Hearing Room 302

9:30 AM

**1:16-10159 Samuil Preys**

**Chapter 11**

**#1.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket No: 108

**Tentative Ruling:**

- NONE LISTED -

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

Samuil Preys

Represented By  
Lewis R Landau

**Movant(s):**

U.S. BANK NATIONAL ASSOCIATI

Represented By  
Joseph C Delmotte

**United States Bankruptcy Court  
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Thursday, December 08, 2016

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9:30 AM

**1:16-13035 Laura Eileen Sanchez**

**Chapter 11**

**#2.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket No: 13

**Tentative Ruling:**

Petition Date: 10/21/16

Chapter: 11

Service: Proper. Response filed.

Property: 400 Rancho Rd., Thousand Oaks, CA 91362-2551

Property Value: \$900,000 (Debtor's schedules)

Amount Owed: \$1,455,786.63.

Delinquency: **\$515,069.53 (97 payments of \$7,442.74).**

Debtor in opposition denies the bankruptcy was filed in bad faith and offers \$3,000 per month for adequate protection. Since 2010, there have been 12 bankruptcy filings affecting subject property involving Debtor and a transferee by the name of Altigracia Rodriguez.

Movant seeks relief under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4). Movant requests relief in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of 14-day stay); **9** (relief under 11 U.S.C. §362(d)(4)); and **10** (binding and effecting against any debtor for 180 days); **11** (binding and effective no matter who the debtor may be); and **12** (debtor is defined as a borrower for purposes of Cal. Civ. Code §2923.5).

Despite her adequate protection offer, Debtor must explain why Movant is not entitled to in rem relief as the multiple unauthorized transfers and filings indicate a scheme to hinder, delay and defraud creditors under 11 U.S.C. §362(d)(4).

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Laura Eileen Sanchez

Represented By

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9:30 AM

**CONT...**

**Laura Eileen Sanchez**

**Chapter 11**

Daniel King  
Kevin Tang

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Mark D Estle

**United States Bankruptcy Court  
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9:30 AM

1:16-13035 Laura Eileen Sanchez

Chapter 11

#3.00 Status and Case Management Conference

Docket No: 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Laura Eileen Sanchez

Represented By  
Daniel King

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9:30 AM

**1:16-13054 Tamara Zderich**

**Chapter 11**

**#4.00** Trustee Motion And Motion Under 11 U.S.C.  
§ 1112(B) To Dismiss Or Convert Case With  
An Order Directing Payment Of Quarterly Fees  
And For Judgment Thereon

Docket No: 15

**Tentative Ruling:**

- NONE LISTED -

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

Tamara Zderich

Pro Se

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9:30 AM

**1:16-13054 Tamara Zderich**

**Chapter 11**

**#4.01** Scheduling and Case Management Conference

fr. 12/1/16

Docket No: 1

**Tentative Ruling:**

No status report was filed.

Has debtor obtained counsel?

A discharge was obtained on 8/6/12 so no discharge may be granted in this case.

What is debtor's purpose in filing?

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

Tamara Zderich

Pro Se

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9:30 AM

**1:14-15360 Oracle Transportation Solutions, Inc.**

**Chapter 11**

**#5.00** Status and Case Management Conference

fr. 8/13/15, 9/17/15, 12/10/15; 8/18/16, 9/29/16

Docket No: 1

**Tentative Ruling:**

Debtor's status report requests a continuance of this status conference but admits that it is not current with its plan payments. The status conference will stay on calendar to see whether any creditor objects to the continuance.

APPEARANCE REQUIRED.

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

Oracle Transportation Solutions, Inc.

Represented By  
Steven R Fox

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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Hearing Room 302

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9:30 AM

1:14-10136 Choice Providers Medical Group APC

Chapter 11

#6.00 First and Final Fee Application for  
Integrated Health Systems, Inc

Period: 2/1/2014 to 12/31/2015  
Fees: \$342,464.10

Docket No: 349

**Tentative Ruling:**

Debtor's administrator, Integrated Health Systems, Inc. ("Integrated Health") seeks first and final compensation for services rendered for period of February 1, 2014 to December 31, 2015. Integrated Health seeks \$342,464.10, based on 12% of Debtor's gross revenue, as provided for in an attached Administrative Services Contract dated January 21, 2014 ("12% Contract"). First and Final Fee Application, Exh. 3.

United States Trustee ("UST") objects, asserting that the Court never approved the 12% Contract. Instead, the fees should be calculated based on 10% of Debtor's gross revenue as represented in the employment application.

Considering the employment application, the attached declaration of Sherri Loveall, and the order approving the application, Integrated represented that it "will be compensated by receiving 10% of gross revenues." Application to Employ Integrated Health Systems, Inc. ("Application to Employ"), 3:23-24; Declaration of Sherri Loveall, ¶4. This is supported by the attached Administrative Services Contract, dated February 12, 2014 (the "10% Contract"). Application to Employ, Exh A, ¶2.

