

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

Tuesday, June 16, 2020

Hearing Room 1545

10:00 AM

2:16-12679 Michael R Totaro

Chapter 7

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

U.S. BANK NA
vs
DEBTOR

Docket 369

***** VACATED *** REASON: Cont. to 7/28/20 at 10am per stip. (dkt. 375)
and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael R Totaro

Represented By
Martina A Slocomb
Candice Candice Bryner

Movant(s):

U.S. Bank NA, successor trustee to

Represented By
Robert P Zahradka

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Eric P Israel

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

Tuesday, June 16, 2020

Hearing Room 1545

10:00 AM

2:19-14300 Fretze Maria Majied

Chapter 13

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

WILMINGTON TRUST,
NATIONAL ASSOICATION
vs
DEBTOR

Docket 28

Tentative Ruling:

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 6/30/20. 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. 30).

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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10:00 AM

CONT... Fretze Maria Majied

Chapter 13

Debtor(s):

Fretze Maria Majied

Represented By
Philomena N Nzegge

Movant(s):

Wilmington Trust, National

Represented By
Cassandra J Richey

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:19-24696 Elin Khachatourian

Chapter 13

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

SPECIALIZED LOAN SERVICING LLC
vs
DEBTOR

Docket 44

Tentative Ruling:

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 6/30/20. 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 (b) whether they will agree to the terms of an adequate protection order and/or (c) whether Movant will consent to a 30 day continuance (see the debtor's response, dkt. 47).

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
Central District of California
Los Angeles
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10:00 AM

CONT... Elin Khachatourian

Chapter 13

Debtor(s):

Elin Khachatourian

Represented By
Jeffrey J Hagen

Movant(s):

Specialized Loan Servicing LLC

Represented By
Mukta Suri
Erin M McCartney

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:20-11745 Douglas Wallace

Chapter 13

#4.00 **[CASE DISMISSED ON 6/2/20]**

Hrg re: Motion for relief from stay [RP]

NATIONSTAR MORTGAGE, LLC

vs

DEBTOR

Docket 22

*** VACATED *** REASON: Voluntary dismissal of motion (dkt. 27)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Wallace

Represented By
Eva M Hollands

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Merdaud Jafarnia
Jennifer C Wong

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:20-14860 Glen Yamil Valladares

Chapter 13

#5.00 Hrg re: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 12

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

After the hearing date this Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic

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CONT...

Glen Yamil Valladares

Chapter 13

stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this Court provides the foregoing simple process for reconsideration.

(3) Very limited ruling. This Court's tentative ruling to grant the foregoing relief is solely for purposes of this motion, and is not intended to have any binding effect with respect to any future assertions by any party in interest regarding the existence or lack of existence of good faith in any other context.

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):

Glen Yamil Valladares

Represented By
William J Smyth

Movant(s):

Glen Yamil Valladares

Represented By
William J Smyth

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:20-15207 Nora Alicia Saenz

Chapter 13

#5.10 Hrg re: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 7

Tentative Ruling:

Grant, subject to the following conditions, and also subject to any opposition at the hearing (see dkt. 10). 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Key documents reviewed (other than the motion papers): Docket entries for Debtor's two most recent bankruptcies (2:20-bk-11450-NB, 2:20-bk-12746-NB).

After the hearing date this Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court

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CONT...

Nora Alicia Saenz

Chapter 13

will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this Court provides the foregoing simple process for reconsideration.

(3) Very limited ruling. This Court's tentative ruling to grant the foregoing relief is solely for purposes of this motion, and is not intended to have any binding effect with respect to any future assertions by any party in interest regarding the existence or lack of existence of good faith in any other context.

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):

Nora Alicia Saenz

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:17-23866 Felisa Dee Richards

Chapter 13

#6.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 1/7/20, 1/28/20, 02/18/20, 3/26/20

AJAX MORTGAGE LOAN TRUST 2018-G
vs
DEBTOR

Docket 116

Tentative Ruling:

Tentative Ruling for 6/16/20:

Appearances required, but pursuant to Judge Bason's COVID19 Procedures, **telephonic appearances are REQUIRED until further notice.**

Please contact CourtCall at (888) 882-6878 to make arrangements. 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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

At the hearing on 3/26/20 this Court declined to order adequate protection payments or set a deadline for a sale or refinance, in view of the alleged equity in the property and the COVID-19 situation. But (a) this Court cautioned Debtor about the need to move forward with a refinance, sale, or other resolution of the parties' issues, and (b) this Court directed Debtor to file a status report no later than 6/2/20.

As of the preparation of this tentative ruling, no status report has been filed. Debtor is directed to address what sanction should be imposed for disregarding this Court's order to file a status report.

On the merits, the tentative ruling is to set a deadline of 9/15/20 to file and serve a motion for a sale or refinance to pay off movant, and self-calendar that motion for hearing no later than 10/22/20 at 8:30 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

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CONT... Felisa Dee Richards

Chapter 13

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 3/26/20 (same as for 3/10/20 except for telephonic procedures):

Appearances required, but pursuant to Judge Bason's COVID19 Procedures, **telephonic appearances are REQUIRED until further notice.**

Please contact CourtCall at (888) 882-6878 to make arrangements. 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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This matter was continued to this date to allow time for the parties to negotiate regarding the issues addressed in the tentative ruling for 2/18/20 (reproduced below). Has this matter been resolved?

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 2/18/20:

This matter was continued to this date (a) to allow time for Debtor to substitute in new counsel and (b) for Debtor to determine whether she can and will refinance the debt, or sell the property, or propose some other realistic strategy for addressing her missed payments. The tentative ruling is to set a deadline of 4/6/20 for Debtor to file and serve a motion seeking authorization for one of those methods of curing her defaults, to be self-

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Central District of California
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10:00 AM

CONT... Felisa Dee Richards

Chapter 13

calendared for hearing no later than 4/30/20 at 8:30 a.m. Meanwhile, the tentative ruling is to continue this hearing to 4/7/20 at 10:00 a.m.

Appearances are not required on 2/18/20.

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.

Tentative Ruling for 1/28/20:

Appearances required. This matter was continued to this date to allow time for the parties to attempt to resolve this dispute. Based on this Court's review of the filed documents and records in this case, including Debtor's response (dkt.119) and Movant's reply (dkt.124) the tentative ruling is that Debtor has not rebutted Movant's evidence that Debtor is seriously in default, but that Debtor as the owner of the property is competent to provide an opinion as to its value, and Debtor has asserted a very substantial equity cushion, so the parties should be prepared to address whether Debtor can and will refinance the debt, or sell the property, or propose some other realistic strategy for addressing her 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.

Tentative Ruling for 1/7/20:

Grant as provided below. Appearances are not required.

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).

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, June 16, 2020

Hearing Room 1545

10:00 AM

CONT... Felisa Dee Richards

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.

Party Information

Debtor(s):

Felisa Dee Richards

Represented By
William D Bowen

Movant(s):

Ajax Mortgage Loan Trust 2018-G,

Represented By
Joshua L Scheer
Reilly D Wilkinson

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:18-13303 Ryan Gregory Ortiz and Debra Diane Ortiz

Chapter 13

#7.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 03/31/20, 5/5/20

DITECH FINANCIAL LLC
VS
DEBTOR

Docket 49

***** VACATED *** REASON: Withdrawal filed [dkt. 55]**

Tentative Ruling:

Party Information

Debtor(s):

Ryan Gregory Ortiz

Represented By
Charles J Brash

Joint Debtor(s):

Debra Diane Ortiz

Represented By
Charles J Brash

Movant(s):

Ditech Financial LLC

Represented By
Daniel K Fujimoto
Julian T Cotton
Caren J Castle

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:19-17441 Bryan C Woods and Donna P Woods

Chapter 13

#8.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/12/20

WILMINGTON SAVINGS FUND SOCIETY, FSB
vs
DEBTOR

Docket 31

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue this hearing to 8/24/20 at 10:00 a.m., in view of the three month forbearance agreement (see dkt. 35). Appearances are not required on 6/16/20.

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 6/30/20. 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.

Party Information

Debtor(s):

Bryan C Woods

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, June 16, 2020

Hearing Room 1545

10:00 AM

CONT... Bryan C Woods and Donna P Woods

Chapter 13

Joint Debtor(s):

Donna P Woods

Pro Se

Movant(s):

Wilmington Savings Fund Society,

Represented By
Nichole Glowin
Arnold L Graff

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:19-18306 Rose J West

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [PP]
fr. 5/12/20

JPMORGAN CHASE BANK, NA
VS
DEBTOR

Docket 56

*** VACATED *** REASON: APO

Tentative Ruling:

Party Information

Debtor(s):

Rose J West

Represented By
Daniela P Romero

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
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
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Tuesday, June 16, 2020

Hearing Room 1545

10:00 AM

2:17-20998 Alfred Ken Wing Li

Chapter 13

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 03/03/20, 03/31/20, 5/5/20, 5/19/20

AJAX MORTGAGE LOAN TRUST 2018-G,
MORTGAGE-BACKED SECURITIES, 2018-G
VS
DEBTOR

Docket 30

*** VACATED *** REASON: APO

Tentative Ruling:

Party Information

Debtor(s):

Alfred Ken Wing Li

Represented By
Ryan A. Stubbe

Movant(s):

Ajax Mortgage Loan Trust 2018-G,

Represented By
Reilly D Wilkinson

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, June 16, 2020

Hearing Room 1545

10:00 AM

2:20-10151 Travestine Lenette Casey

Chapter 13

#11.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/12/20

BANK OF NEW YORK MELLON TRUST CO
VS
DEBTOR

Docket 26

*** VACATED *** REASON: APO

Tentative Ruling:

Party Information

Debtor(s):

Travestine Lenette Casey

Represented By
Onyinye N Anyama

Movant(s):

Bank of New York Mellon Trust

Represented By
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, June 16, 2020

Hearing Room 1545

10:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 11

#12.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 3/10/20, 5/19/20

WILMINGTON SAVINGS FUND SOCIETY
VS
DEBTOR

Docket 147

*** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See #7.1 at 2:00 p.m.

Tentative Ruling:

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr

Movant(s):

WILMINGTON SAVINGS FUND

Represented By
Joshua L Scheer

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

Tuesday, June 16, 2020

Hearing Room 1545

10:00 AM

2:16-25325 Karen Deshawn Taylor

Chapter 13

#13.00 Cont'd hrg re: Motion for relief from stay [RP]

HERITAGE ESTATES OF COMPTON
HOMEOWNERS ASSOC
vs
DEBTOR

Docket 80

Tentative Ruling:

Tentative Ruling for 6/16/20:
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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

At the 6/2/20 hearing, this Court was persuaded to continue this matter for a possible adequate protection order. 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 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.

**United States Bankruptcy Court
Central District of California
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Tuesday, June 16, 2020

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10:00 AM

CONT... Karen Deshawn Taylor

Chapter 13

Tentative Ruling for 6/2/20:

Grant as set forth below. Appearances are not required. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

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

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

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CONT... Karen Deshawn Taylor

Chapter 13

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):

HERITAGE ESTATES OF

Represented By
Erica T Loftis Pacheco
Reilly D Wilkinson

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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11:00 AM

2:19-19102 Patricia L Fisher and Rodney D Fisher

Chapter 7

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

Docket 23

Tentative Ruling:

Approve the Trustee's final report and allow the Trustee \$387.00 in fees and \$406.50 in expenses, for a total award of \$406.50. Appearances are not required. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

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).

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):

Patricia L Fisher

Represented By

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CONT... Patricia L Fisher and Rodney D Fisher

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Mark J Markus

Joint Debtor(s):

Rodney D Fisher

Represented By

Mark J Markus

Trustee(s):

David M Goodrich (TR)

Pro Se

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Hearing Room 1545

11:00 AM

2:18-20704 Finnian Osakpamwan Ebuehi and Elizabeth Olohirere

Chapter 7

#3.00 Order to Show Cause re: Civil Contempt and Sanction Against Debtors

Docket 310

Tentative Ruling:

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Current issues

(1) Background

Finnian Osakpamwan Ebuehi and Elizabeth Olohirere Ebuehi ("Debtors") filed a voluntary chapter 11 case on 9/12/18. On 10/18/19, this Court entered an order converting the case to chapter 7 (dkt. 161).

Peter J. Mastan is the Chapter 7 Trustee (the "Trustee"). As part of the Trustee's efforts to administer Debtors' estate, the Trustee sought authority to employ real estate brokers to assist the Trustee in marketing and selling the estate's real property, including Debtors' residence located at 619 W. Gladstone Street, Glendora, CA 91740 (the "Gladstone Property") (dkt. 219), which this Court approved by order entered 1/28/20 (dkt. 232).

(a) Trustee moves for order compelling Debtors to turn over the Gladstone Property

On 3/10/20, the Trustee filed a "Motion for (1) Order to Compel Turnover of Property of the Bankruptcy Estate and Establishing Procedures for Removal and Disposal of Any Remaining Personal Property, and (2) Writ of Assistance (dkt. 263, the "Turnover Motion"). That motion was self-calendared for hearing on 3/31/20 at 11:00 a.m.

Among other things, the Turnover Motion described a considerable

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CONT... **Finnian Osakpamwan Ebuehi and Elizabeth Olohirere** **Chapter 7**

period of alleged non-cooperating by Debtors, and sought an order compelling Debtors to personally vacate the Gladstone Property and remove all personal property within two business days of entry of any order on the motion (*Id.*). Debtors did not file an opposition to the Turnover Motion.

In advance of the hearing on the Turnover Motion, this Court posted a tentative ruling indicating its intent to grant the Turnover Motion in its entirety. Debtors did not appear (telephonically), either through counsel or individually, to contest the tentative ruling. This Court adopted the tentative ruling as the final ruling.

On 4/2/20, this Court entered its "Order Compelling Turnover of Property of the Bankruptcy Estate and Establishing Procedures for Removal and Disposal of any Remaining Personal Property; Writ of Assistance (dkt. 282, the "Turnover Order").

(b) Debtors seek reconsideration of Turnover Order

After the hearing on the Turnover Motion, on April 2, 2020, Debtors filed an opposition to the Turnover Motion (dkt. 279), but Debtors did not alert this Court to that filing or take any other action in connection with that filing. In addition, the opposition failed to attach any evidence in support of Debtors' arguments.

On 3/3/20, Debtors filed an "Emergency Motion for Stay of Order of April 2, 2020, for Turnover of Property" (dkt. 303, the "Reconsideration Motion"), pursuant to which Debtors sought a stay of the effectiveness of this Court's Turnover Order and other related relief. On 5/5/20, the Trustee filed an opposition and requested in that opposition that this Court issue an order to show cause re contempt (dkt. 304).

On 5/6/20, this Court issued its "Order Denying Motion for Reconsideration of Turnover Order" (dkt. 307), denying the Reconsideration Motion without prejudice. That order also denied without prejudice the Trustee's request for issuance of an OSC, because that request was required to be made via a separate motion.

As of the preparation of this tentative ruling, Debtors have not renewed their request for reconsideration of the Turnover Order.

(c) Trustee's motion for issuance of order to show cause ("OSC") re contempt, and issuance of the OSC

On 5/8/20, the Trustee filed his "Motion for Order to Show Cause re Civil Contempt and Sanctions against Debtors" (dkt. 310, the "Sanctions Motion"). On 5/15/20, Debtors filed an opposition (dkt. 315).

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On 5/19/20, this Court issued the requested OSC (dkt. 318). The OSC directs Debtors to appear telephonically at a hearing on 6/16/20 at 11:00 a.m. to show cause why this Court should not enter an order pursuant to Rules 7070 and 9020 (Fed. R. Bankr. P.) that holds them in civil contempt for violating the Turnover Order and imposes compensatory and coercive sanctions against them.

The OSC also directs Debtors to file a response by no later than 6/2/20 that, among other things, attaches "evidence of any efforts to lease alternative housing accommodation(s) and any efforts undertaken in preparation of moving, such as emails to prospective moving services or to prospective renters of storage space, etc." (dkt. 318, p.3:10-14). On 6/2/20, Debtors filed their response (dkt. 329).

Debtors advance two arguments. First, they repeat the arguments previously made in the Reconsideration Motion that their illnesses and the current "shelter-in-place" restrictions imposed by COVID-19 have prevented them from being able to arrange to move out and find suitable alternative accommodations. Second, Debtors dispute the Trustee's factual allegations that they have been uncooperative with the Trustee's broker's efforts to show the Gladstone Property to prospective buyers. Debtors' response also attaches e-mail correspondence dated 5/26/20, 5/27/20, 5/28/20, and 6/1/20 (dkt. 329, Exs. 2-5) in support of their contention that since the issuance of the Turnover Order, they have tried to comply with the Turnover Order in good faith.

On 6/9/20, the Trustee submitted his reply (dkt. 334).

(2) Debtors' request for an advance on their possible future proceeds from their homestead exemption

Included within Debtors' response to the OSC is their request for an order directing the Trustee to advance them funds on account their possible future proceeds from their homestead exemption. The tentative ruling is to deny Debtors' request for multiple alternative reasons.

First, Debtors have not filed and served a separate motion seeking such relief, so that request is not properly presented for consideration at this time. Second, Debtors have not cited any persuasive legal authority in support of compelling the Trustee to advance anticipated net proceeds on their homestead. Third, as the Trustee points out in his reply (dkt.334, p.7:7-16), Debtors have not provided evidence that they actually need an

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advance in order to move out. Fourth, as unfortunate as it might be for Debtors to have to move to a smaller or less attractive home, many debtors have to move out of their homes (some even have no choice but to be homeless) and this Bankruptcy Court is not aware that it has any authority to require creditors to loan debtors funds for housing. Fifth, even if this Bankruptcy Court had some legal and evidentiary basis to require an advance of prospective homestead proceeds, any such advance does not appear to be appropriate on the present record, based on the evidence of Debtors' ongoing obstruction of the Trustee's administration of the estate and depletion of available funds for creditors.

(3) Contempt and Sanctions

For the reasons set forth in the Trustee's motion (dkt. 310) and reply (dkt. 334), the tentative ruling is to hold Debtors in contempt of this Court and impose sanctions as set forth below.

(a) Legal standards

Bankruptcy courts have the authority to impose civil contempt sanctions under 11 U.S.C. 105(a). *In re Dyer*, 322 F.3d 1178, 1189-90 (9th Cir. 2003). "The standard for finding a party in civil contempt is well settled: The moving party has the burden of showing by clear and convincing evidence that the contemnors violated a specific and definite order of the court." *Dyer*, 322 F.3d at 1191. "The burden then shifts to the contemnors to demonstrate why they were unable to comply." *F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999). "A person fails to act as ordered by the court when he fails to take all the reasonable steps within his power to ensure compliance with the court's order." *Rosales v. Wallace (In re Wallace)*, 490 B.R. 898, 905 (9th Cir. BAP 2013).

(b) Contempt

In support of the Sanctions Motion, the Trustee submitted a copy of the Turnover Order (dkt. 310, Ex. 2) which states, among other things, that:

[t]he Debtors . . . shall deliver possession of the Gladstone Property to the Trustee (by personally vacating the Gladstone Property, removing all of their personal property from the Gladstone Property, leaving the Gladstone Property in broom-clean condition, and delivering to the Trustee the keys to the Gladstone Property, security codes for all security systems, and any garage door and/or driveway gate remote controls that may exist) **within two (2) business days**

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after the entry of the Order on this Motion. [*Id.*, p.2:17-24.]

The Trustee also attaches evidence establishing that Debtors have willfully failed to vacate the Gladstone Property by April 7, 2020 as required by the Turnover Order (Mastan Decl., ¶6).

Based on the foregoing, the tentative ruling is that the Turnover Order is definite and specific and the Trustee has met his prima facie burden of showing by clear and convincing evidence that Debtors have violated the Turnover Order by failing to vacate and deliver possession of the Gladstone Property to the Trustee by April 7, 2020. The tentative ruling is also that the burden shifted to Debtors to demonstrate why they were unable to comply with the Turnover Order and they have not established that they took all reasonable steps within their power to ensure compliance with that order.

In response to the Sanctions Motion and OSC, Debtors do not dispute that they are aware of the Turnover Order and have not moved out of the Gladstone Property (see dkt. 329, Elizabeth Ebuehi Decl., ¶ 15; Finnian Ebuehi Decl., ¶ 16). Instead, Debtors offer a number of excuses for their non-compliance, but their evidence does not substantiate their claims and contains too many gaps for this Court to find that they have adequately rebutted the Trustee's evidence that they are willfully flouting this Court's Turnover Order.

As set forth in the Trustee's reply (dkt.334, pp.3:2-4:5 and p.7:7-16) (i) Debtors' evidence shows only very belated attempts to pursue other housing; (ii) Debtors' evidence shows that they have pursued housing only of a type that they find suitable to the lifestyle they would like to maintain (as distinguished from cheaper housing, or moving in with their children, or exploration of any other alternatives); (iii) Debtors present no evidence of exploration of alternative means of obtaining even that more expensive housing, such as using the money that they are not spending (by living rent-free at the expense of the bankruptcy estate) to save for a large security deposit or prepaid rent; and (iv) Debtors have presented no evidence whatsoever of any attempts to arrange for the sale or storage or other disposition of their personal property in anticipation of actually moving out.

To the contrary, the evidence before this Court appears to show only minimal efforts to relocate – most of which occurred after the issuance of the OSC. This falls far short of the evidentiary showing Debtors are required to make to avoid a finding of contempt. See *e.g. FTC v. Affordable Media*, 179 F.3d at 1241 (finding inability to comply with a court order is a defense, but

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the burden is on the contemnor to show "categorically and in detail" how compliance is "impossible"); *United States v. Asay*, 614 F.2d 655, 660 (9th Cir. 1980) (It is not enough to show "substantial," "diligent," or "good faith" efforts to comply (as opposed to making *all* reasonable efforts to comply); *Reno Air Racing Assn. Inc. v. McCord*, 452 F.3d 1126, 1130 (9th Cir. 2006).

Additionally, Debtors' focus on whether they have cooperated with the Trustee's sale efforts is misplaced. Assuming solely for the sake of argument that Debtors had cooperated in every respect (contrary to the evidence presented), the Turnover Order directs Debtors to completely vacate the Gladstone Property, so any such cooperation is not enough. If Debtors had a sufficient basis to be excused from compliance with the Turnover Order, their recourse would have been to file an amended motion seeking reconsideration of the Turnover Order or other relief, but they have not done so.

Accordingly, on this record, this the tentative ruling is to find Debtors in contempt of this Court and impose sanctions as set forth below.

(c) Compensatory Sanctions

In view of this Court's tentative finding that Debtors have willfully failed to comply with the Turnover Order, the tentative ruling is to grant the Trustee's request for compensatory sanctions. Therefore, the tentative ruling is to conduct a hearing on **6/30/20 at 11:00 a.m.** to determine the appropriate amount of compensatory sanctions.

If the foregoing tentative ruling is adopted, the Trustee is directed to submit a supplemental declaration setting forth all fees and expenses the estate has incurred as a result of Debtors' failure to comply with the Turnover Order **by June 19, 2020**. The deadline for Debtors to submit a response is **June 23, 2020**. The Trustee is directed to lodge a scheduling order within 1 day after this hearing.

(d) Coercive Sanctions

The tentative ruling is to impose coercive sanctions against Debtors, in the amount of \$500 per day, for each calendar day that they continue to holdover in the Gladstone property. The tentative ruling is that, although Debtors were required by the Turnover Order to turn over possession on 4/7/20, the coercive sanctions cannot run from that date because such sanctions would be punitive, not coercive, and this Bankruptcy Court generally lacks the authority to impose punitive sanctions.

But once the Trustee filed and served the motion for contempt sanctions, on 5/8/20, Debtors were on notice that the Trustee sought coercive

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CONT... Finnian Osakpamwan Ebuehi and Elizabeth Olohirere Chapter 7

sanctions of \$500 per day. See dkt. 310, p.10:17-22. Therefore the tentative ruling is that the sanctions should run from 5/8/20 and continue until Debtors have surrendered possession of the Gladstone Property and fully complied with the Turnover Order.

Given the evidence of Debtors' lack of any meaningful effort to comply with the Turnover Order, the tentative ruling is that this Court must find that imposition of coercive sanctions is the only way to ensure that the Trustee will be able to perform his duties and administer the Gladstone Property for the benefit of the estate.

(4) Debtors' alleged non-cooperation with sale process

The tentative ruling is that the Trustee has presented considerable evidence that Debtors have willfully flouted this Court's Turnover Order not just by failing to vacate the Gladstone property but also in another way: by impeding the Trustee's efforts to sell the Gladstone Property. But some of that evidence has been presented in the Trustee's reply papers (dkt.334).

This Court recognizes that on this issue both sides are presented with "a moving target." The Trustee is still attempting to sell the Gladstone Property, and especially while Debtors remain at that property their cooperation or lack of cooperation in the sale process is an ongoing issue.

Therefore, the tentative ruling is to set a deadline of **June 19, 2020** for Debtors to file and serve their evidence in opposition to the evidence in the Trustee's reply (dkt.334), and a deadline of **June 23, 2020** for the Trustee to file and serve any response to that evidence. The tentative ruling is that these issues will be considered at the continued hearing set forth above.

Proposed order: The Trustee 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).

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.

