

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:20-19479 Armenuhi Matevosian

Chapter 13

#1.00 Hrg re: Motion for relief from stay [RP]
[424 Oak Street, Unit 322, Glendale, CA 91204]

PS FUNDING, INC.
vs
DEBTOR

Docket 31

Tentative Ruling:

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 796 6550

Password: 618753

Meeting URL: <https://cacb.zoomgov.com/j/1607966550>

Telephone: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called. You do not need to call Chambers for advance approval. ZoomGov appearances are free.

Time when these tentative rulings were first posted (for purposes of determining when anyone contesting the tentative ruling must notify other parties of intent to do so, per the "Procedures of Judge Bason," posted at www.cacb.uscourts.gov): see the time stamp at the bottom of this page.

Tentative Ruling for In re Matevosian [2:20-bk-19479-NB]:

Tentative Ruling for 1/26/21:

Appearances required. There is no tentative ruling, but the parties are directed to address the following issues.

At the hearing on 12/22/20 this Court was persuaded to continue this matter conditioned on Debtor paying regular monthly payments for December 2020 and January 2021. See Order (dkt.56). Movant initially reported (dkt.57) that Debtor did not make those payments.

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Armenuhi Matevosian

Chapter 13

Debtor subsequently filed a (belated) supplemental opposition (dkt.59) in which she alleges (*id.*, p.4:20-21) that she mailed the December payment on an unspecified date after the hearing on 12/22/20. She also offers explanations for the late wire transfers for the January payment.

Movant's supplemental reply points out Debtor's lack of evidence of mailing the December 2020 payment (no tracking number etc.), and Movant declares (dkt.63, at PDF p.10:21-22) that it has yet to receive any such payment. Movant also points to (a) the untimeliness of the January 2021 adequate protection payment and other missed deadlines, (b) assertions that insurance on the Oak Street property expired on 11/7/20, and insurance on the Sinclair property expired on 11/21/20, (c) evidence of negative equity in those two properties, (d) Debtor's allegedly false or misleading information, and (e) the lack of evidence that family members are willing and able to provide contributions, and the paucity of evidence that Raphael Mendez or his business is able to pay Debtor in dollar amounts needed to fund Debtor's monthly shortfall. See Supp. Reply (dkt.63) *passim*.

The parties are directed to address the foregoing issues. This Court is particularly troubled by the missing December 2020 payment, the alleged postpetition expiration of insurance (which is troubling even if the insurance has since been restored), and questions about whether the three properties are necessary to an effective reorganization. In addition, Debtor's failure to meet past deadlines makes it likely that, if this Court is persuaded not to grant immediate termination of the automatic stay, any adequate protection order ("APO") will have a shorter period than normal to cure missed payments.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

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CONT... Armenuhi Matevosian

Chapter 13

Tentative Ruling for 12/22/20:
Appearances are not required.

Grant as set forth below.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

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Hearing Room 1545

10:00 AM

CONT... Armenuhi Matevosian

Chapter 13

Debtor(s):

Armenuhi Matevosian

Represented By
Dana M Douglas

Movant(s):

PS Funding, Inc.

Represented By
Andrew Still
Eric S Pezold

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

2:20-19479 Armenuhi Matevosian

Chapter 13

#2.00 Hrg re: Motion for relief from stay [RP]
[121 Sinclair Ave. Unit 245 Glendale, CA 91206]

PS FUNDING, INC.
vs
DEBTOR

Docket 32

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required. See tentative ruling for calendar no. 1 (1/26/21 at 10:00 a.m.).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/22/20:

Appearances are not required.

Grant as set forth below.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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Central District of California
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CONT... Armenuhi Matevosian

Chapter 13

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Armenuhi Matevosian

Represented By
Dana M Douglas

Movant(s):

PS Funding, Inc., master servicing

Represented By
Andrew Still

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Armenuhi Matevosian

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:20-19479 Armenuhi Matevosian

Chapter 13

#3.00 Hrg re: Motion for relief from stay [RP]
[1349 N. Columbus Ave Unit 2 Glendale, CA 91202

PS FUNDING, INC.
vs
DEBTOR

Docket 33

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required. See tentative ruling for calendar no. 1 (1/26/21 at 10:00 a.m.).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/22/20:

Appearances are not required.

Grant as set forth below.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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CONT... Armenuhi Matevosian

Chapter 13

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Armenuhi Matevosian

Represented By
Dana M Douglas

Movant(s):

PS Funding, Inc.

Represented By
Andrew Still
Eric S Pezold

**United States Bankruptcy Court
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Los Angeles
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10:00 AM

CONT... Armenuhi Matevosian

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:20-15207 Nora Alicia Saenz

Chapter 13

#4.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK, NATIONAL ASSOC
vs
DEBTOR

Docket 54

Tentative Ruling:

Appearances required.

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 56).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Nora Alicia Saenz

Represented By
Jaime A Cuevas Jr.

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Central District of California
Los Angeles
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10:00 AM

CONT... Nora Alicia Saenz

Chapter 13

Movant(s):

U.S. Bank, National Association as

Represented By
Diane Weifenbach

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:20-20061 Ruben Montes Trejo

Chapter 13

#5.00 Hrg re: Motion for relief from stay [RP]

1SHARPE OPPORTUNITY INTERMEDIATE
TRUST
vs
DEBTOR

Docket 23

Tentative Ruling:

Appearances are not required.
Grant as set forth below.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Retroactive relief

Grant the request for retroactive annulment of the stay. See *In re Fjeldsted*, 293 B.R. 12 (9th Cir. BAP 2003); and see also *In re Williams*, 323 B.R. 691, 697-702 (9th Cir. BAP 2005) (various issues involving annulment, and application of *Fjeldsted*), *aff'd*, 204 Fed.Appx. 582 (9th Cir. 2006), *overruled on other issues*, *In re Perl*, 811 F.3d 1120 (9th Cir. 2016) (scope of automatic stay).

Relief notwithstanding future bankruptcy cases.

Grant the following relief pursuant to 11 U.S.C. 362(d)(4) and the legal

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CONT... Ruben Montes Trejo

Chapter 13

analysis in *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31), as applicable:

If this order is duly recorded in compliance with applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case.

For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed, including any eviction actions, through and including any lockout or other enforcement by the Sheriff or other authorized legal authority.

Note: Per Judge Bason's posted procedures (available at www.cacb.uscourts.gov) this Court's order will state that the Court "does not make" a finding that Debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that Debtor was involved and Debtor is given clear notice that the movant seeks an express finding that Debtor was involved. The tentative ruling in this particular case is that there is sufficient evidence and notice.

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a) (3).

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's

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CONT... Ruben Montes Trejo

Chapter 13

COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Ruben Montes Trejo

Represented By
Marc A Goldbach

Movant(s):

1SHARPE OPPORTUNITY

Represented By
Reilly D Wilkinson

Trustee(s):

Kathy A Dockery (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Hearing Room 1545

10:00 AM

2:20-20260 33 Quincy Avenue LLC

Chapter 11

#6.00 Hrg re: Motion for relief from stay [RP]

ACCESS INVESTMENT, LLC
vs
DEBTOR

Docket 40

*** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See #25 at 1:00 p.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

33 Quincy Avenue LLC

Represented By
Michael Jay Berger

Movant(s):

Access Investment, LLC

Represented By
Glenn C. Kelble

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:19-21396 Jay Balingcos

Chapter 13

#7.00 Hrg re: Motion for relief from stay [PP]

ALLY FINANCIAL
vs
DEBTOR

Docket 55

Tentative Ruling:

Appearances are not required.

Grant.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances

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CONT... **Jay Balingcos**

Chapter 13

are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Jay Balingcos

Represented By
Julie J Villalobos

Movant(s):

Ally Financial

Represented By
Josephine E Salmon

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

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10:00 AM

2:20-20909 VEEJ Corp

Chapter 11

#8.00 Hrg re: Motion for relief from stay [UD]

MOSS ATKINSON FAMILY TRUST
vs
DEBTOR

Docket 30

***** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See # 40 at 1:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

VEEJ Corp

Represented By
Jeffrey S Shinbrot

Movant(s):

Moss Atkinson Family Trust

Represented By
Giovanni Orantes

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

2:20-10555 Christopher Omotunde

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]
fr.7/7/20, 9/15/20, 12/1/20

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 33

Tentative Ruling:

Tentative Ruling for 1/26/21:
Appearances required.

This matter has been continued repeatedly since 7/7/20. At the 12/1/20 hearing, this court was persuaded to continue the matter yet again, to allow Debtor an opportunity to amend the plan to include the alleged arrears. The docket does not reflect any such amendment. Why not?

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/1/20:
Appearances required.

At the 9/15/20 hearing, this court was persuaded to continue the matter to

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Los Angeles
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10:00 AM

CONT... Christopher Omotunde

Chapter 13

allow the parties to negotiate an agreement regarding the alleged arrears from April to July. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 35).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 9/15/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

At the 8/4/20 hearing, Movant's counsel informed this Court that the notice regarding forbearance (dkt. 37) was for payments from July onward, rather than to address the arrears from April to July. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 35).

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CONT... Christopher Omotunde

Chapter 13

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/4/20:

Continue to 12/8/20 at 10:00 a.m., based on Movant's notice regarding forbearance (dkt.37). Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/7/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

CONT... Christopher Omotunde

Chapter 13

CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 35).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Christopher Omotunde

Represented By
Stephen S Smyth

Movant(s):

Deutsche Bank National Trust

Represented By
Jennifer C Wong
Josephine E Salmon

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:16-25325 Karen Deshawn Taylor

Chapter 13

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/19/20, 7/14/20, 8/18/20, 10/27/20, 12/8/20

U.S. BANK NATIONAL ASSOCIATION
vs
DEBTOR

Docket 78

Tentative Ruling:

Tentative Ruling for 1/26/21:
Appearances required.

This matter has been continued repeatedly since 5/19/20 for a possible loan modification or other resolution. The docket does not reflect any progress. Why not?

In addition, at the 12/8/20 hearing, this Court directed Debtor to give notice of the continued hearing no later than 12/10/20. As of the date of preparation for this tentative ruling, such notice has not been filed. Why not?

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/8/20:
Appearances required.

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Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

CONT... Karen Deshawn Taylor

Chapter 13

At the 10/27/20 hearing, this Court was persuaded to continue this matter based on the debtor's participation in the Loan Modification Management Pilot Program and completion of the three-month trial payments and to allow the parties an opportunity to complete the final paperwork. There is no tentative ruling, but the parties should be prepared to address whether they will agree to the terms of an adequate protection order.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 10/27/20:
Appearances required.

At the 8/18/20 hearing, this Court was persuaded to continue this matter based on the debtor's participation in the Loan Modification Management Pilot Program. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's

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10:00 AM

CONT... Karen Deshawn Taylor

Chapter 13

COVID-19 procedures, all appearances are telephonic via CourtCall at (888) 882-6878.

Tentative Ruling for 8/18/20 (same as for 7/14/20 and 5/19/20 except for CourtCall deadline in brackets):

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through [9/30/20]. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 82).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Karen Deshawn Taylor

Represented By
Lionel E Giron

Movant(s):

U.S. Bank National Association

Represented By
Matthew R. Clark III

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

CONT... Karen Deshawn Taylor

Chapter 13

Sean C Ferry
April Harriott
Eric P Enciso

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:20-15355 Jeanette Jefferson

Chapter 13

#11.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 10/27/20, 12/8/20

U.S. BANK NATIONAL ASSOC
VS
DEBTOR

Docket 30

***** VACATED *** REASON: APO**

Tentative Ruling:

Party Information

Debtor(s):

Jeanette Jefferson

Represented By
Matthew D. Resnik

Movant(s):

U.S. Bank National Association, not

Represented By
Sean C Ferry
Kristin A Zilberstein

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

10:00 AM

2:19-23153 Juan Hernandez Contreras

Chapter 13

#12.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/19/20, 6/30/20, 8/4/20, 11/10/20, 12/22/20

LAKEVIEW LOAN SERVICING, LLC
VS
DEBTOR

Docket 36

***** VACATED *** REASON: APO**

Tentative Ruling:

Party Information

Debtor(s):

Juan Hernandez Contreras

Represented By
Juanita V Miller

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Erin M McCartney
Josephine E Salmon

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:19-10153 Christian Rossil

Chapter 7

#1.00 Hrg re: Trustee's final report and account;
Application for fees and expenses
[David M. Goodrich, Ch. 7 Trustee]

Docket 149

Tentative Ruling:

Appearances are not required.

Approve the Trustee's final report and allow the Trustee \$1,250.00 in fees and \$127.11 in expenses, for a total award of \$1,377.11.

Proposed order: Trustee is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1) (B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Christian Rossil

Represented By
Todd B Becker

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

CONT... Christian Rossil

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:19-10153 Christian Rossil

Chapter 7

#2.00 Hrg re: First and final application for award of compensation and reimbursement of expenses [Menchaca & Company LLP, Accountant, Ch. 7 Trustee]

Docket 148

Tentative Ruling:

Appearances are not required.

Grant the application and allow \$2,122.50 in fees and \$0 in expenses, for a total award of \$2,122.50, subject to a voluntary reduction to a \$1,000.00 flat fee as reflected in the Trustee's final report (dkt.149) and notice thereof (dkt.150).

Proposed order: Applicant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1) (B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Christian Rossil

Represented By
Todd B Becker

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

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11:00 AM

CONT... Christian Rossil

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:18-22904 Sasha Demovsky-Kapustyan

Chapter 13

Adv#: 2:20-01666 Demovsky-Kapustyan v. Vayntrub et al

#3.00 Status Conference re: Complaint for Turnover of Property of the Estate, Unjust Enrichment

Docket 1

Tentative Ruling:

Appearances required.

(A) Current issues

(1) Defendants have not filed a response

Plaintiff's unilateral status report (adv. dkt. 5) states that Plaintiff granted Defendants David and Irena Vayntrub (the "Vayntrubs") an extension to the 12/16/20 deadline to respond to his complaint, but does not state how long an extension was granted and the Vayntrubs did not participate in preparing a joint status report or file a unilateral status report. Plaintiff should be prepared to address the status of his communications with the Vayntrubs' counsel.

On a related issue, Plaintiff's unilateral status report favors mediation; but if the Vayntrubs are not responding then it appears that mediation might not be productive at this time. Accordingly, this Court's standard provisions regarding mediation have been intentionally omitted from part "(B)(2)" of this Tentative Ruling, below. If the Vayntrubs do not appear, Plaintiff is directed to address whether Plaintiff will seek a default judgment against all defendants.

(2) Out of date form

Plaintiff has used an outdated 2012 version of the Status Report (Local Form F 7016-1.STATUS.REPORT). Plaintiff is directed in future to use the latest version.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.

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Tuesday, January 26, 2021

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CONT... Sasha Demovsky-Kapustyan

Chapter 13

(1) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation [Intentionally omitted].

(3) Deadlines

This adversary proceeding has been pending since 11/16/20.

Joinder of parties/amendment of pleadings-deadline: N/A

Discovery cutoff (for completion of discovery): N/A

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: N/A

Joint Status Report: 3/9/21

Continued status conference: 3/23/21 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: N/A

Pretrial conference: N/A

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: N/A

Trial commencement: N/A

If appearances are not required at the start of this tentative ruling but you

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11:00 AM

CONT... **Sasha Demovsky-Kapustyan**

Chapter 13

wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Sasha Demovsky-Kapustyan

Represented By
Richard T Baum

Defendant(s):

David Vayntrub

Pro Se

Irena Vayntrub

Pro Se

Absolute Herbal Pain Solutions, Inc.

Pro Se

Plaintiff(s):

Sasha Demovsky-Kapustyan

Represented By
Richard T Baum

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:20-17525 Nicole R. Prause

Chapter 7

Adv#: 2:20-01658 Hilton, Jr. v. Prause

#4.00 Status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. section 523(a)(6)

Docket 1

Tentative Ruling:

Continue to 4/27/21 at 11:00 a.m.
Appearances are not required on 1/26/21.

The tentative ruling is to continue the hearing to 4/27/21 as requested by the parties in the joint status report (see adv. dkt. 4).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Nicole R. Prause

Represented By
Michael Jay Berger

Defendant(s):

Nicole R. Prause

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

CONT... Nicole R. Prause

Chapter 7

Plaintiff(s):

Donald L. Hilton Jr.