Regardless of what Debtor and Integrated Health agreed upon on January 21, 2014, the 10% Contract dated February 12, 2014 was the contract approved by the Court on March 6, 2014. Order Granting Debtor's Application, ECF No. 65. The terms are therefore binding on Integrated Health. It is only entitled to 10% of Debtor's gross revenue.

Integrated Health also requests fees outside of its 10% pay structure, including \$1,500 for a January flat fee instead of basing the fee on a 10% of Debtor's gross proceeds for that month. Integrated Health also requests \$4,737.78 a July 2014 bonus on top of its 10% fee for that month. It also requests reimbursements of

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9:30 AM

CONT... **Choice Providers Medical Group APC** **Chapter 11**

\$589.51 in lunches, \$1,000 for a Christmas dinner party, and \$105.36 for a baby shower. Integrated provides no grounds for such fees. Lastly, to the extent Debtor has already paid Integrated Health, the amount paid must be disgorged as the fees were never approved by the Court.

Fee Application GRANTED for **only \$285,856.05** (10% of Debtor's gross proceeds). Remainder should be disgorged to debtor.

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

Choice Providers Medical Group APC	Represented By Tamar Terzian
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**Movant(s):**

Integrated Health Systems Inc	Pro Se
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9:30 AM

**1:14-10136 Choice Providers Medical Group APC**

**Chapter 11**

**#7.00** First and Final Fee Applicaiton for  
Johnson & Brahn LLP

Docket No: 347

**Tentative Ruling:**

The response adequately addresses the objections. Approved for the amounts listed in response.

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

Choice Providers Medical Group APC

Represented By  
Tamar Terzian

**Movant(s):**

Johnson Braun LLP

Pro Se

**United States Bankruptcy Court  
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Hearing Room 302

9:30 AM

1:13-16225 Ghassan Fayoumi

Chapter 11

#8.00 Motion for Order Compelling Abdul Hassib El Saouda  
and Vanessa Nunes Da Silva Hughes to Pay Rent

Docket No: 161

**Tentative Ruling:**

As this is a confirmed plan, the property has reverted in the debtor. Normally, under Bankruptcy Rule 7001, an action to recover money or property is an adversary proceeding, subject to the procedural rules therein. Fed. R. Bankr. P. 7001(1); See Smith v. Wheeler Tech., Inc. (In re Wheeler Tech., Inc.), 139 B.R. 235, 239-40 (B.A.P. 9th Cir.1992)(reversing order for turnover of property based on ex parte motion, where the bankruptcy rules expressly required the initiation of an adversary proceeding and such rules incorporated due process concerns). Here, Debtor's request for turnover of past rent proceeds is an action to recover property of the estate. Here, however, the action would need to be brought in Superior Court as this court no longer has property of the estate to administer. This can also not be pursued as a breach of the plan since the plan was not served on the parties the debtor seeks to compel and did not detail what was to happen with these propewrties.

**Party Information**

**Debtor(s):**

Ghassan Fayoumi

Represented By  
Vahe Khojayan

**Movant(s):**

Ghassan Fayoumi

Represented By  
Vahe Khojayan

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9:30 AM

**1:12-10229 C.M. Meiers Company, Inc.**

**Chapter 11**

**#9.00** Status and Case management Conference

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

Docket No: 1

**\*\*\* VACATED \*\*\* REASON: Continued to 4/6/17 at 9:30 a.m. - per  
Judge at 11/8 hrg - jc**

**Tentative Ruling:**

Cont'd to April 6, 2017 at 9:30 a.m. Trustee to give notice.

NO APPEARANCE REQUIRED

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

C.M. Meiers Company, Inc.

Pro Se

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
David Gould

**United States Bankruptcy Court  
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Thursday, December 08, 2016

Hearing Room 302

9:30 AM

**1:10-23071 Rancho Topanga Development Land Company**

**Chapter 11**

**#10.00** Status and Case Management Conference

fr. 12/2/10, 12/8/10, 12/15/10, 3/3/11, 3/24/2011,  
per stip entrd 3/24/11, 5/3/11, 5/31/11, 7/19/11, 7/27/11,  
4/19/12, 5/31/12, 7/26/12, 11/1/12, 1/10/13 per stip,  
4/4/13, 6/6/13, 8/1/13, 8/29/13, 9/26/13, 11/14/13, 1/16/14  
4/3/14; 5/14/14, 6/5/14; 10/23/14; 1/22/15, 2/18/15, 3/4/15,  
3/18/15; 6/18/15, 9/17/15, 1/21/16, 4/28/16; 6/16/16; 8/18/16

Docket No: 1

**\*\*\* VACATED \*\*\* REASON: Continued to march 16, 2017 at 9:30 am**

**Tentative Ruling:**

Having considered Debtor's status report, the hearing will be continued to March 16, 2017 at 9:30 a.m. Debtor should provide notice of the continued status conference

NO APPEARANCE REQUIRED on December 8.