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CONT... Finnian Osakpamwan Ebuehi and Elizabeth Olohirere

Chapter 7

Party Information

Debtor(s):

Finnian Osakpamwan Ebuehi

Represented By
Edwin I Aimufua
Joseph Virgilio

Joint Debtor(s):

Elizabeth Olohirere Ebuehi

Represented By
Edwin I Aimufua
Joseph Virgilio

Trustee(s):

Peter J Mastan (TR)

Represented By
Ashleigh A Danker

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11:00 AM

2:20-10357 Reijo Kustaa Myllyla

Chapter 11

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

#2.00 Status conference re: Complaint to determine dischargeability of debt

Docket 1

***** VACATED *** REASON: This matter is scheduled to be heard at a different time. See #7 at 1:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

Defendant(s):

Reijo Kustaa Myllyla

Pro Se

Plaintiff(s):

William Garcia

Represented By
James A Judge

Roberto Melendez

Represented By
James A Judge

Barbee Ann Arocho

Represented By
James A Judge

Barbee Ann Arocho

Represented By
James A Judge

Barbee Argaez De Chuc

Represented By
James A Judge

Jose Chuc

Represented By
James A Judge

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CONT... Reijo Kustaa Myllyla

Chapter 11

Teresa DeJesus Ramos

Represented By
James A Judge

Carlos Canales

Represented By
James A Judge

Arturo Avila

Represented By
James A Judge

Froilan Hernandez Lorenzo

Represented By
James A Judge

Levi A. Anonuevo

Represented By
James A Judge

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11:00 AM

2:19-11809 Schaefer Ambulance Service, Inc

Chapter 11

Adv#: 2:19-01149 Cathay Bank, a California banking corporation v. Schaefer Ambulance

#4.00 Cont'd Status Conference re: Removal
fr. 7/2/19; 08/06/19, 9/24/19, 12/10/19,
3/10/20

Docket 1

***** VACATED *** REASON: Voluntary dismissal of adversary proceeding
(dkt. 48)**

Tentative Ruling:

Party Information

Debtor(s):

Schaefer Ambulance Service, Inc

Represented By
Craig G Margulies
Montserrat Morales

Defendant(s):

Schaefer Ambulance Service, Inc, a

Represented By
Montserrat Morales
Craig G Margulies

Louella M McNeal

Represented By
Frances M O'Meara

Samir Yanni

Represented By
Michael J Khouri

Leslie M. McNeal

Represented By
Frances M O'Meara

Marlene L. McNeal

Represented By
Frances M O'Meara

James McNeal III

Represented By
Frances M O'Meara

Marlene McNeal

Represented By

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CONT... Schaefer Ambulance Service, Inc

Chapter 11

Frances M O'Meara

James McNeal III

Represented By
Frances M O'Meara

Leslie M McNeal

Represented By
Frances M O'Meara

Plaintiff(s):

Cathay Bank, a California banking

Represented By
Michael G Fletcher
Reed S Waddell
Gerrick Warrington

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11:00 AM

2:14-18712 Martin Joseph Acozzano

Chapter 13

Adv#: 2:20-01018 Acozzano et al v. INTERNAL REVENUE SERVICE et al

#5.00 Cont'd Status Conference re: Complaint to Redetermine
Tax Liability and to Determine Dischargeability
fr. 4/7/20, 5/12/20

Docket 1

***** VACATED *** REASON: Order dismissing adversary proceeding
entered 5/13/20 (dkt. 13)**

Tentative Ruling:

Party Information

Debtor(s):

Martin Joseph Acozzano

Represented By
Kevin T Simon
John D Faucher

Defendant(s):

INTERNAL REVENUE SERVICE

Represented By
John D Ellis

FRANCHISE TAX BOARD

Represented By
Brian D Wesley

Joint Debtor(s):

Denise Lorraine Acozzano

Represented By
Kevin T Simon
John D Faucher

Plaintiff(s):

Martin Joseph Acozzano

Represented By
John D Faucher

Denise Lorraine Acozzano

Represented By
John D Faucher

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CONT... Martin Joseph Acozzano

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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11:00 AM

2:17-25639 Douglas Lawrance DeCoster

Chapter 7

Adv#: 2:18-01212 Graner et al v. DeCoster et al

#6.00 Cont'd hrg re: Motion of Plaintiffs Kieran and Sharon Graner to Strike Answer and Enter Default of Defendants Douglas Lawrence Decoster and Elsa Diane Decoster fr. 12/17/19, 02/18/20, 3/3/20

Docket 23

***** VACATED *** REASON: Settlement approved**

Tentative Ruling:

Party Information

Debtor(s):

Douglas Lawrance DeCoster

Represented By
Charles J Brash

Defendant(s):

Douglas Lawrance DeCoster

Pro Se

Elsa Diane DeCoster

Pro Se

Joint Debtor(s):

Elsa Diane DeCoster

Represented By
Charles J Brash

Movant(s):

Kieran Graner

Represented By
Stephen B Goldberg

Sharon Graner

Represented By
Stephen B Goldberg

Plaintiff(s):

Kieran Graner

Represented By
Stephen B Goldberg

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CONT... Douglas Lawrance DeCoster
Sharon Graner

Represented By
Stephen B Goldberg

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
David M Goodrich

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2:17-25639 Douglas Lawrance DeCoster

Chapter 7

Adv#: 2:18-01212 Graner et al v. DeCoster et al

#7.00 Cont'd Status Conference re: Complaint to Determine Dischargeability of Debt Pursuant to Sections 523 and 727 of the United States Bankruptcy Code fr. 9/4/18,10/9/18, 11/27/18, 01/08/19, 2/5/19, 03/05/19, 04/30/19, 06/04/19; 07/30/19, 9/24/19, 11/12/19, 12/17/19, 02/18/20, 3/3/20

Docket 1

Tentative Ruling:

Revised Tentative Ruling for 6/16/20:

Continue to 8/18/20 at 11:00 a.m. so that, as soon as appropriate under the terms of the settlement, Plaintiffs can file and/or lodge appropriate papers resolving this adversary proceeding (e.g., file and serve a notice of voluntary dismissal, or a dismissal motion, or lodge a dismissal order, or whatever else may be necessary or appropriate under the applicable rules). See Rule 41 (Fed. R. Civ. P., incorporated by Rule 7041, Fed. R. Bankr. P.). Appearances are not required on 6/16/20. 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 6/30/20. 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

**United States Bankruptcy Court
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Tuesday, June 16, 2020

Hearing Room 1545

11:00 AM

CONT... **Douglas Lawrance DeCoster**
on matters that are appropriate for disposition at this hearing.

Chapter 7

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Douglas Lawrance DeCoster	Represented By Charles J Brash
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Defendant(s):

Douglas Lawrance DeCoster	Pro Se
Elsa Diane DeCoster	Pro Se

Joint Debtor(s):

Elsa Diane DeCoster	Represented By Charles J Brash
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Plaintiff(s):

Kieran Graner	Represented By Stephen B Goldberg
Sharon Graner	Represented By Stephen B Goldberg

Trustee(s):

Rosendo Gonzalez (TR)	Represented By David M Goodrich
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**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 16, 2020

Hearing Room 1545

11:00 AM

2:16-18028 Enrique Peralta and Rosa Estrada

Chapter 7

#8.00 Cont'd hrg re: Motion for an Order Directing the Chapter 7 Trustee to Abandon the Real Property Located at 10315 Kingerman Ave., South El Monte, California 91733 as it is of Inconsequential Value to the Estate
fr. 3/3/20, 04/21/20

Docket 158

Tentative Ruling:

Revised Tentative Ruling for 6/16/20:

Grant the motion, in view of the Trustee's 6/16/20 report of no distribution. Appearances are not required. 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 6/30/20. 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 6/16/20:

Appearances required, but pursuant to Judge Bason's COVID19 Procedures, **telephonic appearances are REQUIRED until further notice.**

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CONT... Enrique Peralta and Rosa Estrada

Chapter 7

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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This matter was continued to this date to allow more time for the Trustee to continue efforts to sell the property. There is no tentative ruling, but the Trustee should be prepared to provide an update on the status of those efforts.

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 3/3/20:

Deny. Appearances required.

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).

Key documents reviewed (in addition to motion papers): Trustee's opposition (dkt. 160) and request for hearing (dkt. 161); reply (dkt.162).

Reasons for denial: The tentative ruling is to deny the motion for abandonment because, although there is not a large amount of equity above the homestead exemption, there is some equity based on the only evidence before this Court, and Debtor's argument would enable any debtor in bankruptcy essentially to increase the homestead exemption by tens of thousands of dollars. It is very understandable that Debtors wish to retain

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CONT... Enrique Peralta and Rosa Estrada Chapter 7

their home, but the usual remedy is to enter into an arrangement with the Chapter 7 Trustee to buy out the bankruptcy estate's interest in the property.

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

Party Information

Debtor(s):

Enrique Peralta

Represented By
Thomas B Ure

Joint Debtor(s):

Rosa Estrada

Represented By
Thomas B Ure

Movant(s):

Enrique Peralta

Represented By
Thomas B Ure
Thomas B Ure

Rosa Estrada

Represented By
Thomas B Ure

Trustee(s):

Wesley H Avery (TR)

Represented By
Tamar Terzian

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:20-12531 Custom Fabrications International, LLC

Chapter 11

#1.00 Hrg re: Motion in Individual Chapter 11 Case for Order
Authorizing Debtor in Possession to Employ General
Bankruptcy Counsel [11 U.S.C. Section 327(a), LBR 2014-1]

Docket 16

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 2,
6/16/20 at 1:00 p.m.)

Party Information

Debtor(s):

Custom Fabrications International,

Represented By
Kevin Tang

Trustee(s):

Andrew W. Levin (TR)

Pro Se

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Hearing Room 1545

1:00 PM

2:20-12531 Custom Fabrications International, LLC

Chapter 11

#2.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/17/20, 03/31/20, 5/12/20

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Appearances required by counsel for the Debtor and the Subchapter V Trustee.

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Debtor's application to employ general bankruptcy counsel (the "Employment Application," dkt. 16)

This Court's order (dkt. 53) set the Employment Application for hearing and directed Debtor to file and serve a declaration and/or brief addressing the issues set forth in the order no later than 6/2/20. As of the drafting of this tentative ruling, no such additional papers have been filed. Why not?

Debtor is directed to address the issues raised in this Court's order (dkt. 53).

(b) Debtor's plan

Pursuant to 11 U.S.C. 1189(b), Debtor was required to file a plan no later than 6/4/20. As of the drafting of this tentative ruling, no plan has been filed. Why not? If no party in interest has sought any consequence for missing that deadline, should this Court impose any remedy sua sponte?

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CONT...

Custom Fabrications International, LLC

Chapter 11

(c) Monthly Operating Report ("MOR") (4/20) (dkt.57)

The MOR shows that Debtor has only \$168.94 in the bank. The MOR shows substantial negative cash flow, even before including the unpaid quarterly sales taxes. The MOR also shows that Debtor's projection of \$8,000 for cash receipts in April of 2020 was off by \$3,682.58, and if Debtor's projection of \$8,000 of cash receipts for May of 2020 is off by a similar amount then Debtor will have a negative account balance. Is Debtor's business doing anything but depleting the bankruptcy estate?

In addition, this Court notes that Debtor's MOR has a typographical error (in line 22, "net case flow" instead of "net cash flow"). This suggests that the MOR is not on the US Trustee's official form. How can parties in interest and this Court rely on the completeness of the MOR if it is not on the official form?

(2) Deadlines/dates. This case was filed on 3/6/20.

(a) Bar date: 5/15/20 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. 11, 18).

(b) Procedures order: dkt.12 (timely served, dkt. 15)

(c) Plan/Disclosure Statement*: See above

(d) Continued status conference: 7/14/20 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 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 5/12/20:

Continue as set forth below. Appearances are not required on 5/12/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

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CONT... Custom Fabrications International, LLC

Chapter 11

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues N/A

(2) Deadlines/dates. This case was filed on 3/6/20.

- (a) Bar date: 5/15/20 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. 11, 18).
- (b) Procedures order: dkt.12 (timely served, dkt. 15)
- (c) Plan/Disclosure Statement*: file by 6/4/20, pursuant to 11 U.S.C. Section 1189(b), 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: 6/16/20 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 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 3/31/20:

Appearances required by counsel for the debtor and by the debtor's principal(s) themselves, but pursuant to Judge Bason's COVID19 Procedures,

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CONT... Custom Fabrications International, LLC

Chapter 11

telephonic appearances are REQUIRED until further notice.

Please contact CourtCall at (888) 882-6878 to make arrangements to appear. 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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Status report

Per this Court's scheduling order (dkt. 12), Debtor was required to file a status report no later than 14 days before this hearing (3/17/20). As of the drafting of this tentative ruling, no status report has been filed. Why not?

(b) Debtor's emergency cash collateral motion (dkt. 23)

Grant on a final basis, on the same terms and conditions previously ordered (dkt. 33)

Proposed orders: Debtor 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).

(2) Deadlines/dates. This case was filed on 3/6/20.

(a) Bar date: 5/15/20 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.11, 18).

(b) Procedures order: dkt.12 (timely served, dkt. 15)

(c) Plan/Disclosure Statement*: file by 6/4/20, pursuant to 11 U.S.C. Section 1189(b), 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: 5/12/20 at 1:00 p.m., status report due 4/28/20.

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

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

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CONT... Custom Fabrications International, LLC

Chapter 11

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 3/17/20:

Appearances required, but pursuant to Judge Bason's COVID-19 Procedures, **telephonic appearances are REQUIRED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements. 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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Debtor's emergency cash collateral (dkt. 23)

Grant on an interim basis, subject to (i) resolution of certain preliminary issues and (ii) certain conditions, as set forth in calendar no 1, 3/17/20 at 1:30 p.m.

(2) Deadlines/dates. This case was filed on 3/6/20.

(a) Bar date: 5/15/20 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.11, 18).

(b) Procedures order: dkt.12 (timely served, dkt. 15)

(c) Plan/Disclosure Statement*: file by 6/4/20, pursuant to 11 U.S.C. Section 1189(b), 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: 3/31/20 at 1:00 p.m., status report due 3/17/20 per order setting initial status conference (dkt. 12)

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

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

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CONT... Custom Fabrications International, LLC Chapter 11

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):

Custom Fabrications International,

Represented By
Kevin Tang

Trustee(s):

Andrew Wolf Levin (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:20-12166 Olinda Esperanza Lytle

Chapter 11

#3.00 Hrg re: Creditor's motion for approval of stipulation
re adequate protection & claim treatment

Docket 64

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar no. 3.10,
6/16/20 at 1:00 p.m.).

Party Information

Debtor(s):

Olinda Esperanza Lytle

Represented By
Onyinye N Anyama

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1:00 PM

2:20-12166 Olinda Esperanza Lytle

Chapter 11

#3.10 Cont'd Status Conference re: Chapter 11 Case
fr. 03/31/20, 4/21/20, 6/2/20

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue as set forth below. Appearances are not required on 6/16/20. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) PHH Mortgage Corporation's motion for approval of stipulation re adequate protection and claim treatment (dkt. 64), no opposition is on file
The tentative ruling is to grant the motion.

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).

(2) Deadlines/dates. This case was filed on 2/26/20.

- (a) Bar date: 6/3/20 (dkt. 30; timely served, dkt. 35)
- (b) Procedures order: dkt. 5 (not timely served, but eventually served which gives notice of matters therein, dkt. 34)
- (c) Plan/Disclosure Statement*: file by 6/30/20 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S.

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CONT...

Olinda Esperanza Lytle

Chapter 11

Trustee - this Court will set a deadline and procedures at a later time).