Represented By
Jeffrey J Hagen

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:20-17525 Nicole R. Prause

Chapter 7

Adv#: 2:20-01662 Minc v. Prause

#5.00 Status conference re: Complaint for monetary and equitable relief and demand for a jury trial

Docket 1

***** VACATED *** REASON: Cont. to 2/9/21 to be heard contemporaneously with motion to stay per 12/8/20 ruling.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole R. Prause

Represented By
Michael Jay Berger

Defendant(s):

Nicole R. Prause

Represented By
Michael Jay Berger

Plaintiff(s):

Aaron M Mine

Pro Se

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:20-17525 Nicole R. Prause

Chapter 7

Adv#: 2:20-01663 Rhodes v. Prause

#6.00 Status conference re: Complaint to determine
nondischargeability of debt pursuant to 11 U.S.C.
section 523(a)(6)

Docket 2

***** VACATED *** REASON: Order approving stip to cont'd s/c to
February 9, 2021 at 11:00 a.m. [dkt. 7]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole R. Prause

Represented By
Michael Jay Berger

Defendant(s):

Nicole R. Prause

Pro Se

Plaintiff(s):

Alexander Rhodes

Represented By
Carl Mueller

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:20-17672 Liberors LLC

Chapter 7

Adv#: 2:20-01664 Rhodes v. Liberors LLC

#7.00 Status conference re: Complaint to determine
nondischargeability of debt pursuant to 11 U.S.C.
section 523(a)(6)

Docket 2

***** VACATED *** REASON: Order approving stip to cont'd s/c to
February 9, 2021 at 11:00 a.m. [dkt. 7]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Liberors LLC

Represented By
Michael Jay Berger

Defendant(s):

Liberors LLC

Pro Se

Plaintiff(s):

Alexander Rhodes

Represented By
Carl Mueller

Trustee(s):

Elissa Miller (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:17-23866 Felisa Dee Richards

Chapter 13

Adv#: 2:20-01665 Richards v. Ajax Mortgage Loan Trust 2018-G, Mortgage-Backed S

#8.00 Status conference re: Complaint

Docket 1

*** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See #3 at 2:00 p.m

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felisa Dee Richards

Represented By
William D Bowen

Defendant(s):

Ajax Mortgage Loan Trust 2018-G,

Pro Se

Plaintiff(s):

Felisa Dee Richards

Represented By
William D Bowen

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

2:18-12286 Kevin James Quinn

Chapter 7

Adv#: 2:18-01158 Duff v. Quinn

#9.00 Cont'd Status Conference re: Complaint for Objecting to Debtor's Discharge Pursuant to Section 727 of the Bankruptcy Code fr. 08/07/18, 11/27/18, 2/5/19, 3/28/19, 06/06/19; 08/08/19, 11/19/19, 02/18/20, 5/20/20, 6/2/20, 7/28/20, 9/15/20, 12/1/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue to 3/2/21 at 11:00 a.m. for issuance of a Memorandum Decision on the merits. Appearances are not required on 1/26/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 7/28/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free

**United States Bankruptcy Court
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Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

CONT... Kevin James Quinn

Chapter 7

through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(A) Current issues:

This matter was continued from 6/2/20 to this date to allow additional time for the parties to meet and confer with Debtor/Defendant's counsel, John Wolcott, Esq., about the issues raised in this Court's "Order (1) Taking Trial Off Calendar and (2) Setting Status Conference" (adv. dkt. 37). There is no tentative ruling, but the parties should be prepared to update this Court on the status of those efforts and whether they have agreed to any proposed trial procedures.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv.dkt.14).

(2) Deadlines: [intentionally omitted]

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/2/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC**

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

11:00 AM

CONT... Kevin James Quinn

Chapter 7

APPEARANCES WILL BE PERMITTED until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(A) Current issues:

There is no tentative ruling. The parties are directed to address the issues raised in this Court's "Order (1) Taking Trial Off Calendar and (2) Setting Status Conference" (adv. dkt. 37).

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv.dkt.14).

(2) Deadlines: [intentionally omitted]

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/8/19:

Appearances required.

Tentative Ruling for 2/5/19:

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11:00 AM

CONT... Kevin James Quinn

Chapter 7

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures"). There is no tentative ruling, but the parties should be prepared to address the following revisions to this Court's scheduling order (adv. dkt. 12). See Joint Status Report (adv. dkt. 14) and Notice of Ruling (adv. dkt. 15).

(a) Deadlines: This adversary proceeding has been pending since 5/24/18. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for *completion* of discovery): 2/15/19.

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: N/A

Joint Status Report: N/A

Continued status conference: N/A

Lodge Joint Proposed Pre-Trial Order: 2/21/19

Pretrial conference: N/A

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: 2/ (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: 2/28/19 at 9:00 a.m.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 11/27/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges,"

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"Bason, N.", "Instructions/Procedures"). There is no tentative ruling, but the parties should be prepared to address a new discovery deadline and other revisions to this Court's scheduling order (adv. dkt. 12). See Joint Status Report (adv. dkt. 14).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/7/18:

Appearances required. The court has reviewed defendant/debtor Quinn's unilateral status report (dkt. 7) and the other filed documents and records in this adversary proceeding. Counsel for the plaintiff/creditor Duff is directed to address why no status report was executed by plaintiff.

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority.

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. See *generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate

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nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a deadline of 8/24/18 for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will chose among them, or issue his own order).

(3) Deadlines: This adversary proceeding has been pending since 5/24/18. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for completion of discovery): 10/8/18.

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: 11/27/18.

Joint Status Report: 11/13/18.

Continued status conference: 11/27/18 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: TBD (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: TBD

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances

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are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Kevin James Quinn

Represented By
John F Wolcott

Defendant(s):

Kevin James Quinn

Represented By
John F Wolcott

Plaintiff(s):

James T Duff

Represented By
James T Duff

Trustee(s):

David M Goodrich (TR)

Pro Se

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11:00 AM

2:19-11809 Schaefer Ambulance Service, Inc

Chapter 11

Adv#: 2:20-01149 The SAS Creditor Trust v. L.A. Paint and Body Works, Inc. a California

#10.00 Cont'd status conference re: Complaint for 1) Violation of the Automatic Stay [11 U.S.C. Section 362(a)]; 2) Violation of Pan Injunctions; and 3) Turnover of Property of the Estate [11 U.S.C. Section 542] fr. 9/15/20, 11/10/20, 12/22/20

Docket 1

***** VACATED *** REASON: This matter is scheduled to be heard at a different time. See #23 at 1:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

Schaefer Ambulance Service, Inc

Represented By
Craig G Margulies
Monserrat Morales

Defendant(s):

L.A. Paint and Body Works, Inc. a

Pro Se

Plaintiff(s):

The SAS Creditor Trust

Represented By
Monserrat Morales

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11:00 AM

2:19-14137 Zeta Graff

Chapter 7

Adv#: 2:19-01218 Vaatete v. Graff

- #11.00** Cont'd Status Conference re: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(6) and 11 U.S.C. Section 727(c) fr. 9/24/19, 11/12/19, 12/17/19, 1/14/20, 02/18/20, 4/7/20, 6/30/20, 9/29/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue to 5/11/21 at 11:00 a.m., with a status report due 4/27/21, in view of the scheduled trial in nonbankruptcy court on 8/23/21. See Status Report (adv.dkt.42). This Court anticipates further continuances until the nonbankruptcy trial has been completed, unless any interim status report reflects a reason to proceed with a status conference in this Bankruptcy Court. Appearances are not required on 1/26/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

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CONT... Zeta Graff

Chapter 7

Debtor(s):

Zeta Graff

Represented By
Michael F Chekian

Defendant(s):

Zeta Graff

Represented By
Zachary D Schorr

Plaintiff(s):

Olivia Vaatete

Represented By
Scott D Dinsmore
Brennan Mitch

Trustee(s):

Sam S Leslie (TR)

Represented By
Elissa Miller

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2:19-14137 Zeta Graff

Chapter 7

#12.00 Cont'd Order to Show Cause re: Why Debtor Zeta Graff Should Not be Held in Contempt for Violating This Court's "Order Granting Chapter 7 Trustee's Motion for Order (1) Compelling Debtor Zeta Graff and Those in Possession With Her to Turnover Property of the Estate; and (2) Authorizing Trustee to Utilize Services of The United States Marshals to Enforce Court Order"
fr. 10/27/20, 12/1/20

Docket 271

***** VACATED *** REASON: Stipulation (dkt.316) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

Zeta Graff

Pro Se

Trustee(s):

Sam S Leslie (TR)

Represented By
Elissa Miller

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2:20-15089 Lydia Ariadna Avila Vargas

Chapter 7

#13.00 Cont'd hrg re: Reaffirmation Agreement
[Ally Bank]
fr. 10/7/20, 12/8/20

Docket 8

Tentative Ruling:

Tentative Ruling for 12/8/20:
Appearances required.

There is no tentative ruling, but the parties are directed to address whether Debtor has redeemed the vehicle, and alternatively whether this Court should or should not approve the proposed reaffirmation agreement.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Lydia Ariadna Avila Vargas

Represented By
Tamar Terzian

Trustee(s):

John P Pringle (TR)

Pro Se

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1:00 PM

2:20-18370 New Hillcrest Inc., a Cayman Island Corporation

Chapter 11

#1.00 Hrg re: Motion for relief from stay [RP]

AMIT TIDHAR
vs
DEBTOR

Docket 48

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 3, 1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

New Hillcrest Inc., a Cayman Island

Represented By
Brett Ramsaur

Movant(s):

Amit Tidhar

Represented By
Sharon Z. Weiss

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1:00 PM

2:20-18370 New Hillcrest Inc., a Cayman Island Corporation

Chapter 11

#2.00 Hrg re: Motion for Order Authorizing Postpetition Financing on Secured Basis Pursuant to 11 U.S.C. § 364(c)(2) to Provide for the Refinance of 701 North Hillcrest Road, Beverly Hills, California 90210

Docket 46

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 3, 1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

New Hillcrest Inc., a Cayman Island

Represented By
Brett Ramsaur

Movant(s):

New Hillcrest Inc., a Cayman Island

Represented By
Brett Ramsaur

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1:00 PM

2:20-18370 New Hillcrest Inc., a Cayman Island Corporation

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/6/20, 12/1/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required.

(1) Current issues

(a) Finance motion (dkt. 46), Opposition of Amit Tidhar (dkt. 54, 55), no reply is on file

There is no tentative ruling. Debtor should be prepared to address the issues raised by Mr. Tidhar in opposition to the motion.

(b) Amit Tidhar's ("Movant") motion for relief from stay (dkt. 48, "R/S Motion"), Debtor's opposition (dkt. 52), Movant's reply (dkt. 57)

There is no tentative ruling. The outcome of this motion depends on this Court's ruling on the Finance Motion.

(c) Debtor's motion to extend exclusivity periods (dkt. 51) and ex parte motion to amend scheduling order (dkt. 53), no opposition is on file

The tentative ruling is to grant the motions and extend Debtor's deadlines (i) to file a plan to 5/13/21 and (ii) gain acceptance of the plan to 7/12/21.

Proposed orders: Debtor is directed to lodge proposed orders via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1) (B).

(d) Monthly operating reports ("MORs")

This Court's tentative ruling for 12/1/20 cautioned Debtor that failure to file MORs might be cause for dismissal, conversion of this case to chapter 7, or other relief. Notwithstanding that admonition, Debtor filed its November MOR more than a month late (dkt. 56) and filed its December MOR four days

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CONT... **New Hillcrest Inc., a Cayman Island Corporation** **Chapter 11**

late. What remedy should this Court impose for Debtor's repeated failure to timely comply with its obligations as a debtor-in-possession and this Court's orders?

- (2) Deadlines/dates. This case was filed on 9/15/20.
- (a) Bar date: 12/7/20 (dkt.23; timely served, dkt.25)
 - (b) Procedures order: dkt.4 (timely served, dkt.6, supplemented by dkt.21)
 - (c) Plan/Disclosure Statement*: file by 5/13/21. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").
 - (d) Continued status conference: 3/2/21 at 1:00 p.m. No written status report required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/1/20:
Appearances are not required.

- (1) Current issues
- (a) Application to employ Ramsaur Law Office as general bankruptcy counsel (dkt. 31), supplemental Ramsaur declaration (dkt. 32), order setting hearing (dkt. 37), supplemental declarations of Ramsaur, Djaafar & Sudwikatmono (dkt. 40)

The tentative ruling is to grant the Employment Application, effective as of 9/15/20, subject to this Court's standard employment terms. The tentative

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CONT... **New Hillcrest Inc., a Cayman Island Corporation** **Chapter 11**

ruling is also to disapprove the purported waiver by Debtor/the bankruptcy estate of any actual or potential conflicts (See Ex.3, pp.15-16).

Proposed order: Debtor is directed to lodge a proposed order incorporating the foregoing terms via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(b) Monthly operating reports ("MORs")

As of the preparation of this tentative ruling, Debtor has not filed MORs for September or October or a declaration addressing whether the UST has excused Debtor from filing MORs. Debtor is cautioned that failure to address this issue prior to the next status conference might be cause for dismissal, conversion of this case to chapter 7, or other relief.

(c) Missing creditors

Debtor appears to have cured (dkt. 24, 25) the issues regarding missing creditors noted in this Court's tentative ruling for 10/6/20 (reproduced below, section (2)(a)).

(2) Deadlines/dates. This case was filed on 9/15/20.

(a) Bar date: 12/7/20 (dkt.23; timely served, dkt.25)

(b) Procedures order: dkt.4 (timely served, dkt.6, supplemented by dkt.21)

(c) Plan/Disclosure Statement*: file by 1/13/21 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - this Court will set a deadline and procedures at a later time).

(d) Continued status conference: 1/26/21 at 1:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter

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by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 10/6/20:

Appearances required by counsel for Debtor and by Debtor's principal.

(1) Current issues

The Debtor's status report (dkt. 14, p.2, para. 2) states that Debtor "owns a single asset- one parcel of real property located at 701 N. Hillcrest Road, Beverly Hills, CA 90210," which Debtor intends to market and sell. Debtor's Bankruptcy Schedule A/B and Statement of Financial Affairs ("SOFA") describe that property as residential property worth \$20,000,000.00 (dkt.19, line 55, at PDF p.7) at which Debtor's sole equity interest holder and her children reside rent-free (although her mailing address is in Indonesia). Dkt.19-1, at PDF p.15, *and* dkt.19-2.

(a) Procedures order and mailing matrix

The Procedures Order (dkt.4) directed Debtor to serve a copy of that order on all parties in interest, but Debtor's proof of service (dkt.6) appears to omit (i) at least one (disputed) creditor - Medallion Capital Financial (Schedule E/F, line 3.2, dkt.19 at PDF p.15); (ii) Debtor's sole equity interest holder/creditor (*id.*, line 3.1); and (iii) Debtor's director, Andre Djaafar (SOFA, line 28, dkt.19-1 at PDF p.13). Debtor's mailing matrix also omits at least those parties.

The tentative ruling is to set a **deadline of 10/8/20** for Debtor to file (x) a proof of service on all parties in interest who were not originally served with the Procedures Order and (b) an amended mailing matrix.

(b) Single Asset Real Estate Case?

Debtor does not disclose if there are fewer than four residential units at the property. Debtor is directed to address at the status conference whether it should have designated itself as a single asset real estate ("SARE") debtor (11 USC 101(51B)) and, if so, whether its proposed date for filing a plan is consistent with 362(d)(3).

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- (2) Deadlines/dates. This case was filed on 9/15/20.
- (a) Bar date: 12/7/20 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
 - (b) Procedures order: dkt. 4 (timely served, dkt.6, but see item "(1)(a)" above)
 - (c) Plan/Disclosure Statement*: file by 1/13/21 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - this Court will set a deadline and procedures at a later time).
 - (d) Continued status conference: 12/1/20 at 1:00 p.m. No written status report required.
- *Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, all appearances are telephonic via CourtCall at (888) 882-6878.

Party Information

Debtor(s):

New Hillcrest Inc., a Cayman Island

Represented By
Brett Ramsaur

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2:20-14175 Tea Station Investment Inc.

Chapter 11

#4.00 Hrg re: Application of debtor and debtor in possession to employ Enestein Pham & Glass as Special Litigation Counsel

Docket 146

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the Status Conference (Calendar No. 7, 1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen

Movant(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen
Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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2:20-14175 Tea Station Investment Inc.

Chapter 11

#5.00 Cont'd hrg re: Motion for relief from stay [NA]
fr. 9/15/20, 9/29/20, 10/27/20, 12/22/20

BAODI ZHOU
vs
DEBTOR

Docket 50

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the Status Conference (Calendar No. 7, 1/26/21 at 1:00 p.m.).

Tentative Ruling for 12/22/20:

Please see the tentative ruling for the Status Conference (Calendar No. 10, 12/22/20 at 1:00 p.m.).

Tentative Ruling for 10/27/20:

Please see the tentative ruling for the Status Conference (Calendar No. 30, 10/27/20 at 1:00 p.m.).

Tentative Ruling for 9/29/20:

Please see the tentative ruling for the Status Conference (Calendar No. 21, 9/29/20 at 1:00 p.m.).

Tentative Ruling for 9/15/20:

Please see the tentative ruling for the Status Conference (Calendar No. 4, 9/15/20 at 2:00 p.m.).

Party Information

Debtor(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen

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Chapter 11

Movant(s):

Baodi Zhou

Represented By
David Grimes

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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2:20-14175 Tea Station Investment Inc.

Chapter 11

#6.00 Cont'd hrg re: Motion to Dismiss Chapter 11 Bankruptcy Case; or in the Alternative, Motion for Relief from the Automatic Stay
fr. 9/15/20, 9/29/20, 10/27/20, 12/22/20

Docket 49

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the Status Conference (Calendar No. 7, 1/26/21 at 1:00 p.m.).

Tentative Ruling for 12/22/20:

Please see the tentative ruling for the Status Conference (Calendar No. 10, 12/22/20 at 1:00 p.m.).

Tentative Ruling for 10/27/20:

Please see the tentative ruling for the Status Conference (Calendar No. 30, 10/27/20 at 1:00 p.m.).

Tentative Ruling for 9/29/20:

Please see the tentative ruling for the Status Conference (Calendar No. 21, 9/29/20 at 1:00 p.m.).

Tentative Ruling for 9/15/20:

Please see the tentative ruling for the Status Conference (Calendar No. 4, 9/15/20 at 2:00 p.m.).

Party Information

Debtor(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen

Movant(s):

Baodi Zhou

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... Tea Station Investment Inc.

Chapter 11

David Grimes

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-14175 Tea Station Investment Inc.

Chapter 11

#7.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/28/20, 9/1/20, 9/15/20, 9/29/20, 12/22/20

Docket 15

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required by Debtor's counsel.

(1) Current issues

(a) Motions of Baodi Zhou ("Zhou") for relief from automatic stay or dismissal of the Investment case (dkt.49, 50, 59); Debtors' opposition (dkt.62), reply (dkt.68)

At the 12/22/20 hearing, this Court continued the hearing to address the possibility of a "comfort order" explaining that the automatic stay is inapplicable as to Debtors' principal. The Court also gave Debtors an opportunity to submit a supplemental opposition. As of the preparation of this tentative ruling, no such supplemental opposition appears on the docket.

The tentative ruling is to grant Movant Zhou's request to clarify that the automatic stay is inapplicable to the non-debtor defendants in the nonbankruptcy action. But the tentative ruling is to deny any other relief from the automatic stay and to deny Zhou's request to dismiss this bankruptcy case, all without prejudice to renewing such requests if Debtors fail to make sufficient progress in this case, or for other cause.

(b) Debtors' Application to Employ Enenstein Pham & Glass as Special Litigation Counsel (dkt. 146); objection by United States Trustee ("UST") (dkt. 148), and withdrawal thereof (dkt.163)

Although the UST's objection has been withdrawn based on Debtors' communications with the UST, those communications are not in the record and the issues raised by the UST are of concern to this Court. Debtor is directed to address those concerns at the hearing. If they are addressed to the satisfaction of this Court, the tentative ruling is to grant the application subject to the standard terms in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov).

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... Tea Station Investment Inc.

Chapter 11

Proposed orders: Debtor is directed to lodge proposed orders on each of the foregoing motions via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(c) Plan (dkt. 137)

Debtors' status report (dkt. 158) alludes to some concerns raised by the Subchapter V Trustee and possible amendments to the proposed Plan. Debtor is directed to address the current status of negotiations. The tentative ruling, if Debtors assert, and this Court is persuaded, that the Plan quickly can be made ready to be mailed to all creditors as part of a voting package, is to set a **deadline of 2/2/21** for Debtor to file a "blacklined" version of the Plan showing any changes, and lodge a proposed order substantially in the form posted on Judge Bason's portion of this Court's website (www.cacb.uscourts.gov), setting a confirmation hearing concurrent with the continued Status Conference set forth below.

(2) Deadlines/dates. This case was filed on 5/4/20 and converted from chapter 7 to chapter 11 on 7/1/20 (dkt.17). The petition was amended to elect Subchapter V on 7/14/20 (dkt.27). On 9/4/20 this Court ordered joint administration with affiliated debtors (dkt.64).

- (a) Bar date: (i) Investment 9/9/20 (dkt. 40; timely served, dkt. 43);
Affiliated Debtors 11/10/20.
- (b) Procedures order: dkt.18 (timely served, dkt.20) (also timely served in each jointly administered case).
- (c) Plan (dkt. 137)*: see above.
- (d) Continued status conference: 3/9/21 at 1:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

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1:00 PM

CONT... Tea Station Investment Inc.

Chapter 11

appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen

Movant(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen
Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#8.00 Hrg re: Fourth and Final Application Of
Levene, Neale, Bender, Yoo & Brill L.L.P.
For Approval Of Fees And Reimbursement
Of Expenses

Docket 477

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

Levene, Neale, Bender, Yoo & Brill

Represented By
Ron Bender

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#9.00 Hrg re: Fourth And Final Fee Application Of E&W Consulting, LLC
For Approval Of Fees And Reimbursement Of Expenses

Docket 478

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

E&W Consulting, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#10.00 Hrg re: Second And Final Application Of Law Office Of David Agler As Special Tax Counsel To The Debtor, For Approval Of Fees And Reimbursement Of Expenses

Docket 479

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10, 1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

David Agler

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#11.00 Hrg re: Second And Final Application Of Grobstein Teeple LLP
As Tax Accountant To The Debtor, For Approval Of Fees And
Reimbursement Of Expenses

Docket 480

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

Grobstein Teeple LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#12.00 Hrg re: Fourth and Final Fee Application Of Six Degrees Law Group,
Special Corporate Counsel To The Debtor And Debtor-In-Possession,
For Payment Of Fees And Reimbursement Of Expenses

Docket 481

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

Six Degrees Law Group

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#13.00 Hrg re: Third and Final Application of Sklar Kirsh, LLP
for Approval of Fees and Reimbursement of Expenses

Docket 491

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

Official Committee of Unsecured

Represented By
Ian Landsberg
Sklar Kirsh, LLP
Goldsten & McClintock, LLP
Jason J Ben

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#14.00 Hrg re: Third Interim and Final Application of Goldstein & McClintock LLP
for Approval of Fees and Reimbursement of Expenses

Docket 492

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

Movant(s):

Official Committee of Unsecured

Represented By
Ian Landsberg
Sklar Kirsh, LLP
Goldsten & McClintock, LLP
Jason J Ben

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#15.00 Hrg re: Second Interim and Final Application for RSR Consulting LLC
for Approval of Fees and Reimbursement of Expenses

Docket 505

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 15.10,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By
Ron Bender
Lindsey L Smith
Juliet Y Oh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-21521 Tatung Company of America, Inc.

Chapter 11

#15.10 Status Conference re: Post confirmation
fr. 10/2/19, 10/15/19, 10/29/19, 11/5/19, 12/10/19,
12/17/19, 01/07/20, 1/14/20, 02/18/20, 4/21/20,
6/2/20, 6/16/20, 7/7/20, 8/18/20, 9/1/20, 9/29/20,
10/6/20, 10/27/20, 12/1/20, 12/8/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Grant the fee applications and continue the post-confirmation status conference as set forth below. Appearances are not required on 1/26/21.

(1) Current issues

(a) Levene, Neale, Bender, Yoo & Brill L.L.P. fourth and final fee application (dkt. 477, 482, "Application"), declaration of Jason Chen (dkt. 483), no opposition is on file

The tentative ruling is to grant the Application approving fees of \$42,901.50 and \$823.50 in expenses for a total award of \$43,725.00.

(b) E&W Consulting, LLC fourth and final fee application (dkt. 478, 482, "Application"), declaration of Christina Sun (dkt. 497), no opposition is on file

The tentative ruling is to grant the Application approving fees of \$82,610.00 and \$0 in expenses for a total award of \$82,610.00.

(c) Law Offices of David Agler second and final fee application (dkt. 479, 482, "Application"), declaration of Jason Chen (dkt. 483), no opposition is on file

The tentative ruling is to grant the Application approving fees of \$11,340.00 and \$0 in expenses for a total award of \$11,340.00.

(d) Grobstein Teeple LLP second and final fee application (dkt. 480, 482, "Application"), declaration of Jason Chen (dkt. 483), no opposition is on file

**United States Bankruptcy Court
Central District of California
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT...

Tatung Company of America, Inc.

Chapter 11

The tentative ruling is to grant the Application approving fees of \$5,433.00 and \$0 in expenses for a total award of \$5,433.00.

(e) Six Degrees Law Group fourth and final fee application (dkt. 480, 482, "Application"), declaration of Jason Chen (dkt. 483), no opposition is on file

The tentative ruling is to grant the Application approving fees of \$16,277.50 and \$551.84 in expenses for a total award of \$16,829.34.

(f) Sklar Kirsh, LLP ("Applicant") third and final fee application (dkt. 491, "Application"), no opposition is on file

The tentative ruling is to conditionally grant the Application approving fees of \$9,390.00 and \$0 in expenses for a total award of \$9,390.00.

The tentative ruling is also that this order is conditioned on Applicant's timely filing of a declaration which complies with the requirements of LBR 2016-1(a)(1)(J) no later than **February 2, 2021**.

(g) Goldstein & McClintock LLP third and final fee application (dkt. 492, "Application"), no opposition is on file

The tentative ruling is to conditionally grant the Application approving fees of \$8,895.50 and \$45.00 in expenses for a total award of \$8,940.50.

The tentative ruling is also that this order is conditioned on Applicant's timely filing of a declaration which complies with the requirements of LBR 2016-1(a)(1)(J) no later than **February 2, 2021**.

(h) RSR Consulting, LLC second and final fee application (dkt. 505, "Application"), no opposition is on file

The tentative ruling is to conditionally grant the Application approving fees of \$4,230.00 and \$29.30 in expenses for a total award of \$4,259.30.

The tentative ruling is also that this order is conditioned on Applicant's timely filing of a declaration which complies with the requirements of LBR 2016-1(a)(1)(J) no later than **February 2, 2021**.

Proposed orders: Applicants are directed to lodge proposed orders on each of the foregoing applications via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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Central District of California
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1:00 PM

CONT... **Tatung Company of America, Inc.**

Chapter 11

(2) Deadlines/dates. This case was filed on 9/30/19.

(a) Bar date: 1/17/20 dkt. 97 (timely served, dkt. 101).

(b) Procedures order: dkt.18 (timely served, dkt.25)

(c) Plan/Disclosure Statement (dkt. 405, 406): plan confirmed (dkt.467).

(d) Post-Confirmation status conference: 3/9/21 at 1:00 p.m., *brief* written status report due 2/23/21.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Tatung Company of America, Inc.

Represented By

Ron Bender

Lindsey L Smith

Juliet Y Oh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

#16.00 Hrg re: Motion for Entry of an Order Authorizing the Debtor to Retain and Compensate Professionals Utilized by the Debtor in Ordinary Course of Business

Docket 186

***** VACATED *** REASON: Continued to 2/9/21 at 1:00 p.m. pursuant to the parties' stipulation (dkt. 199) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

#17.00 Hrg re: Motion for entry of an order authorizing the debtor to retain and compensate professionals utilized by the debtor in the ordinary course of business

Docket 185

*** VACATED *** REASON: Amended by Docket No. 186.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

Movant(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

#18.00 Hrg re: Application to Employ and Compensate BBG, Inc. as Appraiser

Docket 187

***** VACATED *** REASON: Continued to 2/9/21 at 1:00 p.m. pursuant to
the parties' stipulation (dkt. 199) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

Movant(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

#19.00 Cont'd hrg re: Motion to Dismiss Chapter 11 Case
fr. 10/27/20, 12/8/20

Docket 145

***** VACATED *** REASON: Continued to 2/9/21 at 1:00 p.m. pursuant to
the parties' stipulation (dkt. 199) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

Movant(s):

Dos Cabezas Properties, LLC

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

#20.00 Cont'd Status Conference re: Chapter 11 Case
fr. 12/17/19, 1/28/20, 02/18/20, 3/31/20, 4/21/20,
5/12/20, 6/2/20, 6/30/20, 8/18/20, 9/15/20, 10/27/20,
12/8/20

Docket 5

***** VACATED *** REASON: Continued to 2/9/21 at 1:00 p.m. pursuant to
the parties' stipulation (dkt. 199) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

Adv#: 2:20-01012 Tarzana Crossing, a Merchant Faire, LLC v. 110 West Properties, LLC et al

#21.00 Cont'd hrg re: Motion of Creditors/Defendants Dos Cabezas Properties, LLC, Criscione-Meyer Entitlement, a Limited Liability Company Cell of Almond Tree Capital Management Co., LLC, Michael Criscione to Remand Tarzana Crossing, A Merchant Faire, LLC's Complaint and Request for Attorney's Fees in the Amount of \$2,800.00
fr. 03/31/20, 5/12/20, 6/30/20, 8/18/20, 10/27/20, 12/8/20

Docket 7

***** VACATED *** REASON: Continued to 2/9/21 at 1:00 p.m. pursuant to the parties' stipulation (adv. dkt. 28) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

Defendant(s):

110 West Properties, LLC

Represented By
Gregory K Jones

RU, LLC

Pro Se

Dos Cabezas Properties, LLC

Represented By
Thomas F Nowland
Robert P Goe
Charity J Manee

Criscione-Meyer Entitlement, LLC

Represented By
Thomas F Nowland

Michael Criscione

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... 110 West Properties, LLC

Chapter 11

First American Title Company

Pro Se

Movant(s):

Dos Cabezas Properties, LLC

Represented By
Thomas F Nowland
Robert P Goe
Charity J Manee

Criscione-Meyer Entitlement, LLC

Represented By
Thomas F Nowland

Michael Criscione

Represented By
Thomas F Nowland

Plaintiff(s):

Tarzana Crossing, a Merchant Faire,

Represented By
Alan M Feld
James R Felton

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-24048 110 West Properties, LLC

Chapter 11

Adv#: 2:20-01012 Tarzana Crossing, a Merchant Faire, LLC v. 110 West Properties, LLC et al

#22.00 Cont'd Status Conference re: Notice of Removal
fr. 03/31/20, 5/12/20, 6/30/20, 8/18/20, 10/27/20
12/8/20

Docket 1

***** VACATED *** REASON: Continued to 2/9/21 at 1:00 p.m. pursuant to
the parties' stipulation (adv. dkt. 28) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing

Defendant(s):

110 West Properties, LLC

Represented By
Gregory K Jones

RU, LLC

Pro Se

Dos Cabezas Properties, LLC

Represented By
Thomas F Nowland
Robert P Goe
Charity J Manee

Criscione-Meyer Entitlement, LLC

Represented By
Thomas F Nowland

Michael Criscione

Represented By
Thomas F Nowland

First American Title Company

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... 110 West Properties, LLC

Chapter 11

Plaintiff(s):

Tarzana Crossing, a Merchant Faire,

Represented By
Alan M Feld
James R Felton

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-11809 Schaefer Ambulance Service, Inc

Chapter 11

Adv#: 2:20-01149 The SAS Creditor Trust v. L.A. Paint and Body Works, Inc. a California

#23.00 Cont'd Status Conference re: Complaint for 1) Violation of the Automatic Stay [11 U.S.C. Section 362(a)]; 2) Violation of Pan Injunctions; and 3) Turnover of Property of the Estate [11 U.S.C. Section 542] fr. 9/15/20, 11/10/20, 12/22/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances are not required on 1/26/21.

(1) Status Conference

Although the tentative ruling is to grant the motion for a default judgment, this Court anticipates post-judgment proceedings, such as supplemental declaration(s) to request more damages (see below). Therefore it appears appropriate to set a continued status conference so that the parties and this Court can address any scheduling issues, discretionary procedures, and similar matters orally, without the expense and delay of formal written motions (unless the issues warrant such briefing).

The tentative ruling is to continue this adversary proceeding status conference to **3/9/21 at 1:00 p.m.**, provided that if any party self-calendars any matter for a different date then the practice of this Court is to hold an additional status conference on that date as well (without further notice).

The tentative ruling is that no written status report is required for the continued status conference.

(2) Plaintiff's Motion for Default Judgment (dkt. 18), Plaintiff's Request for Judicial Notice (dkt. 19) and the Supplemental Declaration of Monsi Morales in Support of Motion for Default Judgment (dkt. 23).

The tentative ruling is to grant the motion for the reasons set forth below.

(a) Entry of Default against Defendant L.A. Paint and Body Works, Inc.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

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CONT... **Schaefer Ambulance Service, Inc**

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On 08/07/20, plaintiff The SAS Creditor Trust ("SAS") filed a motion requesting entry of default (dkt. 6), citing defendant L.A. Paint and Body Works, Inc.'s ("LA Paint") failure to appear in the instant adversary proceeding. On 08/10/20, the clerk of court entered LA Paint's default (dkt. 8).

(2) SAS' Motion for Default Judgment

Pursuant to Federal Rule of Civil Procedure 8(b)(6) (incorporated by Rule 7008, Fed. R. Bankr. P.), failure to deny an allegation acts as an admission of that allegation. But allegations pertaining to the amount of damages must be independently proven. Fed. R. Civ. P. 8(b)(6). Accordingly, the tentative ruling with respect to SAS's claims for relief is as follows.

(i) LA Paint Did Not Violate 11 U.S.C. 362(a)(3)

The tentative ruling is that LA Paint did not violate the automatic stay under 11 U.S.C. § 362(a)(3). Subsequent to the filing of SAS' motion, the Supreme Court issued a decision clarifying what it means to exercise control over property of the estate. *City of Chicago v. Fulton*, __ U.S. __, 2021 U.S. Lexis 496 (Jan. 14, 2021). In *Fulton*, the Court held that "mere retention of estate property after the filing of a bankruptcy petition does not violate § 362(a)(3) of the Bankruptcy Code." *Id.* at *12 (Jan. 14, 2021). Thus, under *Fulton*, LA Paint's failure to turn over property of the estate cannot be considered an act to exercise control over estate property.

(ii) LA Paint Violated 11 U.S.C. 362(a)(6) by Acting to Collect or Recover a Prepetition Claim Against the Debtor

The tentative ruling is that LA Paint violated the automatic stay under 11 U.S.C. § 362(a)(6). The Court of Appeals for the Ninth Circuit has held that refusal to turn over property of the estate in an effort to collect on a prepetition debt without seeking relief from the automatic stay violates the provisions of the automatic stay under 11 U.S.C. § 362(a)(6). *In re Farmers Markets, Inc.*, 792 F.2d 1400, 1404 (9th Cir. 1986). Here, LA Paint was (x) informed of SAS's bankruptcy and the request to turn over the subject property, (y) conditioned the return of the subject property on the payment of the invoices incurred prepetition, and (z) did so without seeking relief from the automatic stay. See dkt. 18, PDF pp. 35–50.

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(iii) LA Paint Violated the Plan Injunctions

The tentative ruling is that, for the reasons set forth in the moving papers (similar to those cited immediately above), LA Paint's act of conditioning the turn over of the subject property on the payment of prepetition debts also violated the injunctions set forth in the Debtor's confirmed chapter 11 plan. Those injunctions (the "Plan Injunctions") were adopted by this Court in issuing its order confirming the Plan.

(iv) SAS is Entitled to Turnover of the Subject Property Pursuant to 11 U.S.C. 542(a)

Under 11 U.S.C. 542(a), an entity in possession of estate property must turn over to the debtor in possession any property of the estate that the debtor in possession may use, sell, or lease, *see United States v. Whiting Pools*, 462 U.S. 198, 202 (1983), unless that property is "of inconsequential value or benefit to the estate." 11 U.S.C. § 542(a). The tentative ruling is that SAS is entitled to turnover of the subject property because SAS, as successor in interest to the debtor in possession, can use, sell, or lease the subject property. The tentative ruling is also that LA Paint is directed to surrender the subject property or its value of \$30,500 to SAS. See *dkf.18*, p.31:26-32:8.

(v) LA Paint did not establish any exception to its obligations under the automatic stay (11 U.S.C. 362(a)), the Plan Injunctions, or the turnover provisions of the Bankruptcy Code (11 U.S.C. 542)

This Court recognizes that in some instances a creditor can retain possession of a vehicle as a way of perfecting its lien arising from work performed on the vehicle, and that might be an exception to the automatic stay. Likewise such a creditor might be excused from its turnover obligations and might be permitted to retain the vehicle (at least temporarily) as a form of adequate protection of its interest in the vehicle. See *generally* 11 U.S.C. 362(b)(3)&(24), 363(e), 546(b), 547(e)(2)(A). But LA Paint has not presented any argument or evidence to establish that it falls within any exception to the automatic stay, the Plan Injunctions, or its turnover obligations.

(vi) Contempt

The tentative ruling is that SAS has presented clear and convincing evidence that LA Paint has violated clear and definite orders of this Court, or statutory provisions that deemed to be automatic orders of this Court -

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namely, the automatic stay (11 U.S.C. 362(a)) and the Plan Injunctions. (LA Paint also violated the turnover obligations of 11 U.S.C. 542, and that might constitute violation of a third alternative deemed order and an additional ground for contempt, but the motion does not seek contempt on that third alternative ground.)

The tentative ruling is that there was nothing ambiguous or unclear about LA Paint's obligations. LA Paint was notified of SAS' bankruptcy case and had received multiple requests to turn over the subject property for purposes of administering the bankruptcy estate. In response, LA Paint sought to collect on a prepetition debt by conditioning the delivery of the subject property on payment of prepetition invoices. Dkt. 18, at PDF pp. 27, 33, 35–36, 42.

The tentative ruling is that LA Paint is in contempt of court, under the applicable standards, and that SAS is entitled to compensatory and, if necessary, coercive relief. *See generally In re Taggart v. Lorenzen*, 139 S.Ct. 1795 (2019), *on remand, In re Taggart*, 980 F.3d 1340 (9th Cir. 2020). The tentative ruling is that Movant is also entitled to injunctive relief to enforce LA Paint's turnover obligations under 11 U.S.C. 542.

(vii) Relief: turnover; injunctive relief; writ of possession and assistance; damages including reasonable attorneys fees and costs, etc

The tentative ruling is that Movant has established grounds for a judgment and order directing LA Paint immediately to surrender and turn over the subject property, or its value of no less than \$30,500, to SAS. In addition, the tentative ruling is that in the event LA Paint fails to turn over the subject property immediately then the judgment shall constitute a writ of possession and a writ of assistance (with the requisite language from LBR 7064-1) authorizing SAS to request the assistance of the U.S. Marshal Service to execute the Writ or Judgment by (a) repossessing the subject property from LA Paint and/or its property, (b) using all necessary force to effectuate the turnover and repossession, and (c) surrendering possession of the subject property to SAS's designated custodian. At this time, no coercive sanctions are expressly requested, but the tentative ruling is to reserve jurisdiction to impose coercive sanctions and other relief in appropriate circumstances.

In addition, the tentative ruling is that SAS is entitled to damages, including reasonable attorney fees and costs; that the requested \$17,865.50 in attorney fees incurred to date is reasonable (dkt. 23); and that SAS may file

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supplemental declaration(s) attesting to any additional damages - including without limitation any additional attorney fees, any damage to the subject property in the event it is not in the same condition as it was when brought to LA Paint, and any reasonable costs and expenses of the US Marshal or other service used in aid of turnover. In addition, the tentative ruling is that SAS is entitled to interest at the federal judgment rate (28 U.S.C. 1961) from the date that each of the sums referenced above becomes due and owing through the date when such sums are collected.

Proposed judgment: SAS is directed to lodge a proposed judgment via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/22/20:

Continue to 1/26/21 at 11:00 a.m. pursuant to Plaintiff's status report (adv.dkt.16). Appearances are not required on 12/22/20.

The tentative ruling is also to set Plaintiff's Motion for Default Judgment (adv. dkt. 18) for hearing to be held contemporaneous with the continued status conference, with a **deadline of 1/12/21** for Plaintiff to file a declaration with daily timesheets to support the requested attorney fees of \$17,865.50. See dkt.18, p.17:2-4 & p.17:20-23 (stating that Morales Decl. demonstrates

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incurrence of attorney fees), *and compare id.* pp.19-22 (Morales Decl. w/ no timesheets). The tentative ruling is that the declaration of Mr. McNeal provides sufficient foundation to support his opinion: "I believe the market value of the Subject Property, as is, is no less than \$30,500.00." Dkt.18, p.31:26-32:8.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Schaefer Ambulance Service, Inc

Represented By
Craig G Margulies
Monserrat Morales

Defendant(s):

L.A. Paint and Body Works, Inc. a

Pro Se

Plaintiff(s):

The SAS Creditor Trust

Represented By
Monserrat Morales

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2:19-11809 Schaefer Ambulance Service, Inc

Chapter 11

Adv#: 2:20-01149 The SAS Creditor Trust v. L.A. Paint and Body Works, Inc. a California

#23.10 Hrg re: Motion for Default Judgment

Docket 18

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the status conference (Calendar No. 23, 1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

Schaefer Ambulance Service, Inc

Represented By
Craig G Margulies
Montserrat Morales

Defendant(s):

L.A. Paint and Body Works, Inc. a

Pro Se

Plaintiff(s):

The SAS Creditor Trust

Represented By
Montserrat Morales

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2:20-19443 Joshuaville, LLC

Chapter 11

#24.00 Cont'd status conference re: Chapter 11 case
fr. 11/10/20, 12/22/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue as set forth below. Appearances are not required on 1/26/21.

(1) Current issues

This Court has no issues to raise sua sponte at this time.

(2) Deadlines/dates. This case was filed, as a Subchapter V case, on 10/19/20.

(a) Bar date: 12/28/20 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt.9).

(b) Procedures order: dkt.4 (timely served, dkt.6).

(c) Plan/Disclosure Statement: See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

Note: Debtor has filed a written motion (dkt. 37) to extend the deadline to file a plan, which is set by statute in this subchapter V case, from 1/19/21 to 3/22/21. The actual deadline will depend on whether that motion is granted.

(d) Continued status conference: 3/23/21 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter

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by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/22/20:

Continue as set forth below. Appearances are not required on 12/22/20.

(1) Current issues

The issues raised in the tentative ruling for 11/10/20 (reproduced below) have been adequately addressed. This Court is not aware of any remaining issues that would warrant a status conference at this time.

(2) Deadlines/dates. This case was filed, as a Subchapter V case, on 10/19/20.

(a) Bar date: 12/28/20 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt.9).

(b) Procedures order: dkt.4 (timely served, dkt.6).

(c) Plan/Disclosure Statement*: File by 1/19/21 using the forms required by Judge Bason or, alternatively, Debtor's own forms (DO NOT SERVE yet, except on the U.S. Trustee - this Court will set a deadline and procedures at a later time).

Note: Although Subchapter V contemplates only a Plan, not a Disclosure Statement, the required form Plan has not yet been updated to include the disclosures required by Subchapter V (11 U.S.C. 1190), so if the form Plan is used then Judge Bason requires that the form Disclosure Statement be completed as well. 11 U.S.C. 1181(b).

(d) Continued status conference: 1/26/21 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

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If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 11/10/20:

Appearances required by counsel for the debtor and by Debtor's principal, Wayne Tsang.

(1) Current issues

This Court has reviewed Debtor's status reports (dkt.12, 13) and the other filed documents and records in this case.

(a) Executory contract(s)?

Debtor reports (dkt.12, p.2) that its "sole asset in an income producing contractual interest" and this bankruptcy case was precipitated by arbitration of a contract dispute and "lack of information/income from main asset." This implies that Debtor is a party to a contract that might be executory (although that is not necessarily so). Debtor also reports (dkt.12, p.7) that it has no executory contracts: is that accurate?

(b) Employment application (dkt.16)

In connection with the pending employment application of proposed bankruptcy counsel (dkt.16), Debtor's principal, Mr. Tsang, declares that Alkterra Capital "paid the pre-petition retainer of \$76,717.00" to proposed bankruptcy counsel "as a gift" for which it will not seek reimbursement, and that "[o]ther than shared leadership/ownership, Alkterra Capital has no connections to, or claims against, the Debtor." Dkt.16, p.11:10-13 There is no disclosure about the business form of Alkterra Capital.

Supposing that Alkterra Capital is a corporation or similar type of business subject to the laws of California or similar laws, this Court is

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concerned that investors in Alkterra Capital could in future seek to avoid its gift as a constructively fraudulent transfer, or bring similar claims. That possibility could be used as leverage to influence Mr. Tsang's management of this bankruptcy estate, or otherwise cause potential conflicts of interest.

Have any investors in Alkterra Capital been fully informed as to its gift to Debtor, and have they provided their written consent, and/or whatever else might be required (e.g., a vote)? Does the gift implicate bankruptcy-related concerns in any other ways?

Because it might take time to obtain any responses/authorizations, the tentative ruling is to set the employment application for hearing fairly far in the future, concurrent with the continued status conference (see below). The tentative ruling is not to alter the current deadline for any response to the employment application (14 days after it was filed/served), but to set a supplemental **deadline of 12/8/20** for Debtor to file a declaration or other papers addressing this Court's concerns set forth above, and a **deadline of 12/15/20** for the United States Trustee to file any response it may elect to file on that issue.

(2) Deadlines/dates. This case was filed, as a Subchapter V case, on 10/19/20.

- (a) Bar date: 12/28/20 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt.9)
- (b) Procedures order: dkt.4 (timely served, dkt.6).
- (c) Plan/Disclosure Statement*: TBD

Note: Although Subchapter V contemplates only a Plan, not a Disclosure Statement, the required form Plan has not yet been updated to include the disclosures required by Subchapter V (11 U.S.C. 1190), so Judge Bason requires that the form Disclosure Statement be completed as well. 11 U.S.C. 1181(b). Alternatively, as stated in the Procedures Order, Debtor can request to be excused from using the forms.

*Warning: special procedures apply (see order setting initial status conference).

- (d) Continued status conference: 12/22/20 at 1:00 p.m. No written status report required.

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If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, all appearances are telephonic via CourtCall at (888) 882-6878.

Party Information

Debtor(s):

Joshuaville, LLC

Represented By
Leslie A Cohen

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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2:20-20260 33 Quincy Avenue LLC

Chapter 11

#25.00 Hrg re: Motion for relief from stay [RP]

ACCESS INVESTMENT, LLC
vs
DEBTOR

Docket 40

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 26, 1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

33 Quincy Avenue LLC

Represented By
Michael Jay Berger

Movant(s):

Access Investment, LLC

Represented By
Glenn C. Kelble

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
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2:20-20260 33 Quincy Avenue LLC

Chapter 11

#26.00 Cont'd status conference re: Chapter 11 case
fr. 12/1/20, 1/5/21

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required.