**Party Information**

**Debtor(s):**

Rancho Topanga Development Land C      Represented By  
David Weinstein

**Movant(s):**

Rancho Topanga Development Land C      Represented By  
David Weinstein

**United States Bankruptcy Court  
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9:30 AM

**1:09-11678 Pacifica of the Valley Corporation**

**Chapter 11**

**#11.00** Post Confirmation Status Conference

fr. 6/16/11, 7/7/11, 7/21/11, 12/8/11, 1/12/12,  
1/19/12, 9/20/12, 10/18/12, 11/9/12, 11/2/12,  
12/20/12, 2/28/13, 6/6/13, 9/26/13, 12/5/13,  
2/13/14, 3/27/14, 6/12/14, 7/3/14, 10/23/14,  
1/22/15, 2/19/15, 4/23/15; 5/28/15, 8/13/15;  
9/3/15, 11/12/15, 1/21/16; 3/3/16, 6/2/16,  
9/15/16

Docket No: 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Pacifica of the Valley Corporation

Represented By  
David Gould  
Geoffrey S Goodman

**Movant(s):**

Pacifica of the Valley Corporation

Represented By  
David Gould  
Geoffrey S Goodman

**United States Bankruptcy Court  
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Thursday, December 08, 2016

Hearing Room 302

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11:00 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#12.00 Order to Show Cause Why Matthew Talbert and Conmercium Inc for Itself and as Assignee of International Trade Finance Inc Should Not be Held in Civil Contempt and Request for Sanctions

Docket No: 252

**Tentative Ruling:**

PCW seeks an award of \$4,500 in sanctions for costs of preparing this motion and an additional sanction of \$150 per day until Creditors come into compliance with the Court's orders.

Case law is clear that civil contempt is found only where a party fails to comply with a court order. See *F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999) ("The standard for finding a party in civil contempt is well settled: 'The moving party has the burden of showing by clear and convincing evidence that the contemnors violated a specific and definite order of the court.'") (quoting *Stone v. City and County of San Francisco*, 968 F.2d 850, 856 n. 9 (9th Cir.1992))

**1. The Two Bluebird Buses**

On June 27, 2016, the Court entered an order approving the settlement between PCW and Creditors (the "Settlement"). ECF No. 213. Per the order, Talbert was required to deliver titles to the two Bluebird buses by July 16, 2016. *Id.* 2:5-7; PCW alleges that Creditors have failed to deliver the two buses.

Creditors assert that titles were turned over to Chris Moser, son of Ted Moser (Debtor's principal). The Mosers deny that ever happened. In the event that the titles were lost, Talbert has agreed to execute an "Application for Duplicate or Paperless Titles" to be submitted to the DMV to be issued in Debtor's name. Although an evidentiary hearing could resolve the conflicting testimony, it does not appear necessary where a duplicate title could take care of this. Debtor should provide the requisite information and the duplicate title form should be submitted. The only remaining question is whether fees are appropriate to resolve this.

**2. The State Court Litigation**

**United States Bankruptcy Court  
Central District of California  
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CONT... **Picture Car Warehouse Inc**

**Chapter 11**

The Settlement also required Creditors to release PCW from the state court lawsuit. Motion for Order Approving Settlement, Exh. A, ¶6 ("The parties will execute mutual general releases").

It appears the suit was dismissed, but without prejudice. The import of the settlement that was approved and the record here clearly indicate that the was to include dismissal with prejudice. The debtor may submit an order for this court to sign which makes it clear that the settlement provided for that, so this may be filed with the Superior Court or kept by the debtor if needed.

**3. The Teton Camper Trailer**

PCW also alleges that Talbert has failed to deliver the Teton Camper trailer and its title as required by the November 18, 2015 order. ECF No. 45.

The November 18, 2015 order provides, "Movants [Talbert and Conmercium, Inc.]" shall comply with the Court's order requiring turnover and in that connection shall make available to Debtor not later than noon on November 21, 2015 the following: (a) all car titles, files and information related to Debtor's vehicles in Movant's possession; (b) all vehicles of Debtor in its possession except for no more than ten vehicles which Movants allege were voluntarily delivered to Debtors." Order Granting in Part and Denying in Part, Ex Parte Motion for Reconsideration, 2:7-16.

Creditors argue that the Teton Camper is not a part of the list of vehicles considered in that order's language. That appears to be correct. It is not even clear from the motion whose name is on the title - Moser or PCW? As such, the order is too vague and unclear to justify a contempt order.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye