

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

2:10-60711 Brunelle Equities LLC

Chapter 11

#1.00 Cont'd status conference re: Post confirmation of plan
fr. RN, 6/26/19, 10/23/19, 1/29/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/23/20. Off calendar. In light of the rapidly developing public health threat of coronavirus disease (COVID-19) and the current national and local public health guidance to mitigate the spread of the disease through social distancing, the court in an abundance of caution continues the status conference in this bankruptcy case scheduled for April 1, 2020 at 11:00 a.m. The court on its own motion continues the status conference to May 13, 2020 at 11:00 a.m. The court may issue a further order regarding scheduling if the public health threat does not subside. No appearances are required on April 1, 2020 at 11:00 a.m. as the status conference is continued to May 13, 2020 at 11:00 a.m. in Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

Updated tentative ruling as of 3/20/20. No tentative ruling on the merits. Appearances are required on 4/1/20, but counsel must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is closed to the public by order of the chief judge of the United States District Court for the Central District of California (Order of the Chief Judge No. 20-042). Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Prior tentative ruling as of 1/27/20. No tentative ruling on the merits. Appearances are required on 1/29/20, but counsel may appear by telephone.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

CONT... Brunelle Equities LLC

Chapter 11

Prior tentative ruling as of 10/21/19. No tentative ruling on the merits.
Appearances are required on 10/23/19, but counsel may appear by
telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits.
Appearances are required on 6/26/19, but counsel may appear by telephone.

Party Information

Debtor(s):

Brunelle Equities LLC

Represented By
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

2:12-15626 Forbco Sizzler Partners, L.P.

Chapter 11

#2.00 Hearing re: Motion to convert cases to chapter 7

Docket 29

Tentative Ruling:

Revised tentative ruling as of 3/23/20. The court is inclined to grant the motion to convert for the reasons stated in the moving papers. First, cause is shown under 11 U.S.C. 1112(b)(4)(I) and (N) based on the undisputed evidence of debtor's failure to pay postconfirmation taxes and to make timely plan payments. Conversion to Chapter 7 rather than dismissal or appointment of a Chapter 11 trustee appears to be in the best interest of creditors and the estate to realize whatever value is left in the estate and to investigate and consider the postconfirmation actions of debtor and its finances. While there may be evidence of unusual circumstances here from the COVID-19 public health emergency, debtor has not met its burden under 11 U.S.C. 1112(b)(2)(B) of showing a reasonable justification for its failures to pay postconfirmation taxes and to make timely plan payments and that such failures can be cured in a reasonable period of time. The only reason that the court would not grant the motion to convert is a showing by debtor of a specific and definite plan to realize some value to the estate if it is allowed to continue to operate, but given that it has been 7 years since confirmation and there have been various unsuccessful attempts to market the remaining stores, debtor will need to make a strong showing of an alternative path to realizing value for the creditors and the estate.

Appearances are required on 4/1/20, but counsel must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is closed to the public by order of the chief judge of the United States District Court for the Central District of California (Order of the Chief Judge No. 20-042). Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

CONT... Forbco Sizzler Partners, L.P.

Chapter 11

Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Party Information

Debtor(s):

Forbco Sizzler Partners, L.P.

Represented By

Robert E Opera

Sean A OKeefe

Alastair M Gesmundo

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

2:12-15627 W & J Higgins Investments, L.P.

Chapter 11

#3.00 Hearing re: Motion to convert cases to chapter 7

Docket 26

Tentative Ruling:

Revised tentative ruling as of 3/23/20. See tentative ruling for matter number 2.

Appearances are required on 4/1/20, but counsel must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is closed to the public by order of the chief judge of the United States District Court for the Central District of California (Order of the Chief Judge No. 20-042). Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Party Information

Debtor(s):

W & J Higgins Investments, L.P.

Represented By
Robert E Opera
Sean A OKeefe
Andrew B Levin

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

2:13-28671 Elbiali Ismail Osman

Chapter 11

#4.00 Cont'd hearing re: California Department of Tax and Fee Administration's motion to dismiss chapter 11 bankruptcy case for cause under 11 U.S.C. 1112 or in the alternative to convert case to chapter 7
fr. 3/4/20

Docket 311

***** VACATED *** REASON: Continued from 4-1-20 to 6-3-20 at 11 a.m.
per stip and order entered on 3-18-20-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 6/3/20 at 11:00 a.m. No appearances are required on 4/1/20.

Party Information

Debtor(s):

Elbiali Ismail Osman

Represented By

Carlos F Negrete - INACTIVE -
Alan W Forsley
Robert G Uriarte
Raymond H. Aver

Movant(s):

California Department of Tax and

Represented By

Teaira L Law
Lisa W Chao

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

2:18-13759 Charles Peters

Chapter 11

#5.00 Hearing re: Debtor's application for authority to employ The Orantes Law Firm, P.C. as general insolvency counsel as of January 22, 2020

Docket 247

Tentative Ruling:

Revised tentative ruling as of 3/23/20. Approve in part and deny in part application to employ the Orantes Law Firm P.C. as general insolvency counsel for debtor in possession. Employment of proposed counsel is a reasonable exercise of debtor's business judgment. Although creditor Law Offices of Michael Jay Berger ("Berger") lacks standing to object to use of cash collateral since it is not the secured creditor whose cash collateral is being used, debtor may not use cash collateral without consent of the affected secured creditor (here, Greenbrier LLC) or authorization of the court upon motion pursuant to FRBP 4001(b). The application does not meet the requirements of FRBP 4001(b) for debtor to use the secured creditor's cash collateral. Debtor may use unencumbered funds for a postpetition retainer since 11 U.S.C. 328(a) generally recognizes the use of retainers for employed professionals (though any compensation drawn down from the retainer is subject to the court's review and approval under 11 U.S.C. 330, and an earned on receipt retainer is not permitted), but must obtain consent of the secured creditor or authorization of the court to use cash collateral for such a purpose, which was not authorized by the prior cash collateral order. To the extent that cash collateral is being used for the postpetition retainer, such use is denied without prejudice to debtor's obtaining consent to such use by stipulation or obtaining authorization from the court upon motion. Berger's objection to the postpetition retainer based on *In re Knudsen Corp.*, 84 B.R. 668 (9th Cir. BAP 1988) lacks merit since that case is not applicable since it dealt specifically with periodic fee payments of an estate professional drawn down from a retainer before formal court approval, and not with the allowance of a postpetition retainer in general.

Appearances are required on 4/1/20, but counsel must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 1, 2020

Hearing Room 1675

11:00 AM

CONT...

Charles Peters

Chapter 11

and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is closed to the public by order of the chief judge of the United States District Court for the Central District of California (Order of the Chief Judge No. 20-042). Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Party Information

Debtor(s):

Charles Peters

Represented By
Frank Edel Blanco
Giovanni Orantes
Luis A Solorzano