(d) Continued status conference: 6/30/20 at 1:00 p.m., concurrent with other matters. No 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 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.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Olinda Esperanza Lytle

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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1:00 PM

2:20-10484 The New School of Cooking, Inc.

Chapter 11

#4.00 Hrg re: First Interim Application for Allowance of Fees and Reimbursement of Expenses of Weintraub & Selth, APC, General Bankruptcy Counsel to the Debtor and Debtor in Possession, for the Period From January 15, 2020 through May 26, 2020

Docket 123

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar no. 4.2, 6/16/20 at 1:00 p.m.).

Party Information

Debtor(s):

The New School of Cooking, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

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1:00 PM

2:20-10484 The New School of Cooking, Inc.

Chapter 11

#4.10 Hrg re: Debtor's motion for order granting an extension of the exclusive period to propose and confirm a plan of reorganization pursuant to bankruptcy code section 1121(d)

Docket 112

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar no. 4.2, 6/16/20 at 1:00 p.m.).

Party Information

Debtor(s):

The New School of Cooking, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

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2:20-10484 The New School of Cooking, Inc.

Chapter 11

#4.20 Cont'd Status Conference re: Chapter 11 Case
fr. 1/23/20, 2/4/20, 03/31/20, 4/21/20, 6/2/20

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Appearances required by counsel for the Debtor.

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Outdated mailing address?

Debtor's petition designated 525 E. Colorado Blvd., Pasadena, CA 91101 (the "Colorado Blvd Address") as its address for purposes of service (dkt. 1). But Debtor subsequently rejected its sublease of certain premises located at the Colorado Blvd Address (dkt. 90, 92). As a result, it is not clear if Debtor has been receiving personal service of this Court's orders and/or papers filed in this case. By **no later than 6/19/20** Debtor is directed to amend its address to ensure it is receiving notice of all papers and proceedings in this case.

(b) Debtor's motion to extend exclusivity periods (dkt. 112, 113, 117, the "Exclusivity Motion"), untimely opposition of Christopher Becker ("Mr. Becker") (dkt. 127), order setting hearing on Exclusivity Motion (dkt. 129), Debtor's reply (dkt. 136), Mr. Becker's unauthorized sur-reply (dkt. 137)

The tentative ruling is to deny the motion. On the one hand, Mr. Becker's opposition was not timely filed and served, and he offers no excuse

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CONT... **The New School of Cooking, Inc.**

Chapter 11

for that untimeliness in his opposition papers. In addition, this Court recognizes the challenges presented by COVID19, and by the restaurant and cooking school businesses generally, all of which make it understandable that it would take more time than usual for Debtor to propose a chapter 11 plan.

On the other hand, even disregarding Mr. Becker's papers, this Court takes note of Debtor's representations that this case is administratively insolvent (dkt. 95, p.3:18-19), that Debtor does not anticipate that its business operations will resume (dkt. 123, p. 9:13-14), and that Best Rich no longer appears to be willing to purchase Debtor's business or continue to fund ongoing operations (*id.*, p. 9:14-18). Considering these matters, and all other relevant facts and circumstances reflected in prior hearings and on the docket, the tentative ruling is that Debtor has not established sufficient cause to extend exclusivity, and to the contrary creditors would be better served by allowing exclusivity to terminate and permitting creditors an opportunity to propose a viable plan.

(c) Weintraub & Selth, APC's fee application (dkt. 123, 124),
declaration of Shaojing (Ewen) Xu in support of fee application (dkt. 132),
MAC LBNA, LLC's ("MAC") limited opposition (dkt. 128), Debtor's reply (dkt.
135)

The tentative ruling is to approve Weintraub & Selth's request for fees in the amount of \$110,208.12 and expenses in the amount of \$1,925.16, for a total award of \$112,133.28. As for the request for immediate payment, the tentative ruling is that on the legal issue Weintraub & Selth is correct that if funds are contributed to a debtor and are earmarked for payment to a professional then other administrative claimants such as MAC do not have a right to those funds. But the tentative ruling is that the declarations in support of such contribution and earmarking are too vague (and, as of the preparation of this tentative ruling, one is unsigned). When was the alleged earmarking agreement entered into? Is it in writing? Does the history of equity contributions to Debtor and Debtor's use of the funds suggest that the funds were to be used for all bankruptcy purposes or were earmarked for specific purposes?

The tentative ruling is to set a continued hearing, contemporaneous with the continued status conference (see part "(2)" of this tentative ruling, below). The tentative ruling is to set a deadline of two weeks prior to that continued hearing to file and serve any supplemental papers in support of

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CONT... **The New School of Cooking, Inc.**

Chapter 11

payment out of such funds, and a deadline of one week prior for any supplemental opposition papers.

Proposed orders: Debtor is directed to lodge proposed orders - (i) one order terminating exclusivity and (ii) a second order allowing the requested fees and expenses but setting a continued hearing on payment out of the alleged earmarked funds - via LOU within 7 days after the hearing date and attach a copy of the relevant portion of this tentative ruling to each order, thereby adopting it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

(2) Deadlines/dates. This case was filed on 1/15/20.

(a) Bar date: 4/7/20 (dkt. 52, timely served, dkt. 59).

(b) Procedures order: dkt. 5 (timely served, dkt. 11, 18).

(c) Plan/Disclosure Statement*: The 5/15/20 deadline previously set at the last status conference is vacated based on Debtor's representations in its status report (dkt. 80).

(d) Continued status conference: 7/28/20 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 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.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

The New School of Cooking, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub

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

Tuesday, June 16, 2020

Hearing Room 1545

1:00 PM

CONT...

The New School of Cooking, Inc.

James R Selth

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 16, 2020

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1:00 PM

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

Chapter 11

**#5.00 Hrg re: Application for Payment of Second Interim
Fees and Expenses (11 U.S.C. Section 331) of SN&B**

Docket 128

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar no. 6,
6/16/20 at 1:00 p.m.).

Party Information

Debtor(s):

FAME Assistance Corporation, a

Represented By
Peter T Steinberg

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

Tuesday, June 16, 2020

Hearing Room 1545

1:00 PM

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

Chapter 11

#6.00 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

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue as set forth below. Appearances are not required on 6/16/20. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Steinberg, Nutter & Brent Law Corporation's second interim fee application (dkt. 128, 129), no opposition is on file

Grant the application and approve \$28,125 in fees and \$141.78 in expenses, for a total interim award of \$28,266.78.

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

(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 Realty, Inc. and BRG Adams, LLC is 8/14/20 (dkt. 78)

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

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CONT...

FAME Assistance Corporation, a Non Profit Corp.

Chapter 11

(c) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 7/14/20 at 1:00 p.m., *Brief* written status report due 6/30/20.

*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 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.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

FAME Assistance Corporation, a

Represented By
Peter T Steinberg

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 16, 2020

Hearing Room 1545

1:00 PM

2:20-10357 Reijo Kustaa Myllyla

Chapter 11

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

#7.00 Status conference re: Complaint to determine dischargeability of debt

Docket 1

***** VACATED *** REASON: Cont. to 7/14/20 at 1:00 p.m per stip. (dkt. 6) and order thereon.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

Defendant(s):

Reijo Kustaa Myllyla

Pro Se

Plaintiff(s):

William Garcia

Represented By
James A Judge

Roberto Melendez

Represented By
James A Judge

Barbee Ann Arocho

Represented By
James A Judge

Barbee Ann Arocho

Represented By
James A Judge

Barbee Argaez De Chuc

Represented By
James A Judge

Jose Chuc

Represented By
James A Judge

**United States Bankruptcy Court
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CONT... Reijo Kustaa Myllyla

Chapter 11

Teresa DeJesus Ramos

Represented By
James A Judge

Carlos Canales

Represented By
James A Judge

Arturo Avila

Represented By
James A Judge

Froilan Hernandez Lorenzo

Represented By
James A Judge

Levi A. Anonuevo

Represented By
James A Judge

**United States Bankruptcy Court
Central District of California
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2:20-10357 Reijo Kustaa Myllyla

Chapter 11

#8.00 Cont'd Status Conference re: Chapter 11 Case
fr. 02/04/20, 02/18/20, 3/3/20, 4/7/20, 5/12/20

Docket 6

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue as set forth below. Appearances are not required on 6/16/20. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues N/A

(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: 7/14/20 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

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CONT...

Reijo Kustaa Myllyla

Chapter 11

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.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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2:19-21521 Tatung Company of America, Inc.

Chapter 11

#9.00 Cont'd hrg re: Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement Notice of Motion and Motion For Order Extending Debtors Exclusive Periods To File Plan of Reorganization and Obtain Acceptances Thereof
fr. 4/21/20

Docket 216

***** VACATED *** REASON: Resolved per stip. (dkt. 277) and order thereon**

Tentative Ruling:

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
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Hearing Room 1545

1:00 PM

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

Chapter 11

#9.10 Cont'd Status Conference re: Chapter 11 Case
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

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue as set forth below. Appearances are not required on 6/16/20. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues N/A

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

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

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

(c) Plan/Disclosure Statement*: TBD (Debtor must use the forms required by Judge Bason, absent an order excusing the use of such forms) (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: 7/7/20 at 1:00 p.m. No written status report required.

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

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CONT... Tatung Company of America, Inc.

Chapter 11

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.

[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
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2:19-23664 Liat Talasazan

Chapter 11

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 12/17/19, 1/28/20, 02/18/20, 3/3/20,
3/10/20, 4/7/20, 5/12/20, 5/19/20

MICHAEL TREMBLAY, TRUSTEE
vs
DEBTOR

Docket 9

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 11, 6/16/20 at 1:00 p.m.).

Tentative Ruling for 5/19/20:

Please see the tentative ruling for the status conference (Calendar no. 5, 5/19/20 at 1:00 p.m.).

Tentative Ruling for 5/12/20:

Please see the tentative ruling for the status conference (Calendar no. 10, 5/12/20 at 1:00 p.m.).

Tentative Ruling for 4/7/20:

Please see the tentative ruling for the status conference (Calendar no. 9, 4/7/20 at 1:00 p.m.).

Tentative Ruling for 3/10/20:

Please see the tentative ruling for the status conference (Calendar no. 9, 3/10/20 at 1:00 p.m.).

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CONT... Liat Talasazan

Chapter 11

Tentative Ruling for 3/3/20:

Grant as set forth below. Appearances required.

Key documents reviewed: Original motion of Michael George Tremblay, as Trustee ("Tremblay") for relief from the automatic stay (dkt. 9), debtor's response (dkt. 11), Celtic Bank Corporation's limited objection (dkt. 18, 40), debtor's supplemental opposition and supporting declarations (dkt. 25, 26, 27, 29), stipulations to continue hearing and orders thereon (dkt. 62, 63, 83, 87), Tremblay's amended motion for relief from stay (dkt. 93), Debtor's opposition (dkt. 95) and evidentiary objections (dkt. 96), reply (dkt.119).

Analysis

(1) Service

As Debtor points out (dkt.94, pp.4:13-5:2), under Rule 4001 (Fed. R. Bankr. P.) a motion for relief from the automatic stay must be served on Debtor's list of 20 largest general unsecured creditors. Debtor asserts that the motion was not served in accordance with that rule; but the original motion was (dkt.9, at PDF pp.61-64) and Debtor cites no authority that the amendments to the motion were so substantial that they would require re-noticing. Any creditor who cared to follow the progress of the original motion would be able to do so, and file any papers or make any arguments they wish. The tentative ruling is that Debtor's argument that additional service is required is not persuasive.

(2) Evidentiary objections

The tentative ruling is to overrule Debtor's evidentiary objections (dkt.96), which are not well taken. For example, Debtor objects to Movant's valuation evidence on grounds of relevance. How can Debtor assert that the value of the subject property is irrelevant when it is clearly relevant under the statute (11 U.S.C. 362(d)(1) and (2)) and when the Amended Motion asserts (dkt.93, p.3, para.4.a.(1)(A)&(B) & p.4, para.4.b.) that (i) the subject property's value is inadequate to protect Movant's interest and is declining, and (ii) Debtor lacks any equity in the property (and that the property is not necessary to an effective reorganization)?

(3) Valuation

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Chapter 11

Although valuation is relevant, the tentative ruling is that this Court cannot resolve the parties' valuation disputes without an evidentiary hearing (or other procedure, such as an agreement of the parties to be bound by the valuation determined by an independent appraiser selected by each of their appraisers). Normally this Court would set an evidentiary hearing (or other procedures) and establish associated deadlines and other procedures. But the tentative ruling is that all such procedures are unnecessary because Movant has shown other "cause" for relief from the automatic stay.

(4) Cause for relief from the automatic stay

Movant asserts that Debtor has shown bad faith, and that this is "cause" for relief from the automatic stay under 11 U.S.C. 362(d)(1). The tentative ruling is to agree.

This is Debtor's second bankruptcy case. The first case (Case No. 2:19-bk-21504-NB) was filed on 9/30/19 and dismissed on 11/5/19 for failure to file required documents. Before that case was dismissed, Tremblay filed a motion for relief from the automatic stay in which he pointed out that Debtor was ineligible for chapter 13 under 11 U.S.C. 109(e) and accused Debtor of intentionally misusing the bankruptcy system for purposes of delay. See Case No. 2:19-bk-21504-NB, dkt.10, p.5). Nevertheless, Debtor filed this case as another chapter 13 case on 11/20/19.

This Court recognizes that at the time each case was filed Debtor had no attorney of record. But Debtor owns multiple real properties and two businesses (one that recently ceased operating), and there is no showing that Debtor is unsophisticated.