(1) Current issues

(a) Motion of Access Investment, LLC ("Access") for relief from the automatic stay (dkt. 40), Debtor's response (dkt. 48), no reply is on file

The tentative ruling is to issue an adequate protection order ("APO"), pursuant to 11 U.S.C. 362(d)(1) and (d)(2), requiring Debtor to close the contemplated sale of the property - or, if that sale falls through, an equivalent sale to a backup buyer - no later than 3/31/21, and meanwhile abide by the commitments in Debtor's response (dkt.48) including making monthly adequate protection payments to Access, failing which Access would be entitled to file a declaration of default under the APO and lodge a proposed order terminating the automatic stay. Reasons: Although Access has established grounds for relief from the automatic stay, the statute provides flexibility as to the form of any such relief, and the foregoing tentative ruling is intended to provide Access with adequate protection against any diminution of its interest while also maximizing the sale price of the subject property for the benefit of junior lienholder(s) and, if such junior lienholder(s) can assert any deficiency claims, for the benefit of all creditors by reducing any such deficiency.

(2) Deadlines/dates. This case was filed on 11/16/20.

(a) Bar date: 1/25/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt.10).

(b) Procedures order: dkt. 6 (timely served, dkt. 12)

(c) Plan/Disclosure Statement: TBD. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for

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CONT...

33 Quincy Avenue LLC

Chapter 11

"Chapter 11: Plan").

- (d) Continued status conference: 3/9/21 at 1:00 p.m., to be concurrent with the continued status conference in the related case of Debtor's 50% owner, Residence Group, Inc. (Case No. 2:20-bk-20261-NB). No written status report required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

33 Quincy Avenue LLC

Represented By
Michael Jay Berger

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:20-20261 Residence Group, Inc.

Chapter 11

#27.00 Cont'd Status Conference re: Chapter 11 Case
fr. 12/22/20

Docket 22

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue as set forth below. Appearances are not required on 1/26/21

(1) Current issues

This Court has no issues to raise *sua sponte*.

(2) Deadlines/dates. This case was filed on 11/16/20.

(a) Bar date: 1/25/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt.12).

(b) Procedures order: dkt.24 (timely served, dkt. 35)

(c) Plan/Disclosure Statement*: file by 2/15/21. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(d) Continued status conference: 3/9/21 at 1:00 p.m., to be concurrent with the continued status conference in the related case in which Debtor is a 50% member, 33 Quincy Avenue, LLC (Case No. 2:20-bk-20260-NB). No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov

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instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Residence Group, Inc.

Represented By
Michael Jay Berger

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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2:20-18895 Bethany Senior Housing II, LP

Chapter 11

#28.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/27/20, 12/1/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue as set forth below. Appearances are not required on 1/26/21.

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Deadlines/dates. This case was filed on 9/30/20.

(a) Bar date: 12/15/20 (dkt. 15; timely served, dkt. 17).

(b) Procedures order: dkt. 2 (notice at dkt. 16)

(c) Plan/Disclosure Statement*: TBD. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(d) Continued status conference: 2/9/21 at 2:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

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Chapter 11

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Bethany Senior Housing II, LP

Represented By
Simon J Dunstan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:19-20273 Alex Christopher Padilla

Chapter 11

#29.00 Cont'd Status Conference re: Post Confirmation
fr. 9/17/19, 10/1/19, 10/29/19, 12/10/19, 12/17/19,
1/28/20, 02/18/20, 3/3/20, 4/7/20, 5/5/20, 5/19/20,
6/30/20, 7/28/20, 9/1/20, 11/3/20, 11/10/20, 12/22/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue as set forth below. Appearances are not required on 1/26/21.

(1) Current issues

(a) Post-confirmation progress

This Court continued the 12/22/20 hearing to allow the broker for the Honolulu Terrace property an opportunity to lower the listing price to generate interest in the property. Dkt. 203, p. 3. The tentative ruling is to continue the status conference to 3/26/21 at 1:00 p.m. pursuant to the debtor's status report. Dkt. 208.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... Alex Christopher Padilla

Chapter 11

Debtor(s):

Alex Christopher Padilla

Represented By
Eric Bensamochan

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:18-22426 Edmond Melamed and Rozita Melamed

Chapter 11

#30.00 Status Conference re: Post Confirmation
fr. 11/27/18, 2/5/19, 2/26/19, 3/26/19, 4/9/19,
04/30/19, 06/04/19; 08/06/19, 9/24/19, 10/29/19,
11/12/19, 12/10/19, 1/28/20, 3/3/20, 5/5/20, 5/12/20,
7/14/20, 10/27/20

Docket 7

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances are not required.

Continue to 3/23/21 at 1:00 p.m., *brief* status report due 3/9/21, all subject to being mooted if an order closing the case on an interim basis is issued before that time. Appearances are not required on 1/26/21.

(1) Current issues

This Court has no issues to raise *sua sponte*.

(2) Deadlines/dates

This case was filed on 10/22/18, and Debtors' plan was confirmed on 7/20/20 (dkt. 173).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... Edmond Melamed and Rozita Melamed

Chapter 11

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Edmond Melamed

Represented By
Michael Jay Berger

Joint Debtor(s):

Rozita Melamed

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-15954 John Martin Kennedy

Chapter 11

#31.00 Cont'd hrg re: Motion in Individual Ch 11 Case for Order Approving a Budget for the Use of Debtor's Cash and Post-Petition Income fr. 8/18/20, 9/15/20, 9/29/20, 10/27/20, 11/10/20, 12/1/20

Docket 51

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the status conference (Calendar No. 33, 1/26/21 at 1:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

John Martin Kennedy

Represented By
Sandford L. Frey
Dennette A Mulvaney

Movant(s):

John Martin Kennedy

Represented By
Sandford L. Frey
Dennette A Mulvaney

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-15954 John Martin Kennedy

Chapter 11

#32.00 Cont'd hrg re: Insider Compensation
fr. 9/15/20, 9/29/20, 10/27/20, 11/10/20,
12/1/20

Docket 60

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the status conference (Calendar No. 33,
1/26/21 at 1:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

John Martin Kennedy

Represented By
Sandford L. Frey
Dennette A Mulvaney

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-15954 John Martin Kennedy

Chapter 11

#33.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/14/20, 7/28/20, 8/18/20, 9/15/20, 9/29/20,
10/27/20, 11/10/20, 12/1/20, 12/8/20, 12/22/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:
Appearances required.

(1) Current issues

(a) Debtor's motion for an order authorizing him to deviate from mandatory form plan/disclosure statement (dkt. 231), no opposition is on file

The tentative ruling is to grant the motion, which accords with Judge Bason's revised procedures. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(b) Campos v. Kennedy (Adv. No. 2:20-ap-01626-NB)

This Court has reviewed the parties joint status report (adv. dkt. 8) and the other filed documents in the adversary proceeding and the bankruptcy case. The tentative ruling is that, purely as a scheduling matter - and without making any binding determinations on the merits of the adversary proceeding - it is appropriate to **stay the adversary proceeding** and move forward with Debtor's attempts to confirm his proposed Plan, including his contemplated motion to disallow Ms. Campos' claimed security interest or ownership interest in Debtor's receivables, because Debtor asserts that his motion and/or confirmation of the Plan would moot the adversary proceeding. If this Court ultimately were to rule against Debtor on these issues, all rights would be preserved to litigate the (not-mooted) adversary proceeding.

This Court's understanding of Debtor's theory is as follows, based largely on the parties' prior oral arguments and the proposed Disclosure Statement, Exhibit "L" (dkt.230 at PDF pp.52-54). If the Mediation Term Sheet is an assumed, binding agreement between Debtor and Ms. Campos then, under Debtor's theory, it would be inconsistent with that agreement to treat Debtor's obligations to Ms. Campos as a secured claim, or to treat 25%

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1:00 PM

CONT...

John Martin Kennedy

Chapter 11

of Debtor's earnings (or any other percentage) as belonging to Ms. Campos. In other words, either of those things would be contrary to the carefully negotiated settlement of the parties.

The tentative ruling is that there is enough support for this argument that it makes sense, in the interests of efficiency, to stay the adversary proceeding while Debtor is pursuing this theory. Specifically, this Court takes judicial notice that the Mediation Term Sheet expressly provides for a schedule of payments and states that the obligations shall be nondischargeable, but does not provide for such obligations to be secured by any collateral, or for any of Debtor's future earnings to belong to Ms. Campos. Therefore Debtor has at least a colorable argument that permitting Ms. Campos to assert ownership of Debtor's future earnings, or a security interest in those earnings, would be inconsistent with the carefully balanced give-and-take of their settlement, embodied in the Mediation Term Sheet.

True, prior to the petition date, when the parties were disputing whether or not the Mediation Term Sheet was binding and whether either of them breached it, Ms. Campos was free to pursue collection from Dr. Kennedy (Debtor), subject to whatever defenses and counterclaims he had at that time. But now, as this Court understands Debtor's position, under the Supremacy Clause of the United States Constitution and the provisions of the Bankruptcy Code including the automatic stay and the Code's provisions for assumption of executory contracts, Ms. Campos is barred from pursuing collection attempts or asserting any interest in Debtor's postpetition earnings that would be contrary to her agreement embodied in the Mediation Term Sheet.

For all of these reasons, the tentative ruling is to stay all matters in this adversary proceeding until further order of this Bankruptcy Court, and meanwhile proceed with Debtor's attempts to disallow some of Ms. Campos' claim, and his attempt to confirm the proposed Plan. Again, this is purely a scheduling issue, and if Debtor fails in those attempts then all rights are reserved regarding the issues in the adversary proceeding.

The tentative ruling is to set a continued status conference in this adversary proceeding for **4/27/21 at 1:00 p.m.**

(c) Debtor's Plan of reorganization (dkt. 229) and Disclosure statement (dkt. 230)

The tentative ruling is to set a **deadline of 2/5/21** for Debtor to file a

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CONT... **John Martin Kennedy**

Chapter 11

blacklined plan with the following changes:

(i) Amended Plan

(A) Internal inconsistency with defined term

The Plan contains two different definitions for "Disputed Claim or Disputed Interest" (*compare* dkt. 229, PDF p.4, para. "(C)") with dkt. 229, PDF p.19). Debtor is directed to choose one or the other.

(B) Clarifications to address ambiguous plan provisions

Debtor is directed to amend the following plan provisions to clarify ambiguities:

-Dkt. 229, PDF p.37, change the last sentence that reads "and (y) entry of an order of the Bankruptcy Court" (emphasis added) to address what type of order is contemplated.

-Dkt. 229, PDF p.38, last full paragraph, 5 to 6 lines down, change the phrase "...including, without limitation, are expressly reserved" (emphasis added) to include whatever language was intended to follow the emphasized words.

-Dkt. 229, PDF p.39, carryover paragraph, 6 lines down from top, change the phrase: "...Assumption Final Order, are [sic] such orders are not appealed by Campos" (emphasis added) to read: "Assumption Final Order, and such orders are not appealed by Campos" (Emphasis added.)

(C) Exculpation Clause

The tentative ruling is that Debtor's proposed Exculpation Clause (dkt. 229, PDF p.44) is consistent with the Ninth Circuit's decision in *Blixseth v. Credit Suisse*, 961 F.3d 1074 (9th Cir. 2020).

(ii) Disclosure Statement (dkt.230)

The tentative ruling is to authorize Debtor to disclose the dollar amounts represented by "XXXXX" in Exhibit "L" to the Disclosure Statement (dkt.230 at PDF pp.52-54). More broadly, the parties are directed to address whether there is any reason why Debtor cannot attach a non-redacted copy of the Mediation Term Sheet to the proposed Plan.

(iii) Proposed order

By **2/5/21**, Debtor is directed to lodge a proposed order, substantially in the form of the order posted on Judge Bason's portion of the Court's website (www.cacb.uscourts.gov), authorizing the service of a voting package and setting a combined hearing on final approval of the Disclosure Statement and confirmation of the Plan for the same time as the continued status conference (see below).

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CONT... **John Martin Kennedy**

Chapter 11

(d) Budget motion (dkt. 51), Yunuen Campos' opposition (dkt. 57), Debtor's supplemental declarations (dkt. 71), Campos' response (dkt. 92), interim order (dkt. 101), Debtor's reply (dkt. 103), interim order (dkt.138), Declaration of Samuel Biggs (dkt. 234)

Based on this Court's review of the declaration of Samuel Biggs, the tentative ruling is to approve Debtor's budget motion on a final basis, subject to any opposition at the hearing.

(e) Insider compensation, Debtor's supplemental declaration (dkt. 71), Ms. Campos' response (dkt. 92), Debtor's reply (dkt. 103), Declaration of Samuel Biggs (dkt. 234)

Based on this Court's review of the declaration of Samuel Biggs, the tentative ruling is to authorizing Ms. Howerton's monthly compensation of \$6,000 on a final basis, subject to any opposition at the hearing.

Proposed orders: Debtor is directed to lodge proposed orders on each of the foregoing motions via LOU within 7 days after the hearing date, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1) (B).

(2) Deadlines/dates. This case was filed on 6/30/20.

(a) Bar date: 10/2/20 (dkt. 39) (timely served, dkt. 52)

(b) Procedures order: dkt.4 (timely served, dkt.18).

(c) Plan/Disclosure Statement*: See section "(1)(b)" above.

(d) Continued status conference: 4/6/21 at 1:00 p.m. *Brief* status report due 3/23/21.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's

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CONT... John Martin Kennedy

Chapter 11

COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

John Martin Kennedy

Represented By
Sandford L. Frey
Dennette A Mulvaney

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-15954 John Martin Kennedy

Chapter 11

Adv#: 2:20-01626 Campos v. Kennedy

#34.00 Cont'd Status Conference re: Complaint for Declaratory and Injunctive Relief re: Determination of Validity, Priority or Extent of Interest in Property fr. 12/1/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the main case status conference (Calendar No. 33, 1/26/21 at 1:00 p.m.).

Tentative Ruling for 12/1/20:

Appearances required.

This Court has reviewed the parties' joint status report (adv.dkt. 4) and the other filed documents and records in this adversary proceeding.

(A) Current issues

Defendant (Debtor) suggests in the status report that this Court stay all proceedings in this adversary proceeding, because his forthcoming chapter 11 plan may moot some or all issues in this adversary proceeding. Plaintiff (Ms. Campos) suggested in the status report that such issues must be decided before any plan can be confirmed.

The parties are directed to clarify the following issues. (1) Does Plaintiff (Ms. Campos) assert that, under nonbankruptcy law, the assignment order created an absolute assignment in Debtor's accounts receivable ("A/R"), or a security interest, or both?

(2) Does she assert those things not only as to (a) A/R embodied in checks that had been issued prepetition (from medical insurers and Medicare prepetition), but also (b) A/R arising from services that had been performed prepetition, but as to which checks had not been issued as of the petition date (*i.e.*, as to which such an interest arguably had not attached as of the petition date), and also (c) A/R arising from services that had yet to be performed as

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CONT...

John Martin Kennedy

Chapter 11

of the petition date? Phrasing these last two issues differently, is Plaintiff asserting that, under nonbankruptcy law, 25% of any checks that had yet to be cut, and 25% of any A/R that had yet to generated by Debtor's postpetition labor, belongs to Plaintiff, regardless of any interest of, for example, a different judgment creditor who obtained a judicial lien against the A/R and also claimed the same 25%?

(3) Under the Bankruptcy Code, is Plaintiff asserting that her alleged interest in each of the three types of A/R described above is superior to the interests of the bankruptcy estate, other creditors, and any exemptions that Debtor may assert in the A/R?

Depending on Plaintiff's responses, Defendant (Debtor) is directed to address how he can propose a chapter 11 plan without resolving the issues raised in this adversary proceeding. Does Defendant (Debtor) anticipate proposing payment terms (*e.g.*, payment over a time period consistent with the parties' Term Sheet) without resolving whether such payment is secured by the A/R, or whether Plaintiff (Ms. Campos) owns the A/R? Is it possible to confirm a plan that leaves such issues unresolved?

The tentative ruling is to direct the parties to address on a preliminary basis how the foregoing issues bear on whether or not to stay these proceedings. Then the tentative ruling is to continue this matter as set forth below, so that all of these issues can be better addressed after Debtor has proposed a chapter 11 plan.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l*

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CONT...

John Martin Kennedy

Chapter 11

Network, Ltd. v. Sharif, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). See generally *In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation

[Intentionally omitted: it appears that mediation may be unproductive at this time.]

(3) Deadlines

This adversary proceeding has been pending since 9/23/20.

Joint Status Report: 1/19/21.

Continued status conference: 1/26/21 at 1:00 p.m.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

John Martin Kennedy

Represented By

Sandford L. Frey

Dennette A Mulvaney

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... John Martin Kennedy

Chapter 11

Defendant(s):

John Martin Kennedy

Represented By
Sandford L. Frey

Plaintiff(s):

Yunuen Campos

Represented By
Lauren A Dean

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-15954 John Martin Kennedy

Chapter 11

#34.10 Hrg re: Motion Motion of Debtor for An Order
Authorizing Debtor to Deviate from Court Form
of Disclosure Statement (F3017) and Form of
Plan (F3018)

Docket 231

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 33,
1/26/21 at 1:00 p.m.).

Party Information

Debtor(s):

John Martin Kennedy

Represented By
Sandford L. Frey
Dennette A Mulvaney

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-10357 Reijo Kustaa Myllyla

Chapter 11

Adv#: 2:20-01098 Garcia et al v. Myllyla

#35.00 Cont'd Status Conference re: Complaint to Determine Dischargeability of Debt fr. 06/16/20, 7/14/20, 09/01/20, 10/6/20, 11/10/20, 12/22/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the Status Conference in the lead Bankruptcy case (Calendar No. 37, 1/26/21 at 1:00 p.m.).

Tentative Ruling for 12/22/20:

Please see the tentative ruling for the Status Conference in the lead Bankruptcy case (Calendar No. 25, 12/22/20 at 1:00 p.m.).

Tentative Ruling for 7/14/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This Court has reviewed the filed documents and records in this adversary proceeding.

(A) Current issues

(1) Joint status report

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CONT...

Reijo Kustaa Myllyla

Chapter 11

Plaintiffs and Debtor/Defendant were required to file a joint status report at least 14 days prior to this status conference, 6/30/20. See adv. dkt. 4 & 6. As of the drafting of this tentative ruling, no status report has been filed. Why not?

(2) Motion To Dismiss

In light of this Court's direction to the parties to attend mediation in section (B)(2), the tentative ruling is to continue the hearing on Debtor/Defendant's Motion to Dismiss (adv. dkt. 11) from 7/28/20 at 2:00 p.m. to the same date and time as the continued status conference set in section (B)(3) below.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. See generally *Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). See generally *In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation

Is there is any reason why this Court should not order the parties to

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1:00 PM

CONT...

Reijo Kustaa Myllyla

Chapter 11

mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a deadline of 7/28/20 for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will chose among them, or issue his own order).

(3) Deadlines

This adversary proceeding has been pending since 4/13/20. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings: N/A

Discovery cutoff (for *completion* of discovery): N/A

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: N/A

Joint Status Report: 8/18/20.

Continued status conference: 9/1/20 at 1:00 p.m.

Lodge Joint Proposed Pre-Trial Order: N/A

Pretrial conference: N/A

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: N/A (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: N/A

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

**United States Bankruptcy Court
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Los Angeles
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1:00 PM

CONT... Reijo Kustaa Myllyla

Chapter 11

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

Defendant(s):

Reijo Kustaa Myllyla

Represented By
Jivko Tchakarov
Byron Z Moldo
James A Judge

Plaintiff(s):

Gilbert Martinez

Represented By
James A Judge
Jivko Tchakarov

Ofelia Argaez de Chuc

Represented By
James A Judge
Jivko Tchakarov

William Garcia

Represented By
James A Judge
Jivko Tchakarov

Roberto Melendez

Represented By
James A Judge
Jivko Tchakarov

Barbee Ann Arocho

Represented By
James A Judge
Jivko Tchakarov

Jose Chuc

Represented By
James A Judge
Jivko Tchakarov

Teresa DeJesus Ramos

Represented By
James A Judge
Jivko Tchakarov

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

CONT... Reijo Kustaa Myllyla

Chapter 11

Carlos Canales

Represented By
James A Judge
Jivko Tchakarov

Arturo Avila

Represented By
James A Judge
Jivko Tchakarov

Froilan Hernandez Lorenzo

Represented By
James A Judge
Jivko Tchakarov

Levi A. Anonuevo

Represented By
James A Judge
Jivko Tchakarov

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, January 26, 2021

Hearing Room 1545

1:00 PM

2:20-10357 Reijo Kustaa Myllyla

Chapter 11

Adv#: 2:20-01098 Garcia et al v. Myllyla

#36.00 Cont'd hrg re: Motion to Dismiss Plaintiffs' Adversary Complaint to Determine Dischargeability of Debt, Filed Pursuant to Rule 12(B)(6) of The Federal Rules of Civil Procedure fr. 7/14/20, 7/28/20, 09/01/20, 10/6/20, 11/10/20, 12/22/20

Docket 11

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the Status Conference in the lead Bankruptcy case (Calendar No. 37, 1/26/21 at 1:00 p.m.).

Tentative Ruling for 12/22/20:

Please see the tentative ruling for the Status Conference in the lead Bankruptcy case (Calendar No. 25, 12/22/20 at 1:00 p.m.).

Tentative Ruling for 7/28/20:

Continue to 9/1/20 at 1:00 p.m., to permit time for the parties to attend mediation as ordered at the 7/14/20 hearings. Appearances are not required on 7/28/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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CONT... **Reijo Kustaa Myllyla**

Chapter 11

www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

Defendant(s):

Reijo Kustaa Myllyla

Represented By
Jivko Tchakarov
Byron Z Moldo
James A Judge

Movant(s):

Reijo Kustaa Myllyla

Represented By
Jivko Tchakarov
Byron Z Moldo
James A Judge

Plaintiff(s):

Gilbert Martinez

Represented By
James A Judge
Jivko Tchakarov

Ofelia Argaez de Chuc

Represented By
James A Judge
Jivko Tchakarov

William Garcia

Represented By
James A Judge
Jivko Tchakarov

Roberto Melendez

Represented By
James A Judge

**United States Bankruptcy Court
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1:00 PM

CONT... Reijo Kustaa Myllyla

Chapter 11

	Jivko Tchakarov
Barbee Ann Arocho	Represented By James A Judge Jivko Tchakarov
Jose Chuc	Represented By James A Judge Jivko Tchakarov
Teresa DeJesus Ramos	Represented By James A Judge Jivko Tchakarov
Carlos Canales	Represented By James A Judge Jivko Tchakarov
Arturo Avila	Represented By James A Judge Jivko Tchakarov
Froilan Hernandez Lorenzo	Represented By James A Judge Jivko Tchakarov
Levi A. Anonuevo	Represented By James A Judge Jivko Tchakarov

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1:00 PM

2:20-10357 Reijo Kustaa Myllyla

Chapter 11

#37.00 Cont'd Status Conference re: Chapter 11 Case
fr. 02/04/20, 02/18/20, 3/3/20, 4/7/20, 5/12/20,
6/16/20, 7/14/20, 9/1/20, 10/6/20, 11/20/20,
12/22/20

Docket 6

Tentative Ruling:

**Tentative Ruling for 1/26/21:
Appearances required.**

(1) Current issues

(a) Successful mediation (adv. dkt. 49)

The parties are directed to address the terms of the settlement (per their status report, adv. dkt. 52), and whether those terms require notice to other creditors and an opportunity for those creditors to object, pursuant to a motion under Rule 9019 (Fed. R. Bankr. P.) filed in the bankruptcy case (not in the adversary proceeding). In any event, the tentative ruling is to take the adversary proceeding matters off calendar, and continue the status conference in the bankruptcy case as set forth below.

(2) Deadlines/dates. This case was filed on 1/13/20.

(a) Bar date: 5/31/20 (dkt. 27; timely served, dkt. 28).

(b) Procedures order: dkt. 3 (timely served, dkt. 9).

(c) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 3/2/21 at 1:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter

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CONT...

Reijo Kustaa Myllyla

Chapter 11

by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

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Hearing Room 1545

1:00 PM

2:19-18900 FAME Assistance Corporation, a Non Profit Corp.

Chapter 11

#38.00 Cont'd hrg re: Motion to Dismiss Or Convert Chapter 11 Case
fr. 12/8/20, 12/17/20

Docket 160

*** VACATED *** REASON: This matter is scheduled to be heard on
03/02/21 at 1:00 p.m. per parties' Stipulation (dkt. 189)

Tentative Ruling:

Party Information

Debtor(s):

FAME Assistance Corporation, a

Represented By
Peter T Steinberg

Movant(s):

Apex Realty, Inc.

Represented By
James R Selth
Crystle Jane Lindsey
David L. Neale
David L. Neale, Esq
Jeffrey S Kwong

BRG Adams, LLC

Represented By
David L. Neale
Jeffrey S Kwong

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:19-18900 FAME Assistance Corporation, a Non Profit Corp.

Chapter 11

#39.00 Cont'd Status Conference re: Chapter 11 Case
fr. 8/20/19, 9/24/19,10/29/19, 11/5/19, 12/17/19,
1/28/20, 03/31/20, 5/5/20, 6/16/20, 7/14/20, 9/15/20,
11/10/20, 12/1/20, 12/8/20, 12/17/20

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue as set forth below. Appearances are not required on 1/26/21.

(1) Current issues

(a) Monthly Operating Report(s) ("MORs")

Debtor filed its November MOR six days late (dkt. 183) and, as of the preparation of this tentative ruling, has not filed its December MOR. At the continued status conference, Debtor should be prepared to address what remedies should this Court impose for Debtor's repeated failure to timely comply with its financial disclosure obligations.

(2) Deadlines/dates. This case was filed on 7/31/19.

(a) Bar date: 10/25/19 (dkt. 24; timely served, dkt. 26). *Exception*: the bar date for creditors Apex/BRG has been extended (see dkt. 78, 138, 156)

(b) Procedures order: dkt. 2 (timely served, dkt.23).

(c) Plan/Disclosure Statement*: TBD. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(d) Continued status conference: 3/2/21 at 1:00 p.m. *Brief* status report due 2/23/21

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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CONT... **FAME Assistance Corporation, a Non Profit Corp.** **Chapter 11**

www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

FAME Assistance Corporation, a

Represented By
Peter T Steinberg

United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:20-20909 VEEJ Corp

Chapter 11

#40.00 Hrg re: Motion for relief from stay [UD]

MOSS ATKINSON FAMILY TRUST
vs
DEBTOR

Docket 30

*** VACATED *** REASON: Continue to 2/9/21 @ 1:00 p.m. per
stipulation (dkt. 51).

Tentative Ruling:

Party Information

Debtor(s):

VEEJ Corp

Represented By
Jeffrey S Shinbrot

Movant(s):

Moss Atkinson Family Trust

Represented By
Giovanni Orantes

Trustee(s):

Susan K Seflin (TR)

Pro Se

United States Bankruptcy Court
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2:20-20909 VEEJ Corp

Chapter 11

#41.00 Cont'd Status Conference re: Chapter 11 Case
fr. 1/5/21

Docket 1

*** VACATED *** REASON: Continue to 2/9/21 @ 1:00 p.m. per
stipulation (dkt. 51).

Tentative Ruling:

Party Information

Debtor(s):

VEEJ Corp

Represented By
Jeffrey S Shinbrot

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2:00 PM

2:19-10552 Attitude Marketing, Inc.

Chapter 7

#1.00 Hrg re: Motion for Order for Approval
of Sale by Auction of Proprietary Database

Docket 168

Tentative Ruling:

Appearances required.

(1) Current issues

(a) Trustee's sale motion (dkt. 168, 170), Wyndham's opposition (dkt. 169), Trustee's reply (dkt. 173)

The tentative ruling is to grant the sale motion and conditionally authorize a sale free and clear (11 U.S.C. 363(b) & (f)), subject to the following conditions. First, the proposed sale is subject to overbids at the hearing, pursuant to the proposed auction procedures including anonymity of bidders so as to reduce the risk of collusion and increase the sale price of parties who may fear litigation with Wyndham. See dkt.168, p.5:19-25.

Second, the parties are directed to address the following issues, which might affect whether the sale can be approved:

(i) Standing

Wyndham should be prepared to provide authority establishing that it has standing to raise the arguments set forth in its opposition on behalf of all parties listed in the database.

(ii) Notice

It does not appear that the Trustee has complied with LBR 6004-1(f), which requires use of F 6004-2.NOTICE.SALE. The parties are directed to address whether this Court should waive that requirement or continue this matter for the Trustee to comply.

(iii) Service, and Prohibition against sale of "personally identifiable information" ("PPI") (11 U.S.C. 363(b)(1))

The tentative ruling is to overrule Wyndham's objection on these grounds based on (a) Wyndham's failure to cite applicable authority establishing that the Trustee is required to serve all 8.5 million individuals listed in the database, and (b) the Trustee's reply papers and supporting evidence addressing the absence of any policy prohibiting the transfer of PPI

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CONT... **Attitude Marketing, Inc.**

Chapter 7

and representing that the sale will not include any telephone numbers or PPI for California residents.

(iv) Grounds for sale free and clear

The Trustee is directed to specify at the hearing the precise legal grounds for a sale free and clear - *i.e.*, is it under 11 U.S.C. 363(f)(1), (2), (3), (4) or (5), and what the alleged grounds are under each paragraph that is applicable. See "Posted Procedures of Judge Bason" (available at www.cacb.uscourts.gov).

In addition, the Trustee is directed to file a supplemental declaration following the hearing that attaches evidence establishing the existence (or nonexistence) of all persons who may assert an interest in the property and that such persons have been served with the motion papers, so that it is apparent what interests the Trustee intends to sell free and clear of, and that all such persons received notice. See Rule 6004(c) (Fed. R. Bankr. P.).

(v) "Good faith" finding

The Trustee seeks a "good faith" finding under 11 U.S.C. 363(m). The tentative ruling is that any winning bidder who wishes to have such a finding must file declaration(s), and so must the Trustee, substantially in the form set forth in the "Posted Procedures of Judge Bason" (available at www.cacb.uscourts.gov). See *In re R.B.B., Inc.*, 211 F.3d 475, 478-80 (9th Cir. 2000) (no good faith finding when identity of purchaser was ambiguous).

Conceivably it is possible that even such declarations could keep the identity of the purchaser secret (either by declining to provide any information from which the purchaser could be identified or, possibly, by filing such a declaration under seal - although sealing documents and *in camera* review are disfavored). But any such partial disclosure would substantially weaken the evidence of good faith, as compared with disclosure to the public who might know reasons to question the alleged good faith.

Therefore, if the purchaser chooses to seek a good faith finding without revealing its identity, this Court might elect, after reviewing the declaration, to decline to make any good faith finding. In addition, a good faith finding is only as good as the evidence provided. See, *e.g.*, *In re Thomas*, 287 B.R. 782, 785-86 (9th Cir. BAP 2002) (noting that "good faith" findings are not required, and even if they often are based on a partial record "before the really interesting facts emerge" and therefore might be subject to reconsideration).

In sum, any purchaser who wants a "good faith" finding under section

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CONT... **Attitude Marketing, Inc.**

Chapter 7

363(m) might need to reveal its identity. But this Court notes that such a finding is neither necessary for a sale nor a "trump card" that will insulate the sale from later challenges. Therefore any good faith finding might be unnecessary.

(b) Trustee's motions for admission of excerpts from depositions of Glen Chaffin (dkt. 174, 175), Wyndham response (dkt.178)

The tentative ruling is to grant these motions and admit the deposition excerpts into evidence, because Wyndham's objection about the timing of its efforts to pursue timeshare exit enterprises does not moot the Trustee's point that such efforts exist at all - *i.e.*, that any prospective purchasers of the customer list have reason to be concerned that Wyndham will sue them. Alternatively, the tentative ruling is that exclusion of those excerpts would make no difference to the outcome of the sale motion.

Proposed orders: Trustee is directed to lodge proposed orders on each of the foregoing motions via LOU within 7 days after the hearing date and attach a copy of this tentative ruling, thereby adopting it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Attitude Marketing, Inc.

Represented By

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CONT... Attitude Marketing, Inc.

Chapter 7

James A Dumas Jr
Christian T Kim

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:19-10552 Attitude Marketing, Inc.

Chapter 7

#1.10 Hrg re: Motion for Admission of Excerpts from the Deposition of Glen Chaffin taken on December 16, 2019 in Support of Trustee's Reply to Objection to Motion for Order for Approval of Sale by Auction of Proprietary Database

Docket 174

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Attitude Marketing, Inc.

Represented By
James A Dumas Jr
Christian T Kim

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1545

2:00 PM

2:19-10552 Attitude Marketing, Inc.

Chapter 7

#1.20 Hrg re: Motion for Admission of Excerpts from the Deposition of Glen Chaffin taken on May 18, 2020 in Support of Trustee's Reply to Objection to Motion for Order for Approval of Sale by Auction of Proprietary Database

Docket 175

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Attitude Marketing, Inc.

Represented By
James A Dumas Jr
Christian T Kim

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Christian T Kim
James A Dumas Jr

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:20-18465 Jeremy Daniel Kintner

Chapter 13

Adv#: 2:20-01656 Kintner v. State of California Department of Tax and Fee Admi

#2.00 Hrg re: Motion to Dismiss Adversary Proceeding to Redetermine Purported Tax Liability, to Recover Overpaid Amounts, and to Determine Dischargeability of any Amount Otherwise Due

Docket 4

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 2.10, 1/26/21 at 2:00 p.m.).

Party Information

Debtor(s):

Jeremy Daniel Kintner

Represented By
David S Hagen

Defendant(s):

State of California Department of

Represented By
Laura E Robbins

Plaintiff(s):

Jeremy Daniel Kintner

Represented By
Mark Bernsley

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1545 Calendar**

Tuesday, January 26, 2021

Hearing Room 1545

2:00 PM

2:20-18465 Jeremy Daniel Kintner

Chapter 13

Adv#: 2:20-01656 Kintner v. State of California Department of Tax and Fee Admi

- #2.10** Cont'd status conference re: Complaint to redetermine purported tax liability, to recover overpaid amounts, and to determine dischargeability of any amount otherwise due fr. 1/12/21

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required.

(A) Current issues

(1) Background

Plaintiff/Debtor's complaint (adv. no. 2:20-ap-01656-NB, dkt.1) seeks:

(a) tax adjudication: an order or judgment under 11 U.S.C. 505 disallowing the \$71,521.41 claim no.3 of Defendant (a California tax authority) as "invalid and unconstitutional" or, in the alternative,

(b) discharge: a determination under 11 U.S.C. 1328 that the claim is dischargeable. See *id.*, p.6 (prayer for relief).

Defendant's tax claim apparently is founded on a sales tax assessment made under Cal. Code. Regs. tit. 18, §1702.6, which provides for personal liability of corporate officers and stockholders in certain circumstances.

(2) Defendant's Motion to Dismiss (dkt. 4), Plaintiff's Opposition (dkt. 7) and Defendant's Reply (dkt. 8, 9).

Defendant moves to dismiss Plaintiff's claim under 11 U.S.C. 505, asserting that this Bankruptcy Court lacks jurisdiction to hear the proceeding pursuant to 11 U.S.C. § 505(a)(2)(A). In the alternative Defendant asserts that if this Bankruptcy Court rules that it does have jurisdiction, then based on discretionary abstention and comity this claim should not be heard. The tentative ruling is to DENY the request to dismiss the Plaintiff's claim under 11 U.S.C. 505 for the reasons stated below.

Defendant also moved to dismiss Plaintiff/Debtor's claim under 11 U.S.C. 1328. The tentative ruling is to DENY that request as well, for the

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Chapter 13

reasons stated below.

The tentative ruling is that much of Defendant's objection (adv.dkt.9) to Plaintiff/Debtor's request for judicial notice ("RJN," adv.dkt.7) is well taken. But the tentative ruling is that this makes no difference to the outcome of the MTD.

(a) 11 U.S.C. § 505(a)(2)(A) does not Deprive this Bankruptcy Court of Jurisdiction, nor has Defendant established that dismissal is appropriate as a matter of discretionary abstention, comity, or other principles

Under 11 U.S.C. § 505(a)(2)(A) a bankruptcy court may not determine the legality of a tax if the legality of the tax previously was contested before and adjudicated by a judicial or administrative tribunal. 11 U.S.C. § 505(a)(2)(A) is a statutory embodiment of the principles of *res judicata*. See *Cent. Valley Agric. Enters. v. United States*, 531 F.3d 750, 755 (9th Cir. 2008). Plaintiff argues that *res judicata* cannot apply here because none of the prior proceedings addressed the merits of Plaintiff's challenge to the legality of the tax assessment.

On the one hand, Defendant points out that this adversary proceeding is the latest among numerous administrative hearings and State Court cases for much of the past a decade in which Plaintiff/Debtor challenged his tax liability, including raising the same challenges he now makes. It is certainly frustrating to have such long-running litigation.

On the other hand, the tentative ruling is that Plaintiff/Debtor is correct that none of these proceedings resulted in a final adjudication on the merits of his current claims - in fact, the administrative tribunals and the State Court expressly declined to reach those merits, at the request of Defendant (or its predecessor agency). The hearing panels convened by the administrative agency refused to question the legality of its own regulation, and the State Courts dismissed Plaintiff/Debtor's cases as they were barred by the requirement that Plaintiff/Debtor "pay first" and then sue for a refund, under Article XIII, Section 32 of the California Constitution. Adv.dkt. 4-1, PDF pp. 57-58. Without a final adjudication there is no *res judicata*, and the exception in 11 U.S.C. 505(a)(2)(A) does not apply.

True, Article XIII, Section 32 of the California Constitution normally would bars Plaintiff/Debtor's complaint because it requires that challenged tax assessments must be paid and can only be challenged via a postpayment refund action. But bankruptcy courts are vested with the authority to decide

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CONT... **Jeremy Daniel Kintner**

Chapter 13

tax issues pursuant to 11 U.S.C. § 505, without requiring debtors to pay the tax liability first.

The policy behind this statutory scheme is to "protect[] a debtor from being bound by a pre-bankruptcy tax liability determination that, because of a lack of financial resources, he or she was unable to contest." *In re Mantz*, 343 F.3d 1207, 1211 (9th Cir. 2003) (emphasis added). See also *Cent. Valley AG Enter. v. U.S.*, 531 F.3d 750, 755 (quoting and following *Mantz*).

As for principles of comity, Plaintiff/Debtor has cited authority that California itself would not apply *res judicata* to bar his claims. Nor does it appear that discretionary abstention is appropriate when the claims that Plaintiff/Debtor now seeks to assert have never been addressed, because of the "pay first" requirement.

True, Defendant asserts that Plaintiff/Debtor has resources that he has not disclosed, and that perhaps, unlike a typical debtor in bankruptcy, other creditors would not be harmed by enforcing the "pay first" requirement, and there would be no unfairness to Plaintiff/Debtor. But the tentative ruling is that (i) such evidentiary issues cannot be adjudicated in the context of a motion to dismiss; (ii) there is insufficient evidence presented; (iii) there are other remedies, such as dismissal of Plaintiff/Debtor's bankruptcy case, and possibly the imposition of a bar under 11 U.S.C. 109(g)(1), if it turns out that he is omitting assets or otherwise misusing the bankruptcy system; and (iv) any such considerations of the facts of this particular case do not bear on the interpretation of 11 U.S.C. 505.

For all of the foregoing reasons, the tentative ruling is that this Court has jurisdiction to hear this case, because none of the prior proceedings concluded with an "adjudication" as set forth in 11 U.S.C. § 505(a)(2)(A). Nor, in this motion to dismiss context, is this Bankruptcy Court persuaded that principles of comity or discretionary abstention prevent the consideration of Plaintiff/Debtor's claims under the "pay first" rule. Conceivably, if the record is further developed, such issues could be revisited in a motion to abstain or some other motion or proceeding, but that is not the subject of today's hearing and this Bankruptcy Court expresses no view on these issues.

(b) Dischargeability

Defendant asserts that a discharge is only granted upon completion of payments under 11 U.S.C. 1328, and no plan has yet been confirmed, so Plaintiff/Debtor fails to state a claim on which relief can be granted. But,

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CONT... **Jeremy Daniel Kintner**

Chapter 13

construing the Complaint in the light most favorable to Plaintiff/Debtor (as this Bankruptcy Court must in the MTD context), he is seeking a declaratory judgment, before committing to devoting all of his disposable income for five years, that such commitment will not be in vain.

The tentative ruling is that this is a proper use of a complaint for declaratory relief. Defendant has not cited any contrary authority.

(3) Future proceedings

The parties should be prepared to address anticipated future proceedings, and whether this Court should set deadlines or procedures. As a starting point, Plaintiff/Debtor is directed to clarify his theory of this adversary proceeding.

He acknowledges that Cal. Rev. & Tax. Code § 6829 provides for liability for corporate officers "or other person having control or supervision of, or who is charged with the responsibility for the filing of returns or the payment of tax," for unremitted sales and use taxes upon the "termination, dissolution or abandonment of the business of a corporation." See RJN (adv.dkt.7) Ex.5 at PDF p.55 (emphasis added), and see also *id.* at 162:21-25. His theory appears to be that Defendant (or its predecessor agency) acted beyond its authority when it promulgated a regulation (Cal. Code. Regs. tit. 18 §1702.6, RJN (adv.dkt.7) Ex.9 at PDF pp.85-87) interpreting the "termination" or "abandonment" of a "business" to include periods when the corporation was suspended and thus prohibited by law from conducting any business. Complaint (adv.dkt.1), pp. 3:16–19, 4:1–5. Plaintiff/Debtor is directed to clarify whether that is his theory.

Proposed order: Plaintiff/Debtor is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

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(1) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation

[Intentionally omitted.]

(3) Deadlines

This adversary proceeding has been pending since 11/9/20. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: TBD

Discovery cutoff (for completion of discovery): TBD

Expert(s) - deadline for reports: TBD

Expert(s) - discovery cutoff (if different from above): TBD

Dispositive motions to be heard no later than: TBD

Joint Status Report: 2/16/21

Continued status conference: 3/2/21 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct

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testimony by declaration unless excused: TBD

Trial commencement: TBD

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Tentative Ruling for 1/12/21:

Continue to 1/26/21 at 2:00 p.m. to be held contemporaneously with the hearing on the defendant's motion to dismiss (dkt. 4). Appearances are not required on 1/12/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

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CONT... Jeremy Daniel Kintner

Chapter 13

Debtor(s):

Jeremy Daniel Kintner

Represented By
David S Hagen

Defendant(s):

State of California Department of

Pro Se

Plaintiff(s):

Jeremy Daniel Kintner

Represented By
Mark Bernsley

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:17-23866 Felisa Dee Richards

Chapter 13

Adv#: 2:20-01665 Richards v. Ajax Mortgage Loan Trust 2018-G, Mortgage-Backed S

#3.00 Hrg re: Motion to Dismiss Complaint for Failure to State
a Claim Upon Which Relief Can be Granted

Docket 7

Tentative Ruling:

Please see the tentative ruling for the adversary status conference (Calendar No. 4, 1/26/21 at 2:00 p.m.).

Party Information

Debtor(s):

Felisa Dee Richards

Represented By
William D Bowen

Defendant(s):

Ajax Mortgage Loan Trust 2018-G,

Represented By
Reilly D Wilkinson

Plaintiff(s):

Felisa Dee Richards

Represented By
William D Bowen

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:17-23866 Felisa Dee Richards

Chapter 13

Adv#: 2:20-01665 Richards v. Ajax Mortgage Loan Trust 2018-G, Mortgage-Backed S

#4.00 Status Conference re: Adversary Complaint

Docket 1

Tentative Ruling:

Appearances are not required on 1/26/21.

(A) Current issues

(1) Defendant's Motion to Dismiss Complaint (adv. dkt. 7, "MTD"), Plaintiff/Debtor's limited opposition (adv. dkt. 11), Defendant's reply (adv. dkt. 14)

The tentative ruling is to grant the MTD, without leave to amend because, for the reasons set forth in Defendant's motion and reply papers, Debtor has not established that any amendment would not be futile. See Rule 15(a)(2) (Fed. R. Civ. P.), made applicable by Rule 7015 (Fed. R. Bankr. P.); *see also Amerisourcebergen Corp. v. Dialysis West, Inc.*, 445 F.3d 1132 (9th Cir. 2006) (Courts "need not grant leave to amend where the amendment . . . is futile").

(B) Status conference

The tentative ruling is that it is appropriate to set a continued status conference, notwithstanding the anticipated dismissal of the Complaint without leave to amend, to address any post-dismissal issues. *See, e.g.*, dkt. 12 (Wilkinson Decl.). The tentative ruling is to set that status conference for 3/9/21 at 2:00 p.m., with no written status report required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov

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instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Felisa Dee Richards

Represented By
William D Bowen

Defendant(s):

Ajax Mortgage Loan Trust 2018-G,

Pro Se

Plaintiff(s):

Felisa Dee Richards

Represented By
William D Bowen

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:13-26483 Saeed Cohen

Chapter 11

#5.00 Cont'd Status Conference re: Post Confirmation
fr. 5/23/17, 8/8/17, 9/12/17, 12/12/17, 1/9/18,
4/10/18, 4/17/18, 07/17/18, 11/20/18, 12/11/18,
03/12/19, 3/26/19; 08/06/19, 11/5/19, 12/10/19,
3/10/20, 6/30/20, 9/29/20

Docket 0

Tentative Ruling:

Tentative Ruling for 1/26/21:

Continue to 3/2/21 at 2:00 p.m. to address the following issues, with a brief status report due 2/16/21. Appearances are not required on 1/26/21.

This Court was persuaded to continue the 9/29/20 hearing based on the Debtor's status report (dkt. 1537) and required the filing of a written status report no later than 1/12/21. As of the date of this tentative ruling, no status report has been filed. Why not?

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 9/29/20:

Continue this status conference to 1/26/21 at 2:00 p.m., with a *brief* status report due 1/12/21 based on Debtor's status report (dkt. 1537). Appearances are not required on 9/29/20.

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[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Saeed Cohen

Represented By
Ron Bender
Krikor J Meshefejian
Kurt Ramlo
Beth Ann R Young
Todd M Bailey

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2:18-12429 Dana Hollister

Chapter 11

Adv#: 2:18-01203 The Bird Nest, LLC et al v. Hollister

#6.00 Cont'd Status Conference re: Complaint to Determine
Non-Dischargeability of Debt
fr. 8/14/18, 12/18/18, 6/4/19, 11/26/19, 12/10/19,
6/16/20, 12/08/20

Docket 1

***** VACATED *** REASON: Cont'd to 6/15/21 at 2:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem

Defendant(s):

Dana Hollister

Pro Se

Plaintiff(s):

The Bird Nest, LLC

Represented By
Howard Steinberg

Roman Catholic Archbishop of Los

Represented By
Howard Steinberg

The California Institute of the Sisters

Represented By
Howard Steinberg

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2:18-12429 Dana Hollister

Chapter 11

#7.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 10/1/19, 11/12/19, 11/21/19, 01/14/20, 03/03/20,
04/07/20, 5/19/20, 7/14/20, 7/28/20, 8/4/20, 9/15/20,
10/27/20

BOBS, LLC
vs
DEBTOR

Docket 936

***** VACATED *** REASON: This matter is scheduled to be heard on
04/27/21 at 2:00 p.m. per parties' Stipulation (dkt. 1319)**

Tentative Ruling:

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

Movant(s):

Bobs, LLC

Represented By
David I Brownstein
Gerrick Warrington

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2:18-12429 Dana Hollister

Chapter 11

#8.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/9/18, 3/20/18, 3/21/18, 4/17/18, 5/3/18, 5/7/18,
6/12/18, 6/22/18, 7/16/18, 8/3/18, 9/4/18, 11/6/18,
01/15/19, 1/29/19, 2/26/19, 3/26/19, 4/16/19;
04/29/19, 05/21/19, 5/28/19, 6/18/19, 7/2/19; 08/06/19,
10/15/19, 11/12/19, 11/21/19, 01/14/20, 3/3/20, 3/10/20,
04/07/20, 5/19/20, 6/16/20, 6/30/20, 7/14/20, 7/28/20,
8/4/20, 09/15/20, 10/27/20, 12/8/20

Docket 1

***** VACATED *** REASON: Cont'd to 2/25/21 at 9:00 a.m.**

Tentative Ruling:

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:00 PM

2:18-24302 GL Master Inc

Chapter 7

#9.00 Second Cont'd Evidentiary Hrg re: Order to Show Cause re: Civil Contempt and Directing (i) Debtor, (ii) Freda Wang, (iii) Thomas Polis, (iv) Lynn Chao, (v) The Law Offices of Lynn Chao to Appear and Show Cause Why This Court Should Not Find Them in Contempt and Impose Sanctions fr. 8/19/20, 9/17/20, 11/3/20, 12/1/20, 12/22/20, 1/5/21

Docket 173

Tentative Ruling:

Tentative Ruling for 1/26/21:

This Court anticipates issuing a Memorandum Decision, prior to the hearing, on the matters taken under submission. Appearances required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 1/5/21:

Continue to 1/26/21 at 2:00 p.m. for issuance of a Memorandum Decision on the matters taken under submission. Appearances are not required on 1/5/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/22/20:

Continue to 1/5/21 at 2:00 p.m. for issuance of a Memorandum Decision on the matters taken under submission. Appearances are not required on 12/22/20.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/1/20:

Continue to 12/22/20 at 2:00 p.m. for issuance of a Memorandum Decision on the matters taken under submission. Appearances are not required on 12/1/20.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances

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are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

GL Master Inc

Represented By
Thomas J Polis

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

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2:18-24302 GL Master Inc

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#10.00 Cont'd Order to Show Cause re: Civil Contempt Against
Young Young Food LLC, and For Sanctions
fr. 10/27/20, 12/1/20, 12/22/20, 1/5/21

Docket 213

Tentative Ruling:

Tentative Ruling for 1/26/21:

Appearances required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 1/5/21:

Continue to 1/26/21 at 2:00 p.m. for issuance of a Memorandum Decision on the related matters taken under submission (see calendar no.1, 1/5/21 at 2:00 p.m.). Appearances are not required on 1/5/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's

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COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/22/20:

This Court is very troubled by the reported state of discovery (*see, e.g.*, Alleged Employees' Reply, dkt. 264, filed 12/18/20). But this Court believes that the issues can be more productively addressed once this Court issues its Memorandum Decision on the related discovery disputes involving, *inter alia*, Debtor and its law firm, the Law Offices of Lynn Chao. Accordingly, the tentative ruling is to continue this hearing to 1/5/21 at 2:00 p.m. Appearances are not required on 12/22/20.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 12/1/20:

Appearances required.