Nor is there any showing that Debtor was unable to read and understand Tremblay's motion, or was unable to find an attorney to represent her, despite her substantial alleged assets and income. This Court takes judicial notice that other debtors with a range of assets, liabilities, income, expenses, and other characteristics regularly understand the chapter 13 debt limits and regularly retain bankruptcy attorneys, especially after having been accused of misusing the bankruptcy system.

In other words, Movant has established a *prima facie* showing that Debtor's two chapter 13 bankruptcy petitions were filed in bad faith. The burden is on Debtor to rebut that showing. Instead, the tentative ruling is that Debtor has done the opposite.

True, Debtor belatedly retained an attorney, and filed a motion to

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Chapter 11

convert this case to chapter 11, which this Court granted effective just over two months ago, on 1/2/20. Subsequently, however, this Court has noted Debtor's lack of prosecution of this chapter 11 case. See Tentative Rulings for Status Conference (calendar no. 16, 3/3/20 at 1:00 p.m.).

Even now, over three months after the petition date (11/20/19), Debtor still has not proposed any sale of her properties, or other method to pay her creditors within a reasonable time. Debtor's filed papers suggest that she is entirely reliant on rental income, but that income is uncertain and the net amount apparently is very modest (if anything), after mortgages and other expenses (see Tentative Ruling for Status Conference, calendar no.16 on 3/3/20 at 1:00 p.m.). See also Jan. MOR (dkt.103) (\$0 income reported).

Debtor proposes a chapter 11 plan (dkt.97) that appears unconfirmable on its face. As Movant points out, the plan proposes to modify Movant's claim (and another claim) both of which appear to be secured only by an interest in Debtor's principal residence, in contravention of 11 U.S.C. 1123(b)(5). See dkt.97, pp.3:1-4:10. Moreover, the plan proposes what appear to be interest-only payments with a balloon payment of the entire principal many months later. See dkt.97, Ex.A & A-1, at PDF pp.8&10, Classes 2A & 2B. See also dkt.119, p.3:1-8.

For all of these reasons, the tentative ruling is that Debtor has filed and has prosecuted (or failed to prosecute) her two bankruptcy cases in bad faith. The tentative ruling is that this is sufficient "cause" for relief from the automatic stay under 11 U.S.C. 362(d)(1). Specifically, the tentative ruling is to grant the following relief.

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

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Liat Talasazan

Chapter 11

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.

Tentative Ruling for 1/28/20:

Please see the tentative ruling for the status conference (Calendar No. 2, 1/28/20 at 1:00 p.m.).

Tentative Ruling for 12/17/19:

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. 11). In addition the tentative ruling is that if this Court grants any relief to Movant, it will grant parallel relief to junior creditors, including creditor Celtic Bank Corporation (see dkt. 40) and alleged secured creditor Oxygen Funding, Inc., to exercise whatever remedies they may or may not have under applicable nonbankruptcy law.

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.

Party Information

Debtor(s):

Liat Talasazan

Represented By
Giovanni Orantes

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Central District of California
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Liat Talasazan

Luis A Solorzano

Chapter 11

Movant(s):

Michael Tremblay, Trustee

Represented By
David I Brownstein

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1:00 PM

2:19-23664 Liat Talasazan

Chapter 11

#11.00 Cont'd Status Conference re: Chapter 11 Case
fr. 1/28/20, 2/18/20, 3/3/20, 3/10/20, 03/31/20,
4/7/20, 5/12/20, 5/19/20, 6/2/20

Docket 49

Tentative Ruling:

Tentative Ruling for 6/16/20:

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Case progress

At the last hearing on 6/5/20, this Court removed debtor as debtor in possession and expanded the powers and duties of the Subchapter V Trustee (see dkt. 232). There is no tentative ruling, but the parties should be prepared to update this Court on any progress that has occurred since the last hearing.

The parties also should be prepared to address whether this Court should set a new deadline for Debtor to file an amended disclosure statement and amended plan at this time.

(b) Motion for relief from stay by Mr. Tremblay as trustee (as amended, dkt. 93), debtor's supplemental declaration (dkt. 129), previously-filed papers (see tentative ruling for 3/3/20, reproduced at calendar no. 10, 6/16/20 at 1:00 p.m)

The tentative ruling is to take this motion off calendar, without prejudice

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CONT...

Liat Talasazan

Chapter 11

to filing any amended motion for relief from the automatic stay in future. The reasons are as follows.

At prior hearings this Court was persuaded to continue this matter. As for Debtor's alleged bad faith, the tentative ruling is that any bad faith by Debtor herself is no longer sufficient cause for relief from the automatic stay because this Court has removed Debtor as a debtor in possession - although, if Debtor were to fail to cooperate with the Subchapter V Trustee, or otherwise fail to comply with her ongoing duties, that might change. As for valuation of the property, the tentative ruling is that it is premature to address that issue, until the Subchapter V Trustee has had an opportunity to explore options for dealing with the property and negotiating with creditors.

(2) Deadlines/dates. This case was filed on 11/20/19, converted from chapter 13 to chapter 11 on 1/2/20, and designated by Debtor as a Subchapter V case on 3/2/20 (dkt.128).

- (a) Bar date: 6/29/20, dkt. 179 (timely served, dkt. 184)
- (b) Procedures order: dkt. 50 (timely served, dkt. 58)
- (c) Plan/Disclosure Statement*: TBD (prior, insufficient versions were filed 4/15/20, dkt. 171, 172)
- (d) Continued status conference: 7/28/20 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.

[PRIOR TENTATIVE RULINGS OMITTED (see Memorialization of Tentative Rulings, dkt.208, filed 5/19/20)]

Party Information

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Central District of California
Los Angeles
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CONT... Liat Talasazan

Chapter 11

Debtor(s):

Liat Talasazan

Represented By
Giovanni Orantes
Luis A Solorzano

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, June 16, 2020

Hearing Room 1545

1:00 PM

2:20-11409 Anthony Chan

Chapter 11

#12.00 Cont'd hrg re: Motion of Debtor and Debtor in Possession for Order Authorizing: (1) Employment of Leech Tishman Fuscaldo & Lampl, Inc. as Special Counsel Pursuant to Bankruptcy Code Sections 327(e) and 330 and for Payment of Post-Petition Retainer from Non-Debtor; (2) Employment of Leech Tishman Fuscaldo & Lampl, Inc. as Chapter 11 Counsel Upon Satisfaction of Certain Conditions and Payment of Additional Post-Petition Retainer, Pursuant to Bankruptcy Code Sections 327(a), 330, and 1107, FRBP 2014 and LBR 2014-1; and (3) Interim Compensation Procedures fr. 5/19/19

Docket 72

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 14, 6/16/20 at 1:00 p.m.).

Tentative Ruling for 5/19/20:

Please see the tentative ruling for the status conference (Calendar no. 2, 5/19/20 at 1:00 p.m.).

Party Information

Debtor(s):

Anthony Chan

Represented By
Jeffrey I Golden
Beth Gaschen
Faye C Rasch

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

Tuesday, June 16, 2020

Hearing Room 1545

1:00 PM

2:20-11409 Anthony Chan

Chapter 11

#13.00 Cont'd hrg re: Motion in Individual Ch 11 Case for Order approving a budget for the use of the debtor's cash and post petition income fr. 6/2/20

Docket 94

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 14, 6/16/20 at 1:00 p.m.).

Tentative Ruling for 6/2/20:

Please see the tentative ruling for the status conference (Calendar no. 17, 6/2/20 at 1:00 p.m.).

Party Information

Debtor(s):

Anthony Chan

Represented By
Jeffrey I Golden
Beth Gaschen
Faye C Rasch

Movant(s):

Anthony Chan

Represented By
Jeffrey I Golden
Beth Gaschen
Faye C Rasch

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 16, 2020

Hearing Room 1545

1:00 PM

2:20-11409 Anthony Chan

Chapter 11

#14.00 Cont'd Status Conference re: Chapter 11 Case
fr. 03/03/20, 03/31/20, 4/21/20, 5/12/20, 5/19/20,
6/2/20

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Grant the pending employment application and budget motion as set forth below, and continue the Status Conference as set forth below. Appearances are not required on 6/16/20. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Combined status conferences

Three cases are jointly administered: *In re Anthony Chan* (Case No. 2:20-bk-11409-NB) ("Chan"); *In re A Touch of Brass, Inc.* (Case No. 2:20-bk-11555-NB) ("Brass"); and *A.C. Yu Chan Holding, Inc.* (Case No. 2:20-bk-11476-NB) ("Holding"). This status conference addresses all three cases.

(b) Holding's Application to Employ Leesh Tishman Fuscaldo & Lampl, Inc.'s ("Leesh Tishman") (dkt. 72, 75), UST's opposition (dkt. 81), Elegant's opposition (dkt. 89), Leesh Tishman's reply (dkt. 95), Interim employment order (dkt. 113), Holding's supplemental reply (dkt. 122)

The tentative ruling is to grant the application, and authorize Leesh Tishman's employment under 11 U.S.C. 327(a) and 330, subject to Judge Bason's standard employment terms.

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CONT... Anthony Chan

Chapter 11

(c) Debtor Chan's amended budget motion (dkt. 132, 133), Debtor Chan's declaration re postpetition income and expenses (dkt. 131, 134)

The tentative ruling is to grant the amended budget motion. In addition, the tentative ruling is to direct Debtor Chan no later than 6/19/20 to file his amended bankruptcy Schedules I&J separately (not just as exhibits to his budget motion) so that they appear on the docket as separate items.

Proposed orders: Debtors are directed to lodge separate proposed orders 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).

(2) Deadlines/dates. This case was filed on 2/7/20.

(a) Bar date: 5/5/20 (dkt. 26; timely served, dkt. 27)

(b) Procedures order: dkt.3 (timely served, dkt. 5)

(c) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 7/28/20 at 1:00 p.m., concurrent with other matters. *Brief* written status report due 7/14/20.

*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 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.

Revised Tentative Ruling for 6/2/20:

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

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CONT...

Anthony Chan

Chapter 11

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").

(1) Current issues

(a) Combined status conferences

Three cases are jointly administered: *In re Anthony Chan* (Case No. 2:20-bk-11409-NB) ("Chan"); *In re A Touch of Brass, Inc.* (Case No. 2:20-bk-11555-NB) ("Brass"); and *A.C. Yu Chan Holding, Inc.* (Case No. 2:20-bk-11476-NB) ("Holding"). This status conference addresses all three cases.

(b) Mediation

At a hearing on 3/3/20, this Court ordered the jointly administered Debtors and Elegant to participate in mediation. What is the status of those efforts?

(c) Chan Monthly Operating Report ("MOR") (dkt. 102)

Debtor Chan's April MOR reflects bi-weekly payroll income from AC Air Technology ("Air") (pdf p. 15), which he indicates he only started receiving post-petition. But Debtor Chan has not filed a declaration of current and post-petition income and expenses (on the Local Form).

In addition, it is unclear what funds previously have been or currently are being received from or disbursed to or by Debtor Chan's affiliates, including but not limited to his non-filing spouse and her family. See dkt.107, pp.2:5-4:4. As pointed out by Le Elegant Bath, Inc. ("Elegant") (dkt.107, p.2:4-15), absent a valid agreement regarding separate property, it appears that Debtor and his bankruptcy estate may have a community property interest in the non-debtor spouse's income. In addition, all three Debtors are reminded of the following provision from this Court's identical orders in all three bankruptcy cases:

4. Affiliates. For all reporting purposes – including Monthly Operating Reports ("MORs"), disclosure statements, etc. – Debtor must disclose all income, expenses, assets, and liabilities of (a) affiliated businesses and (b) any spouse. See §§ 101(2) & (9); Rule 2015.3; *SBE v. Woo*, 82 Cal. App.4th 481, 483-84 (2000). Prior authorization of this Court is required for Debtor to cause any

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CONT...

Anthony Chan

Chapter 11

affiliate to act out of the ordinary course of that affiliate's business (§ 363(c)). Debtor may request at the principal status conference to be excused from these requirements. [Order (Chan dkt.3), p.2:13-19.]

All three Debtors are reminded that failing to abide by the above-quoted order; failing to provide accurate reporting of revenues and expenses; and failing to obtain approval for the use of cash collateral (11 U.S.C. 363(c)) or for transactions out of the ordinary course (11 U.S.C. 363(b)) can be grounds for conversion or dismissal of this case or appointment of a chapter 11 trustee. See 11 U.S.C. 1104, 1112.

(d) Debtor Chan's amended budget motion (dkt.44, amended by dkt.94), opposition of Le Elegant Bath, Inc. ("Elegant") (dkt. 107), Debtor Chan's reply (dkt. 114)

The tentative ruling is to direct Debtor Chan **no later than 6/9/20** to file amended MORs, amended Bankruptcy Schedules I and J, a statement of postpetition income and expenses (on the mandatory local form), and a further amended budget motion, all in compliance with the requirements summarized above. The tentative ruling is not to authorize any further responses to the amended budget motion at this time, but instead to hold a further interim hearing on the (amended) budget motion concurrent with the continued status conference (see part "(2)" of this tentative ruling below). At that time this Court can determine whether to set a briefing schedule, or other procedures in connection with whatever further amended budget motion is filed by Debtor Chan.

(c) Debtor Brass's cash collateral motion (dkt. 11), first interim order authorizing cash collateral (dkt. 37), Elegant's opposition (dkt. 47), Brass's reply (dkt. 49), second interim order authorizing cash collateral (dkt. 58)

The tentative ruling is to grant the motion on a final basis, on the same conditions set forth in the second interim order authorizing debtor's use of cash collateral (dkt. 58).

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

(2) Deadlines/dates. This case was filed on 2/7/20.

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CONT...