Current issues

(a) Contempt order (dkt. 237)

(i) Compensatory sanctions

This Court has reviewed the Alleged Employees' time records (dkt. 241). As of the preparation of this tentative ruling, YYF has not filed an opposition.

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The tentative ruling is to award fees in the amount of \$12,100 and costs in the amount of \$59.85, for a total compensatory sanction against YYF in the amount of **\$12,159.58**, payable to the Alleged Employees as compensation for the fees and costs they were forced to incur to compel compliance.

(ii) Status of compliance

The parties should be prepared to advise this Court on whether (x) coercive sanctions are appropriate (*i.e.*, whether Young failed to produce all responsive documents by 11/20/20 at 5:00 p.m.); and (y) Young responded to the Alleged Employees' written interrogatories by the 11/25/20 at noon deadline.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 10/27/20:

Appearances required.

Current issues

(1) Alleged employees' motion for issuance of order directing Young Young Food LLC ("YYF") to appear for 2004 examination and production of documents (dkt. 146, "2004 Motion"); Order granting 2004 Motion (dkt. 160, "2004 Order"); Alleged employees' motion for issuance of OSC re contempt (dkt. 202, "Motion for OSC"), Order setting hearing on Motion for OSC (dkt. 215, the "OSC"), YYF's opposition papers (dkt. 225, 226, 227), Alleged employees' reply papers (dkt. 228, 230)

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GL Master Inc

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The tentative ruling is to find YYF in contempt of court and impose sanctions in an amount to be determined at the hearing and subsequent proceedings, as set forth below.

(a) The alleged employees have made a sufficient showing that YYF violated this Court's 2004 Order and YYF has not responded with argument or evidence establishing that it was impossible to comply

The tentative ruling is to overrule YYF's opposition, grant the Sanctions Motion for the reasons stated in the Alleged Employees' reply papers (dkt. 228, 230), and find that YYF is in contempt of the 2004 Order.

In addition and alternatively, the tentative ruling is that on the merits this Court is not persuaded by YYF's arguments that the (i) 2004 Order is overbroad and (ii) seeks discovery that could and should have been sought in a pending nonbankruptcy proceeding for the same reasons stated in this Court's prior rulings and orders addressing those arguments. See Order (dkt. 173) at PDF p.12, para. "(b)"; Order (dkt. 117) at PDF p.5, para. "(c)"; and Order (dkt. 101) at PDF pp.6-7, para. "(3)."

(b) Sanctions

(i) Compensatory

The tentative ruling is to grant the Alleged Employees' request for compensatory sanctions to reimburse them for their costs incurred preparing and filing the Sanctions Motion, responding to the OSC, and appearing at this hearing. The tentative ruling is to set **a deadline of 11/5/20** for the Alleged Employees to file and serve a declaration setting forth their time records and expenses, **11/13/20 for any opposition, 11/19/20 for any reply, and a hearing on 12/1/20 at 2:00 p.m.**

(ii) Coercive

The tentative ruling is to award coercive sanctions, in an escalating dollar amount to be addressed at the hearing.

(iii) Examination by written discovery

The tentative ruling is to grant the Alleged Employees' request to obtain written discovery of YYF, *in lieu* of any in person examination out of concerns presented by the risks of COVID-19, by propounding 20 interrogatories on YYF, without prejudice to any follow-up discovery. The parties should be prepared to address what deadlines, if any, this Court should set for serving and responding to the Alleged Employees' interrogatories (or if this Court should defer to the parties to act within the usual procedures).

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GL Master Inc

Chapter 7

Proposed order: Alleged Employees are directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, all appearances are telephonic via CourtCall at (888) 882-6878.

Party Information

Debtor(s):

GL Master Inc

Represented By
Thomas J Polis

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

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Los Angeles
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2:19-18316 Ashley Susan Aarons

Chapter 11

#11.00 Cont'd hrg re: U.S. Trustee's Motion to Dismiss or Convert Case
fr. 10/15/19, 10/29/19, 12/10/19, 1/14/20, 03/31/20, 4/7/20,
4/21/20, 5/5/20, 6/16/20, 6/30/20, 8/4/20, 9/29/20, 10/14/20,
10/23/20, 11/12/20, 12/8/20, 12/22/20, 1/5/21

Docket 65

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the status conference (Calendar No. 13,
1/26/21 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

Movant(s):

United States Trustee (LA)

Represented By
Dare Law
Alvin Mar
Ron Maroko

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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2:19-18316 Ashley Susan Aarons

Chapter 11

#12.00 Cont'd hrg re: Plan Confirmation and Related Deadlines
fr. 9/29/20, 10/14/20, 10/23/20, 11/12/20, 12/8/20, 12/22/20,
1/5/21

Docket 313

Tentative Ruling:

Tentative Ruling for 1/26/21:

Please see the tentative ruling for the status conference (Calendar No. 13,
1/26/21 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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2:19-18316 Ashley Susan Aarons

Chapter 11

#13.00 Cont'd Status Conference re: Chapter 11 Case
fr. 8/20/19, 9/24/19, 10/4/19, 10/15/19, 10/29/19,
11/12/19, 12/10/19, 1/14/20, 03/31/20, 4/7/20,
4/21/20, 5/5/20, 6/16/20, 6/30/20, 8/4/20, 9/29/20,
10/14/20, 10/22/20, 11/12/20, 12/8/20, 12/22/20,
1/5/21

Docket 1

Tentative Ruling:

Tentative Ruling for 1/26/21:
Appearances required.

(1) Current issues

(a) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65, "MTD"), Debtor's opposition (dkt. 86), UST's reply (dkt. 168, 170), Debtor's response (dkt. 179), Debtor's status report (dkt. 180), stipulation and order re pre-petition bank account (dkt. 212, 221)

The outcome of this motion may depend on whether this Court confirms Debtor's amended plan.

(b) Debtor's Amended plan (dkt. 313) (see also Disclosure Statement, dkt. 311), order setting confirmation hearing (dkt. 317), proof of service of solicitation package (dkt. 324), Debtor's confirmation brief (dkt. 329), ballot summary (dkt. 330), objection of Post Acute Care Partners, Inc. ("Post") (dkt. 332), objection of Shiv Raj & Saroj Gupta ("Guptas") (dkt. 333), Debtor's Reply (dkt. 335), Debtor's supplemental brief (dkt. 369), Guptas' supplemental response (dkt. 372), supplemental response of Verus Securitization Trust 2020-NPL1 ("Verus"), as successor to Patch of Land et al. (dkt. 373), Debtor's supplemental reply (dkt. 374)

The tentative ruling is that if Debtor can provide evidence, or an offer of proof, regarding removal of the appraisal contingency on the JSS Financial refinancing (see dkt.374, p.5:5-7), the imminent payment of Verus, and the alleged commitment of Janet Sexton to contribute \$45,000, then Debtor will have presented sufficient evidence of feasibility, sufficient "new value" to

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Chapter 11

satisfy the "new value corrolary" (aka "exception") to the absolute priority rule, good faith, and the other elements required for confirmation. Although some significant uncertainties remain, and although it is possible that nonpriority unsecured creditors would receive a greater recovery in some scenarios, it is more likely on the present record that they would receive less in most scenarios, and as a matter of law Debtor is only required to show that the plan's treatment of non-consenting impaired classes is "fair and equitable" and does not discriminate unfairly - not that the plan is the best of all possible outcomes.

(3) Deadlines/dates. This case was filed on 7/17/19.

- (a) Bar date: 12/20/19, dkt. 116 (timely served, dkt. 120)
- (b) Procedures order: dkt.9 (timely served, dkt.18)
- (c) AmPlan/AmDisclosure Statement*: See above.
- (d) Continued status conference: If there are unresolved confirmation issues, this Court anticipates setting either a continued hearing/status conference on 3/2/21 at 2:00 p.m. and/or a further evidentiary hearing (at a date and time to be determined).

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

**Tentative Ruling for 1/5/20 (substantially the same as for 10/6/20
[continued per dkt. 339],10/14/20, 10/22/20, 11/12/20, 12/8/20, 12/22/20**

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[continued with no change]:

Appearances required.

(1) Current issues

(a) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65, "MTD"), Debtor's opposition (dkt. 86), UST's reply (dkt. 168, 170), Debtor's response (dkt. 179), Debtor's status report (dkt. 180), stipulation and order re pre-petition bank account (dkt. 212, 221)

The outcome of this motion may depend on whether this Court confirms Debtor's amended plan.

(b) Debtor's Amended plan (dkt. 313) (see also Disclosure Statement, dkt. 311), order setting confirmation hearing (dkt. 317), proof of service of solicitation package (dkt. 324), Debtor's confirmation brief (dkt. 329), ballot summary (dkt. 330), objection of Post Acute Care Partners, Inc. ("Post") (dkt. 332), objection of Shiv Raj & Saroj Gupta ("Guptas") (dkt. 333), Debtor's Reply (dkt. 335)

This Court has reviewed Debtor's latest status report (dkt. 363) regarding the continued delays in obtaining any relief from the stay in the Florida Receivership case. The parties are directed to address whether they will consent to a further continuance.

Debtor is also directed to provide an update regarding any proposed resolutions with the Guptas and others, and any proposed refinancing.

(c) MOR (10/31/20, dkt.355)

Debtor is expending substantial sums described only as "marketing." Debtor is directed to address what is the actual nature of these expenses.

(3) Deadlines/dates. This case was filed on 7/17/19.

(a) Bar date: 12/20/19, dkt. 116 (timely served, dkt. 120)

(b) Procedures order: dkt.9 (timely served, dkt.18)

(c) AmPlan/AmDisclosure Statement*: See above.

(d) Continued status conference: If there are unresolved confirmation issues, this Court anticipates setting either a continued hearing/status conference on 1/26/20 at 2:00 p.m. and/or a further evidentiary hearing (at a date and time to be

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*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[INTERIM TENTATIVE RULINGS OMITTED]

Tentative Ruling for 9/29/20:

Appearances required.

(1) Current issues

(a) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65, "MTD"), debtor's opposition (dkt. 86), UST's reply (dkt. 168, 170), debtor's response (dkt. 179), debtor's status report (dkt. 180), stipulation and order re pre-petition bank account (dkt. 212, 221)

There is no tentative ruling. The outcome of this motion may depend on whether this Court confirms Debtor's amended plan.

(c) Debtor's Amended plan (dkt. 313) (see a/so Disclosure Statement, dkt. 311), order setting confirmation hearing (dkt. 317), proof of service of solicitation package (dkt. 324), Debtor's confirmation brief (dkt. 329), ballot summary (dkt. 330), objection of Post Acute Care Partners, Inc. ("Post") (dkt. 332), objection of Shiv Raj & Saroj Gupta ("Guptas") (dkt. 333), Debtor's Reply (dkt. 335)

The tentative ruling is that (x) Debtor has adequately addressed Post's

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objection; (y) Debtor has adequately addressed the non-materiality of her proposed minor modifications to the Plan (*i.e.*, re-balloting is not required); and (z) Debtor has provided sufficient arguments and evidence to overrule most of the Guptas' objections. The Guptas' objections that Debtor has not yet sufficiently addressed are explained below.

(A) Best Interest Test (11 U.S.C. 1129(a)(7)): Debtor's calculations require an adjustment, but even with an adjustment the Guptas have not rebutted Debtor's showing that the Plan satisfies the best interest test

The tentative ruling is that Debtor's alternative liquidation analysis (dkt.335, pp.11-12) should be adjusted to account for the possibility that the secured claim asserted by Patch Of Land ("Patch" or "POL") might be reduced to some extent, based on objections to default interest and other claims by the bankruptcy estate. But the tentative ruling - based on this Court's familiarity with numerous disputes in other cases regarding default rates of interest and other charges - is that the possibility of such reduction, discounted to present value, is less than shortfall in funds that would be available in any hypothetical chapter 7 case. See Debtor's Reply (dkt.335), p.12. See *generally, e.g., East-West Bank v. Altadena Lincoln Crossing, LLC*, 598 B.R. 633 (C.D. Cal. 2019)

The tentative ruling is that a precise dollar estimate is not required because the shortfall is hundreds of thousands of dollars; the discount to Patch's claim would not be greater than that. In other words, even with the adjustment to Patch's claim as described above, there would be \$-0- for general unsecured creditors in a hypothetical chapter 7 case.

Alternatively, assuming for the sake of discussion that any adjustments to Debtor's liquidation analysis would be enough to provide any projected recovery for nonpriority unsecured creditors, that in itself does not establish that liquidation would be in the best interests of creditors. Rather, the issue would require further evidence because any such projected chapter 7 recovery still would have to exceed the projected recovery under Debtor's proposed Plan, and the latter requires more evidence (as noted below).

(B) Adequate means for implementation (11 U.S.C. 1123(a)(5)) and feasibility (11 U.S.C. 1129(a)(11))

Debtor is directed to address whether she has evidence of sufficient loan commitments and/or gift commitments from family and friends to make

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her proposed commitments in the Plan adequate and feasible. See, e.g., Debtor's Reply (dkt.335), p.14:2-8. The parties are directed to address whether any evidentiary hearing will be necessary to address the sufficiency of such evidence, and the possible scheduling of any such evidentiary hearing and any related matters.

(2) Deadlines/dates. This case was filed on 7/17/19.

(a) Bar date: 12/20/19, dkt. 116 (timely served, dkt. 120)

(b) Procedures order: dkt.9 (timely served, dkt.18)

(c) AmPlan/AmDisclosure Statement*: See above.

(d) Continued status conference: If there are unresolved confirmation issues, this Court anticipates setting either a continued hearing/status conference on 10/6/20 at 2:00 p.m. and/or an evidentiary hearing (at a date and time to be determined). Alternatively, if the Plan were to be confirmed at today's hearing, the tentative ruling would be to set a post-confirmation status conference for 1/12/21 at 2:00 p.m.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, all appearances are telephonic via CourtCall at (888) 882-6878.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

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Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se