Anthony Chan

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- (a) Bar date: 5/5/20 (dkt. 26; timely served, dkt. 27)
 - (b) Procedures order: dkt.3 (timely served, dkt. 5)
 - (c) Plan/Disclosure Statement*: TBD
 - (d) Continued status conference: 6/16/20 at 1:00 p.m., concurrent with other matters. No 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 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:

This Court anticipates posting a tentative ruling at a later time.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Anthony Chan

Represented By
Jeffrey I Golden
Beth Gaschen
Faye C Rasch

**United States Bankruptcy Court
Central District of California
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2:00 PM

2:18-24571 Jackies Cookie Connection LLC

Chapter 11

#1.00 Cont'd Status Conference re: Chapter 11 Case
fr. 01/08/19, 1/15/19, 1/29/19, 2/26/19, 3/26/19;
04/30/2019, 5/7/19, 05/21/19, 6/18/19, 7/30/19,
8/20/19, 9/17/19, 10/15/19, 10/29/19, 12/10/19,
1/28/20, 03/31/20

Docket 5

Tentative Ruling:

Tentative Ruling for 6/16/20:

Appearances required by counsel for the debtor.

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Motion of the United States Trustee ("UST") to convert, dismiss, or appoint a Chapter 11 trustee (the "UST Motion", dkt. 76)

Debtor's counsel is directed to address (i) the status of his efforts re determining the amount of tax claims and (ii) whether Debtor intends to proceed with a structured dismissal as contemplated by this Court at the 12/10/19, 1/28/20, and 3/31/20 hearings.

(2) Deadlines/dates. This case was filed on 12/17/18.

(a) Bar date: 7/24/19 (not timely served but excused, dkt. 120)

(b) Plan/Disclosure Statement*: N/A

(c) Continued status conference: if this case is not dismissed by then, or a continued status conference is not otherwise mooted, set a continued status conference for 8/18/20 at 2:00 p.m., with no

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CONT...

Jackies Cookie Connection LLC

Chapter 11

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 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.

[Prior Tentative Rulings omitted]

Party Information

Debtor(s):

Jackies Cookie Connection LLC

Represented By
Derrick Talerico
Marlee E Sherman
Michael S Kogan
David B Zolkin

**United States Bankruptcy Court
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2:00 PM

2:18-15559 R44 LENDING GROUP, LLC a Delaware Limited Liabilit Chapter 11

#2.00 Pre-Trial Conference re: Fifth Amended Chapter 11 Plan

Docket 134

***** VACATED *** REASON: This matter is continued to 08/18/20 at 2:00
p.m. per parties' stipulation and order thereon (dkt. 165)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

R44 LENDING GROUP, LLC a

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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2:00 PM

2:18-15559 R44 LENDING GROUP, LLC a Delaware Limited Liabilit

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 6/12/18, 6/26/18, 08/07/18, 10/9/18, 11/6/18,
12/11/18, 03/12/19, 3/26/19, 5/14/19, 6/11/19,
7/2/19, 7/30/19, 9/17/19, 11/12/19, 12/17/19,
3/10/20

Docket 5

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue as set forth below. Appearances are not required on 6/16/20. 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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues N/A

(2) Deadlines/dates. This case was filed on 5/15/18.

(a) Bar date: 8/14/18 (dkt. 35), timely served (dkt. 38).

(b) Plan/Disclosure Statement (dkt. 133, 134)*: See above

(c) Continued status conference: 8/18/20 at 2:00 p.m., no 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

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CONT... R44 LENDING GROUP, LLC a Delaware Limited Liabilit Chapter 11

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.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

R44 LENDING GROUP, LLC a

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
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Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#4.00 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

Docket 65

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 7,
6/16/20 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro

Movant(s):

United States Trustee (LA)

Represented By
Dare Law
Alvin Mar
Ron Maroko

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#5.00 Cont'd hrg re: Ex Parte Application for Either 1) The Court to Further Shorten Time for Debtor to File a Motion to Compromise as Represented to the Court and Related Dates, or Alternatively, 2) To Briefly Continue the Scheduled Hearing to Allow for Debtor Additional Days to File the Motion to Compromise in Order to Give the Parties Additional Time to Complete the Procedural Matters Needed to Finalize an Agreement and the Related Rule 9019 Motion with Joinder by Secured Creditor Wilmington Savings Society Fund, FSB Not in its Individual Capacity but Soley in its Capacity as Trustee
fr. 4/21/20, 5/5/20

Docket 203

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 7, 6/16/20 at 2:00 p.m.).

Tentative Ruling for 5/5/20:

Please see the tentative ruling for the status conference (Calendar no. 8, 5/5/20 at 2:00 p.m.).

Tentative Ruling for 4/21/20:

Please see the tentative ruling for the status conference (Calendar no. 31, 4/21/20 at 1:00p.m.).

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro

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2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#6.00 Cont'd hrg re: Application to Employ Asset Recovery Association dba CLaimX as Public Adjuster representing debtor and debtor in possession on insurance claims related to damage to her Bel Air Rd property fr. 4/7/20, 4/21/20, 5/5/20

Docket 167

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 7, 6/16/20 at 2:00 p.m.).

Tentative Ruling for 5/5/20:

Please see the tentative ruling for the status conference (Calendar no. 8, 5/5/20 at 2:00 p.m.).

Tentative Ruling for 4/21/20:

Please see the tentative ruling for the status conference (Calendar No. 31, 4/21/20 at 1:00 p.m.).

Tentative Ruling for 4/7/20:

Please see the tentative ruling for the status conference (Calendar No. 5, 4/7/20 at 1:00 p.m.).

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro

**United States Bankruptcy Court
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2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#7.00 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

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:
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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Debtor's eligibility to elect Subchapter V

On 6/4/20, Debtor amended her petition to elect application of Subchapter V of chapter 11 of the Bankruptcy Code (dkt. 238, p.4, line 13). On 6/8/20, the UST filed a notice of appointment of John-Patrick McGinnis Fritz as Subchapter V Trustee (dkt. 240). This Court questions whether Debtor is eligible to elect Subchapter V.

Debtor is not within the debt limit for a "small business debtor": an aggregate of \$2,725,625 or less of noncontingent liquidated secured and unsecured debts as of the petition date. 11 U.S.C. 101(51D)(A). Debtor's Summary of Assets and Liabilities (dkt. 232, at PDF p. 35) lists \$6,792,923.99 in total liabilities as of the petition date.

Debtor's status report notes that "the debt limit was increased under the provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act." Dkt.236, p.3:26-28. It is true that 11 U.S.C. 1182(1) was

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CONT...

Ashley Susan Aarons

Chapter 11

amended, effective March 27, 2020, to raise the debt limit to \$7,500,000. But the CARES Act (Pub. Law 116-136, section 1113) provides that such amendment "shall apply only with respect to cases commenced [under the Bankruptcy Code] on or after the date of enactment of this Act" (with a sunset provision after one year). Debtor's bankruptcy petition was filed on 7/17/19. So it appears that Debtor is ineligible to elect to proceed under Subchapter V.

(b) 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 hearing on the MTD has been continued many times. The UST's reasons for seeking relief have expanded as this case has continued. In addition, this Court has expressed its own concerns, and is prepared to act on its own motion under 11 U.S.C. 105(a).

The MTD seeks either dismissal, conversion, or appointment of a chapter 11 trustee. The tentative ruling is that there is cause for relief under 11 U.S.C. 1104 and 1112, and that appointment of a chapter 11 trustee is in the best interests of creditors, for the reasons set forth in the tentative ruling for 5/5/20, part (1)(a) and prior tentative rulings (reproduced below).

In addition, another reason for appointment of a chapter 11 trustee is that any such trustee could act much the way a Subchapter V trustee might act, in terms of attempting to foster a consensual resolution. The UST might even select Mr. Fritz for that role, given his experience with this case already.

Nor would appointment of a chapter 11 trustee necessarily mean that Debtor would lose the ability to propose a plan, or that parties in interest would lose the benefits of the streamlined procedures in Subchapter V. For example, in small cases the posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) contemplate a combined hearing on final approval of a disclosure statement and confirmation of a proposed plan, after any gating issues have been addressed at status conferences and/or through motion practice. See 11 U.S.C. 105(d)(2)(B)(vi) (authorizing combined hearing on plan and disclosure statement).

These are additional reasons why the tentative ruling is to appoint a chapter 11 trustee.

(c) Application to employ public adjuster Asset Recovery Association

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2:00 PM

CONT...

Ashley Susan Aarons

Chapter 11

dba ClaimsXP (dkt. 167, "Application"); opposition of Wilmington Savings Fund Society ("Wilmington") (dkt. 181, 182); notice of hearing (dkt. 184); Debtor's reply (dkt. 192), statement of disinterestedness (dkt. 217), Debtor's supplement (dkt. 241)

The parties should be prepared to address whether this Court should grant the Application, on the modified terms described in Debtor's supplement (dkt. 241). If this Court were to order the appointment of a chapter 11 trustee, and if it is unknown whether that person will be Mr. Friz, then this issue might have to be deferred until the chapter 11 trustee is appointed and can be heard on this issue.

(d) Contemplated motion to approve settlement with Wilmington Savings Fund ("Wilmington")

The tentative ruling is to take this matter off-calendar in view of (i) the tentative ruling to appoint a chapter 11 trustee and (ii) Debtor's representation that she will pursue approval of the contemplated settlement through her chapter 11 plan (dkt. 236, p.3:18-25).

(e) Wilmington's motion for relief from stay (dkt. 147), James Haycock's response (dkt. 157), Shiv and Saroj Gupta's opposition (dkt. 158), Debtor's opposition (dkt. 159, 160), Andrea Friedlander's joinder to Gupta opposition (dkt. 163), Wilmington's reply (dkt. 165, 166), orders granting in part, denying in part, motion for relief from stay (dkt. 173, 174)

There is no tentative ruling. The parties should be prepared to discuss whether this motion should be taken off calendar, without prejudice to Wilmington resetting it for hearing, in view of the parties' representations that they have reached a settlement that will resolve this motion.

(2) Deadlines/dates. This case was filed on 7/17/19, and designated by Debtor as a Subchapter V case on 6/4/20 (dkt. 238).

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

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

(c) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 7/14/20 at 1:00 p.m. No written status report required.

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

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CONT... Ashley Susan Aarons

Chapter 11

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 5/5/20:

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 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(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)

At the hearing on 4/21/20, this Court's tentative ruling was to appoint a chapter 11 trustee. That tentative ruling was based on the long history of this case without progress and with many mis-steps by Debtor regarding the business of running the estate.

Briefly, Debtor has alternated between:

- (i) presenting the subject property as being almost ready to rent out as an Air-BnB (at the start of this case), or as being so extensively damaged that it cannot be used at all (in the many months thereafter);
- (ii) handling the claims-adjustment process herself (for a substantial time, without apparent progress), or belatedly hiring, without authorization, a claims adjuster (who would charge substantial fees, but

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whose fees would not be sufficient because the adjuster apparently contemplates hiring special counsel to represent the bankruptcy estate - all of which conceivably might be capable of being justified, but none of which has been supported despite this Court having granted continuances and set a deadline to provide supplemental information); and

(iii) proposing to refinance the subject property (but without fully paying off existing liens), or proposing to retain it, but without any apparent strategy for obtaining DIP financing, rehabilitating the property, and using it to generate income; or any other colorable business strategy for stemming the ongoing depletion of the bankruptcy estate.

In sum, if there is any viable business strategy, Debtor has given every indication of being unwilling to implement one. In addition, Debtor has used funds of the bankruptcy estate without authorization or adequate accounting, despite explanation by the United States Trustee ("UST") at the meeting of creditors (11 U.S.C. 341(a)) and the initial debtor interview ("IDI").

The foregoing issues are noted in the extensive prior tentative rulings reproduced below - see *especially* 10/29/19, 10/15/19, 9/24/19, and 8/20/19 - and in the filed papers of the UST and on the record at hearings. All of the foregoing appears to constitute "cause" for relief under 11 U.S.C. 1112(b), including but not limited to "(A) ... continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation, (B) gross mismanagement of the estate; ... [and] (H) failure timely to provide information ... reasonably requested by the United States trustee [regarding the filing of accurate MORs]." 11 U.S.C. 1112(b)(4). In addition, if this case were to be dismissed, the foregoing appears to constitute evidence of a willful failure to appear in proper prosecution of this case. 11 U.S.C. 109(g)(1).

Despite all of the foregoing, this Court was persuaded to continue the matter to this date. The purpose was to allow time for Debtor's proposed new counsel to substitute into the case - not because the current situation is in any way attributable to existing counsel, but instead because someone (either existing counsel or new counsel) needs to argue on Debtor's behalf, and if Debtor was in the process of switching counsel that could be awkward.

Since the last hearing this Court has issued an order (dkt. 221) approving a stipulation between Debtor and the United States Trustee permitting Debtor to continue using her trust account, subject to certain conditions. But the docket does not reflect any substitution of counsel, nor does the docket reflect any progress on all the other long-pending and critical

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issues noted above.

In addition, if Debtor could arrive at a viable business strategy, then she would have to propose a viable chapter 11 plan to implement that strategy and stop the running of high rates of interest (default and non-default). See Tentative Ruling for 4/7/20, part "(1)(b)" (reproduced below). The docket does not reflect any such plan, or any progress toward such a plan.

Based on the foregoing, the tentative ruling remains to appoint a chapter 11 trustee, to see if there is any viable way to reorganize this bankruptcy estate. If not, the tentative ruling is to dismiss this case with a 180 day bar under section 109(g)(1).

The UST should also be prepared to address whether there are any outstanding compliance issues.

(b) Application to employ public adjuster Asset Recovery Association dba ClaimsXP (dkt. 167, "Application"); opposition of Wilmington Savings Fund Society ("Wilmington") (dkt. 181, 182); notice of hearing (dkt. 184); Debtor's reply (dkt. 192), statement of disinterestedness (dkt. 217)

The tentative ruling is to deny this Application for lack of prosecution. At the 4/7/20 hearing, this Court ordered Debtor to file a declaration(s) with an update on the projected repair costs. As of the preparation of this tentative ruling, Debtor still has not complied.

(c) Contemplated motion to approve settlement with Wilmington Savings Fund ("Wilmington")

At the 4/7/20 hearing, this Court orally shortened time for Debtor to file a contemplated motion to approve a settlement with Wilmington that would resolve the parties' default interest, late fees, and other charges dispute, but set a deadline of 4/14/20 for Debtor to file and serve the motion. On 4/13/20, Debtor filed an ex parte application requesting modification of the filing and service deadlines (dkt. 203), which this Court treated as an application for hearing on shortened time and granted the application (dkt. 204). As of the preparation of this tentative ruling, no motion is on file. Accordingly, the tentative ruling is to deny the request to shorten time, and take this matter off-calendar, without prejudice to any similar request for relief in future (by a chapter 11 trustee, or anyone else).

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- (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) Plan/Disclosure Statement*: TBD
 - (d) Continued status conference: 6/16/20 at 1:00 p.m. *Brief* status report due 6/2/20.
- *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 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 4/21/20:

Appearances required, but pursuant to Judge Bason's COVID19 Procedures, **telephonic appearances are REQUIRED 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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(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)

The tentative ruling is to appoint a chapter 11 trustee based on the long history of this case without progress and with many mis-steps by Debtor (as set forth in this tentative ruling and the extensive prior tentative rulings reproduced below). In addition, the UST should be prepared to address whether Debtor's March MOR (dkt. 208) sufficiently addresses the issues

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(b) Application to employ public adjuster Asset Recovery Association dba ClaimsXP (dkt. 167, "Application"); opposition of Wilmington Savings Fund Society ("Wilmington") (dkt. 181, 182); notice of hearing (dkt. 184); Debtor's reply (dkt. 192)

There is no tentative ruling. At the last hearing, this Court ordered Debtor to file a declaration(s) with an update on the projected repair costs and a statement of disinterestedness. As of the preparation of this tentative ruling, Debtor has not complied. Why not?

(c) Motion to approve settlement with Wilmington Savings Fund ("Wilmington")

At the last hearing, this Court orally shortened time for Debtor to file a motion to approve a settlement with Wilmington that would resolve the parties' default interest, late fees, and other charges dispute, but set a deadline of 4/14/20 for Debtor to file and serve the motion. On 4/13/20, Debtor filed an ex parte application requesting modification of the filing and service deadlines (dkt. 203), which this Court treated as an application for hearing on shortened time and granted the application (dkt. 204). As of the preparation of this tentative ruling, no motion is on file.

(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) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 5/19/20 at 1:00 p.m., concurrent with other matters. *Brief* status report due 5/2/20.

*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 telephonically without adequately resolving this matter by consent, then you may waive your right to be heard

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on matters that are appropriate for disposition at this hearing.

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(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)

There is no tentative ruling. The parties should be prepared to address whether this Court should appoint a chapter 11 trustee, convert this case, dismiss this case, or order other relief based on:

- (i) the UST's MTD and related papers,
- (ii) Debtor's lack of progress noted in the relief from stay orders (dkt. 173, 174),
- (iii) Debtor's apparent history of mis-starts and poor management of this estate, including a long history of missed projections about how this case would progress, an abandoned attempt to retain a professional to rent out property as an Air-bnb, the belated and unsuccessful attempts to explore a sale or refinancing of the Bel Air property, and transfers of funds without adequate explanation (as referenced in this Court's prior tentative rulings for 10/29/19, 10/15/19, and 9/24/19, reproduced below).

(b) Inadequate attempts to stop the running of default interest

An additional concern, which may bear on the MTD, is whether Debtor has made adequate attempts to stop the running of postpetition default interest payable to Patch of Land Lending, LLC ("Patch"). The tentative ruling is that she has not.

From the inception of this bankruptcy case this Court has raised

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concerns that default interest, late fees, and other charges are consuming any equity in the Bel Air property at a rapid rate. On 8/13/19 this Court issued an order conditionally continuing the automatic stay under 11 U.S.C. 362(c) (3) and setting a deadline of 11/12/19 for Debtor to "file a motion to refinance the Bel Air Road property, or file a realistic plan of reorganization, or otherwise file appropriate papers aimed at stopping the running of postpetition default interest owed to Patch [of Land Lending]." Dkt. 31, Ex.1, p.1, item "(ii)" (emphasis added). Debtor filed a motion challenging the validity of Patch's assertion that it is entitled to default interest and late fees under 11 U.S.C. 506(b) (the "Default Interest Motion," dkt. 123). That is insufficient, for two reasons.

First, it is not enough to file the Default Interest Motion without prosecuting it. The hearing on that motion has been continued several times (dkt. 129, 133, 141) with the current hearing set to be heard 5/5/20 at 1:00 p.m. (dkt. 164).

Second, the Default Interest Motion has the effect of gambling that Debtor will prevail in her attempt to establish that no default interest is owed - an uphill battle that might well fail - rather than stopping the running of whatever interest turns out to be owed. See, e.g., *East West Bank v. Altadena Lincoln Crossing, LLC*, 598 B.R. 633 (C.D. Cal. 2019) (allowing default interest). This distinction is further explained below.

As a preliminary matter, it is helpful to recognize the different periods in which default interest may accrue:

Three categories of interest exist in bankruptcy cases: (1) interest accrued prior to the filing of the bankruptcy petition (prepetition interest); (2) interest accrued after the filing of a petition but prior to the effective date of a reorganization plan (pendency interest); and (3) interest to accrue under the terms of a reorganization plan (plan interest). ...

Generally, the Code does not provide for pendency interest to creditors, because the filing of the petition usually stops interest from accruing. Section 506(b), however, provides an exception for oversecured creditors:

To the extent that an allowed secured claim is secured by property the value of which, after any recovery under subsection (c) of this section, is greater than the amount of such claim, there shall be allowed to the holder of such

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claim, interest on such claim, and any reasonable fees, costs, or charges provided for under the agreement or State statute under which such claim arose. [11 U.S.C. 506(b) (emphasis added).]

Thus, an oversecured creditor can recover pendency interest as part of its allowed claim, at least to the extent it is oversecured. Any accumulated pendency interest determined under § 506(b) is added to the allowed claim of an oversecured creditor and then paid pursuant to the terms of the confirmed plan with plan interest determined under § 1129(b)(2)(A)(i)(II). [*In re Beltway One Dev. Group, LLC*, 547 B.R. 819, 826 (9th Cir. BAP 2016) (emphasis added, citations omitted).]

There are only three ways that occur to this Court to stop the running of pendency default interest.

(i) A sale under section 363

Debtor could sell the Bel Air property under 11 U.S.C. 363. That is only a partial remedy because it does not stop the running of pendency default interest before the proceeds are distributed. *GECC v. Future Media*, 547 F.3d 956 (9th Cir. 2008). But at least from that point forward it would stop the ongoing accrual of pendency default interest.

Unfortunately, a section 363 sale appears to be precluded because Debtor reports that any sale of the Bel Air property would result in capital gains taxes estimated at roughly \$1 million. Dkt.159, p.17:1-4. In other words, the cure might be worse than the disease.

(ii) Refinancing the debt

Debtor attempted to refinance Patch's debt, but not fully. Patch objected, and this Court denied Debtor's refinancing motion. Debtor has not presented any alternative refinancing proposal. So this alternative appears to be unavailable.

(iii) Plan confirmation

The last way known to this Court to stop the running of pendency default interest is to confirm a plan that restructures the debt to Patch and reduces the interest rate. As with the other alternatives, this is only a partial remedy because it does not stop the running of pendency interest before the effective date of the plan. But at least it stops the accrual of default interest going forward.

An added benefit of confirming a plan used to be available under some

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decisions in the Ninth Circuit: retroactively eliminating all pendency default interest. See *Beltway One*, 547 B.R. 819, 826-28 (discussing *In re Entz-White Lumber & Supply, Inc.*, 850 F.2d 1338 (9th Cir. 1988), and subsequent lower court decisions). But more recent guidance from the Court of Appeals has been interpreted to mean that pendency interest is not eliminated unless the claim is left unimpaired - *i.e.*, unless all defaults in un-matured long-term debt are cured, or matured debt is paid in full on the effective date. See *Beltway One*, 547 B.R. 819, 826-28 (interpreting *Future Media*, 547 F.3d 956).

This Court expresses no opinion on these issues except to note that they exist. The point is that, at the very least, it appears that confirmation of a plan would provide a partial remedy because it would stop the ongoing running of pendency default interest, and replace it with plan interest going forward.

(iv) Conclusion as to default interest

Why has Debtor not attempted to move forward with a plan of reorganization to address the default interest?

(c) Application to employ public adjuster Asset Recovery Association dba ClaimsXP (dkt. 167, "Application"); opposition of Wilmington Savings Fund Society ("Wilmington") (dkt. 181, 182); notice of hearing (dkt. 184); Debtor's reply (dkt. 192)

There is no tentative ruling. Debtor should be prepared to provide this Court with an update on the 4/1/20 AIG inspection (dkt. 192, Bordon decl., para. 7) and AIG's response, if any, to the adjusted insurance claim of \$454,717.11 (*id.*, para.6). Wilmington should be prepared to address under what conditions it would support employment of ClaimsXP (or any other adjuster).

If this Court is persuaded to grant the Application and authorize some form of employment of ClaimsXP retroactively to 1/7/20, employment will be subject to Judge Bason's standard employment terms (available at www.cacb.uscourts.gov). Additionally, any employment will be subject to the filing of a satisfactory statement of disinterestedness as required by the posted Procedures of Judge Bason (*id.*) **by 4/10/20**.

(d) Motion to allow Claim 29 filed by Shiv Raj Gupta and Saroj Gupta ("Claimants") (dkt. 150), debtor's opposition (dkt. 178), claimants' reply (dkt.

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188)

The tentative ruling is to grant the motion on the terms set forth in Claimants' reply (dkt. 188): namely, that the late-filed claim is allowed as a general unsecured claim in the amount of \$284,664.66 without prejudice to Debtor's right to object to any dollar amount that exceeds Debtor's admitted (scheduled) amount of \$250,000.

(e) Motion to allow Claim 31 filed by Deanna D'Egidio ("Claimant") (dkt. 152), debtor's motion to extend opposition deadline (dkt. 186) and order thereon (dkt. 189), debtor's opposition (dkt. 187), claimant's reply (dkt. 193)

The tentative ruling is to grant the motion on the terms set forth in Debtor's opposition (dkt. 187) and Claimant's reply (dkt. 193): namely, that the late-filed claim is allowed as a general unsecured claim in the amount of \$44,500.00.

Proposed orders: Movants are 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).

(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) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 5/5/20 at 1:00 p.m., concurrent with other matters. *Brief* status report due 4/21/20.

*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 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.

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Tentative Ruling for 3/31/20:

Continue to 4/7/20 at 1:00 p.m., concurrent with other matters. Appearances are not required on 3/31/20.

If you wish to dispute the tentative ruling you must notify opposing counsel 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. 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 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(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)

Continue to the same date and time as the continued status conference (see below), with a deadline of 4/6/20 at noon for Debtor to file amended bankruptcy schedules I & J, including all continuation sheets for line 8.a of schedule I.

At the continued status conference, the parties should be prepared to address whether this Court should appoint a chapter 11 trustee, convert this case, dismiss this case, or order other relief based on the UST's MTD and any argument at the hearing, based on the matters addressed in the MTD and supplement, Debtor's lack of progress noted in the relief from stay orders (dkt. 173, 174), Debtor's hiring of a claims adjuster on or about 1/7/20 (dkt. 167, p.3, para. 11) without authorization of this Court, and Debtor's apparent arrangement for the claims adjuster to hire counsel to represent the bankruptcy estate without authorization of this Court.

(b) Motion to allow Claim 29 filed by Shiv Raj Gupta and Saroj Gupta ("Claimants") (dkt. 150), debtor's opposition (dkt. 178), claimants' reply (dkt. 188)

Continue to the same date and time as the continued status

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conference (see below). The tentative ruling is to grant the motion on the terms set forth in Claimants' reply (dkt. 188): namely, that the late-filed claim is allowed as a general unsecured claim in the amount of \$284,664.66 without prejudice to Debtor's right to object to any dollar amount that exceeds Debtor's admitted (scheduled) amount of \$250,000.

(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) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 4/7/20 at 1:00 p.m., concurrent with other matters. No 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 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 1/14/20:

Continue all matters in this case that are on calendar today to the same date and time as the continued status conference (see below), based on Debtor's status report (dkt.142) and the other filed documents and records in this case. Appearances are not required on 1/14/20.

(1) Current issues

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

(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) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 3/31/20 at 1:00 p.m., *brief* status

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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.

Tentative Ruling for 12/10/19:

Appearances are not required on 12/10/19.

(1) Current issues

(a) Totaro & Shanahan's (the "Firm") 1st interim fee application (dkt. 111) (the "Fee Application"); UST's objection (dkt. 114); Patch of Land Lending, LLC's ("Patch") limited objection (dkt. 115); the Firm's reply (dkt. 121), Firm's supplemental declaration (dkt. 128)

In view of the Firm's supplemental declaration and the absence of any supplemental responses from the UST or Patch, the tentative ruling is to approve fees of \$54,010 and expenses of \$0.00 on an interim basis, for a total award of \$54,010, but no payment may be made absent further order of this Court.

Proposed order: The Firm 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 adopting it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

(b) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65), debtor's opposition (dkt. 86), no reply is on file

Continue to be concurrent with the continued status conference (see below).

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

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

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

(c) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 1/14/20 at 1:00 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.

Tentative Ruling for 11/12/19:

Appearances are not required on 11/12/19.

(1) Current issues

(a) Totaro & Shanahan's (the "Firm") 1st interim fee application (dkt. 111) (the "Fee Application"); UST's objection (dkt. 114); Patch of Land Lending, LLC's ("Patch") limited objection (dkt. 115); the Firm's reply (dkt. 121)

Continue to the same date and time as the continued status conference stated below. Set **11/19/19** as the deadline for the Firm to submit any supplement in support of the Application and **11/26/19** as the deadline for any supplemental responses from the UST and Patch.

(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) Plan/Disclosure Statement*: TBD

(d) Continued status conference: 12/10/19 at 1:00 p.m.; *brief* status report due 11/22/19

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

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

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Chapter 11

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 10/29/19:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65), debtor's opposition (dkt. 86), no reply is on file

There is no tentative ruling, but Debtor is directed to address the thousands of dollars of unauthorized payments to "Independent Contractor[s]" Ofir Engel and L. Napolitano, "McCarthy Construction," and cash withdrawals, as well as the other issues raised by the UST. Debtor is also directed to address what progress, if any, has been made on insurance claims, AirBnB arrangements, refinancing or selling the Bel Air and Sweetzer properties, and other aspects of this bankruptcy case.

(b) Application to employ Totaro & Shanahan (the "Firm") (dkt. 63) (the "Employment Application"), Statement of disinterestedness (dkt. 100), UST Objection (dkt. 90), the Firm's errata (dkt. 97)

The tentative ruling is to grant the Employment Application, subject to any objection from the UST.

Proposed orders: Debtor 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).

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

(a) Bar date: TBD

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

(c) Plan/Disclosure Statement*: TBD

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(d) Continued status conference: 12/10/19 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.

Tentative Ruling for 10/15/19:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) UST's motion to dismiss (dkt. 65), debtor's opposition (dkt. 86), no reply is on file

There is no tentative ruling. The parties should be prepared to address whether debtor has cured all outstanding compliance issues, and whether Debtor's second corrected opposition continues to have error(s) in calculating projected cash flow. That opposition lists net income before personal expenses for "Oct-19" and "Nov-19" as -5,850.00, but then after personal expenses of \$1,751.00 for each month it lists "excess income" of \$34,900.00. Dkt.94, Ex.1, at PDF pp.8-9. If the spreadsheet is wrong about those numbers, can creditors and this Court rely on the rest of Debtor's projections?

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

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 12/10/19 at 1:00 p.m.; no written status report 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.

Tentative Ruling for 10/4/19:

Appearances required.

(1) Current issues

(a) Motion for authority to obtain post-petition financing (dkt. 75, 76, 77, 80, 81, 82, 83, 84) (the "Finance Motion"); Alliance Portfolio/Private Equity Finance, Inc.'s Opposition (dkt. 91)

There is no tentative ruling. It appears no reply deadline was set, so debtor's reply will be allowed orally at the hearing.

(b) Motion of Alliance for Relief From Automatic Stay (dkt. 40)

There is no tentative ruling. The outcome of this motion is subject to this Court's decision whether to grant or deny the Finance Motion.

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

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 10/15/19 at 1:00 p.m to be heard concurrently with other matters on calendar. 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

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appropriate for disposition at this hearing.

Tentative Ruling for 9/24/19:

Appearances required. The Court has reviewed the Debtor's status report (dkt. 69).

(1) Current issues

In addition to addressing the general status of this case, the following issues will be addressed.

(a) Motion of Alliance for Relief From Automatic Stay (dkt. 40)

There is no tentative ruling. The parties should be prepared to advise this Court on whether they will agree to an adequate protection order and the proposed \$50,000 loan from Complete Business Solutions Group ("Complete") (dkt.69, p.2:21-25). The parties also should be prepared to address whether shortened time or other special procedures are requested regarding any proposed lending. See 11 U.S.C. 364; Rules 4001(c) & 9006(c)(2) (Fed. R. Bankr. P.).

(b) Contemplated contract with Majestic Ventures LLC dba VacationHomes365.com ("Consultant") re marketing (Airbnb etc.)

Debtor is contemplating a contract with Consultant for marketing services. Dkt.69, Ex.2. As that contract points out (*id.*, sec.7.2, p.44), Debtor is responsible for complying with legal obligations regarding short term rentals, and associated costs, including local taxes.

The parties should be prepared to address whether Consultant is a "professional" within the meaning of 11 U.S.C. 327; whether approval of the contract with Consultant is required under that section or section 363(b); and whether shortened time or other special procedures are requested regarding any proposed agreement with Consultant. See 11 U.S.C. 327, 363(b); Rules 2002(a)(2) & 9006(c)(2) (Fed. R. Bankr. P.).

(c) Termination of prior real estate agent

Debtor reports (dkt. 69, para.3) that the previously authorized real estate agent has agreed to cancel the listing. Is that in writing? Will Debtor need any order related to that cancellation/termination? What assurance is there that this prior agent will not seek some sort of compensation?

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

(a) Bar date: TBD

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(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 10/15/19 at 1:00 p.m to be heard concurrently with other matters on calendar. 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.

Tentative Ruling for 9/10/19:

Appearances required.

(1) Current issues

In addition to addressing the general status of this case, the following issues will be addressed.

(a) Motion of Alliance for Relief From Automatic Stay (dkt. 40)

Grant, as set forth in calendar no. 3 (9/10/19 at 1:00 p.m.).

(b) Employment Motion for The Turoci Firm (dkt. 23, 28)

Deny, as set forth in calendar no. 4 (9/10/19 at 1:00 p.m.). The parties should be prepared to address whether Debtor has arranged for alternate counsel.

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

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 9/24/19 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

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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 8/20/19:

Appearances required by counsel for the debtor and by debtor herself.

(1) Current issues

(a) Airbnb

Debtor's budget motion (dkt. 37, Ex.A, p.2) reveals that, although the Sweetzer property is "listed to be sold," meanwhile "Debtor intends to rent [that property] as an Airbnb." The tentative ruling is that this is a transaction out of the ordinary course, which requires notice, an opportunity for a hearing, and approval by this Court. 11 U.S.C. 363(b). Has Debtor already acted on this intent, without such approval?

In addition, this Court is concerned about (i) whether Airbnb rental would be in compliance with any local permitting and zoning requirements and is otherwise permissible, (ii) whether that proposed use might expose the bankruptcy estate to liabilities, (iii) whether there is adequate insurance for that use of the property, and (iv) whether the proposed sale of the property is consistent with any agreement with Airbnb.

(b) Real estate agent.

The employment application (dkt. 26, p.4:1-4) states that Agent has agreed to disclose to Debtor [i.e., only to Debtor? how about disclosure to creditors, the US Trustee, and this Court?] any agency relationship Agent has with other parties ("Third Parties") that may be part of a real estate transaction for the sale of the Real Property [i.e., dual agency? that is prohibited by the posted Procedures of Judge Bason (available at www.cacb.uscourts.gov)] as well as the amount of any compensation Agent receives from Agent's relationship with any Third Parties [i.e., splitting the commission with a cooperating agent from a different real estate agency? or something else?].

What does the quoted text mean? This Court's questions are set forth

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in the emphasized, bracketed text above.

Chapter 11

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

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 9/24/19 at 1:00 p.m., *brief* status report due 9/17/19.

*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.

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro

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2:19-18316 Ashley Susan Aarons

Chapter 11

#7.10 Cont'd hrg re: Motion for relief from stay [RP]
fr. 3/10/20, 5/19/20

WILMINGTON SAVINGS FUND SOCIETY
vs
DEBTOR

Docket 147

Tentative Ruling:

Tentative Ruling for 6/16/20:

Please see the tentative ruling for the status conference (Calendar no. 7, 6/16/20 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED (see Orders granting relief to take all steps prior to foreclosure, dkt.173, 174)]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr

Movant(s):

WILMINGTON SAVINGS FUND

Represented By
Joshua L Scheer

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2:20-12732 Parvin Jamali

Chapter 11

Adv#: 2:20-01068 Jamali v. U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE

#8.00 Cont'd hrg re: Defendant's Motion to Dismiss Adversary Proceeding
fr. 6/2/20

Docket 4

***** VACATED *** REASON: Motion to dismiss reschedule to 7/28/20 at
2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Parvin Jamali

Represented By
Michael R Totaro
Yevgeniya Lisitsa

Defendant(s):

U.S. BANK NATIONAL

Represented By
Olivier J Labarre

Plaintiff(s):

Parvin Jamali

Represented By
Yevgeniya Lisitsa

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2:20-12732 Parvin Jamali

Chapter 11

#8.10 Hrg re: Motion in individual chapter 11 case for order approving a budget for the use of the debtor's cash and postpetition income

Docket 83

***** VACATED *** REASON: Cont'd to 7/28/20 at 2:00 p.m. [dkt. 105]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Parvin Jamali

Represented By
Michael R Totaro
Yevgeniya Lisitsa

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2:20-12732 Parvin Jamali

Chapter 11

#8.20 Cont'd Status Conference re: Chapter 11 Case
fr. 4/7/20, 5/5/20, 5/12/20, 6/2/20

Docket 6

***** VACATED *** REASON: Continued to 7/28/20 at 2:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

Parvin Jamali

Represented By
Michael R Totaro
Yevgeniya Lisitsa

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2:18-12429 Dana Hollister

Chapter 11

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

#9.00 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

Docket 1

Tentative Ruling:

Tentative Ruling for 6/16/20:

Continue to 12/8/20 at 2:00 p.m. because this adversary proceeding is still stayed as set forth in the tentative ruling for 6/4/19 (reproduced below). Appearances are not required on 6/16/20. 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 6/30/20. 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 12/10/19:

Continue to 6/16/20 at 2:00 p.m. because this adversary proceeding is still stayed as set forth in the tentative ruling for 6/4/19 (reproduced below). Appearances are not required on 12/10/19.

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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.

Tentative Ruling for 6/4/19:

Continue to 11/5/19 at 2:00 p.m. because, as set forth in the parties' stipulation (adv. dkt. 8) (approved by order at adv. dkt. 9), this adversary proceeding is stayed pursuant to the parties' settlement that is still being implemented in the bankruptcy case. Appearances are not required on 6/4/19.

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 12/18/18:

Continue to 6/4/19 at 2:00 p.m. because, as set forth in the parties' stipulation (adv. dkt. 8) (approved by order at adv. dkt. 9), this adversary proceeding is stayed pursuant to the parties' settlement that is still being implemented in the bankruptcy case. Appearances are not required on 12/18/18.

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.

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Chapter 11

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

#10.00 Hrg re: Motion for order disallowing claim of
Advance Merchant Finance 1, LLC

Docket 1043

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#11.00 Hrg re: Motion for order disallowing claim
of Andrew Kahn/GEMS

Docket 1045

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#12.00 Hrg re: Motion for order disallowing claim of
Susan Borg and Stuart Schlisserman

Docket 1047

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#13.00 Hrg re: Motion for order disallowing claim of
Capital One Bank (USA) N.A.

Docket 1049

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#14.00 Hrg re: Motion for order disallowing claim of
Coral Dabarera and Eli Edelson

Docket 1051

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#15.00 Hrg re: Motion for order disallowing claim of
Dartplace Ltd/Watson

Docket 1053

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#16.00 Hrg re: Motion for order allowing claim of
Claire Downs and Brenden Gallagher

Docket 1062

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#17.00 Hrg re: Motion for order disallowing claim of
Danielle Gharst and Chris Cahill

Docket 1064

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#18.00 Hrg re: Motion for order disallowing claim of
Regina Hwang and Eric Chow

Docket 1066

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

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#19.00 Hrg re: Motion for order disallowing claim of
Jeanne Kim and Keith Ahn

Docket 1068

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#20.00 Hrg re: Motion for order disallowing claim of
Darla Linvill and Everett Livingston

Docket 1070

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#21.00 Hrg re: Motion for order disallowing claim
of Samantha Longman and Matthew Hok

Docket 1072

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#22.00 Hrg re: Motion for order disallowing claim
of Lorie Margolis & Adam Rejwan

Docket 1074

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#23.00 Hrg re: Motion for order disallowing claim
of Jill Martin & Kevin Fey

Docket 1076

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#24.00 Hrg re: Motion for order disallowing claim
of Kassia Miller & Patrick O'Brien

Docket 1078

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#25.00 Hrg re: Motion for order disallowing claim
of Mitie Tucker, LLC

Docket 1080

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#26.00 Hrg re: Motion for order disallowing claims
of Victor Ngai and Yao Hua Wang

Docket 1082

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#27.00 Hrg re: Motion for order disallowing claim
of Pacific Bell Telephone Company

Docket 1092

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#28.00 Hrg re: Motion for order disallowing claim
of Jill Sanford

Docket 1095

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#29.00 Hrg re: Motion for order disallowing claim
of Jamie Stovall and Michael Ohanessian

Docket 1098

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#30.00 Hrg re: Motion for order disallowing claim
of Erin Tudron and Brad Roller

Docket 1101

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#31.00 Hrg re: Motion for order disallowing claim
of Unkle Productions

Docket 1105

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#32.00 Hrg re: Motion for order disallowing claim
of Westcoast Gate & Entry Systems, LLC

Docket 1107

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#33.00 Hrg re: Motion for order disallowing claim
of Courtney Wilk and Daniel Mandel

Docket 1109

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 34,
6/16/20 at 2:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, June 16, 2020

Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#34.00 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

Docket 1

Tentative Ruling:

This Court anticipates posting a tentative ruling at a later time.

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul