

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

**Thursday, October 27, 2016**

**Hearing Room 1675**

9:00 AM

**2:15-18338 Phoenix Home Restorations LLC**

**Chapter 7**

**#1.00** EVIDENTIARY HEARING RE: Motion for relief from stay  
(Center Street Lending Fund V, LLC VS Debtor)  
fr. 4/29/16, 5/26/16, 7/8/16, 9/8/16

**Property re: 225 West Forest Street, Brigham City, UT 84302**

Docket 42

**Tentative Ruling:**

Updated tentative ruling as of 10/25/16. Off calendar. Continued by stipulation and order to 12/15/16 at 9:00 a.m. No appearances are required on 10/27/16.

Prior tentative ruling as of 7/6/16. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 7/8/16.

Revised tentative ruling as of 5/23/16 at 5:30 p.m. Off calendar. Continued by stipulation and order to 7/8/16 at 9:00 a.m. (note: change in date from what was requested in the stipulation). No appearances are required on 5/26/16.

Prior tentative ruling as of 4/25/16. Off calendar. Continued by stipulation and order to 5/26/16 at 9:00 a.m. No appearances are required on 4/29/16.

Prior tentative ruling as of 1/26/16. Off calendar. Continued by stipulation and order to 4/29/16 at 9:00 a.m. No appearances are required on 1/29/16.

Prior tentative ruling as of 1/21/16. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 1/29/16.

No tentative ruling as of 11/16/15. Appearances are required on 11/17/15, but counsel may appear by telephone.

<b>Party Information</b>
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**CONT... Phoenix Home Restorations LLC**

**Chapter 7**

**Debtor(s):**

Phoenix Home Restorations LLC Pro Se

**Movant(s):**

Center Street Lending Fund V, LLC Represented By  
Michelle R Ghidotti

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Robert M Aronson

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2:15-18338 Phoenix Home Restorations LLC

Chapter 7

**#2.00** EVIDENTIARY HEARING RE: Motion for relief from stay  
(Zion Commercial Investment LLC VS Debtor)  
fr. 4/26/16, 6/15/16, 7/27/16, 9/8/16

Docket 88

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/27/16 to 12/15/16 at 9:00  
a.m. per stip & order entered on 10/24/16-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/24/16. Off calendar. Continued by stipulation and order to 12/15/16 at 9:00 a.m. No appearances are required on 10/27/16.

Prior tentative ruling as of 7/26/16. Off calendar. Continued by stipulation and order to 9/8/16 at 9:00 a.m. No appearances are required on 7/27/16.

Prior tentative ruling. Treat as a contested matter under FRBP 9014. Appearances are required on 4/26/16 to discuss scheduling of pretrial and trial proceedings since valuation of collateral (and debtor's equity cushion) is in dispute, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Phoenix Home Restorations LLC Pro Se

**Movant(s):**

Zion Commercial Investment LLC Represented By  
Randall P Mroczynski

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Robert M Aronson

**United States Bankruptcy Court  
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Thursday, October 27, 2016

Hearing Room 1675

1:30 PM

2:12-39920 Grant Walker King

Chapter 7

**#3.00** Cont'd hearing re: Motion By Jon Roger Davis For Entry Of An Order (1) Holding That Arbitration Can Proceed Against The Debtor Because The Automatic Stay Under Section 362 Does Not Apply, (2) Holding That The Arbitration Can Proceed Against The Debtor, Because (A) The Claims Asserted By Davis And Vhllc Against The Debtor In The Arbitration Were Not Discharged Or Because The Arbitrator Has Concurrent Jurisdiction To Determine Whether The Claims Were Discharged, Or, Alternatively, (B) Davis Is Excused From Any Obligation To File An Action Determining That The Claims Asserted Against The Debtor In The Arbitration Were Not Discharged Or Are Non-Dischargeable Until The Arbitration Is Concluded By A Final Order, (3) Holding That The Bankruptcy Case Does Not Prevent Parties From Obtaining Testimony Or Discovery From The Debtor, And (4) Setting Status Conference  
fr. 10/11/16

Docket 35

**\*\*\* VACATED \*\*\* REASON: Taken off calendar without prejudice per order entered on 10/20/16-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/24/16. Off calendar. Taken off calendar without prejudice pursuant to order entered on 10/20/16. No appearances are required on 10/27/16.

Prior tentative ruling. It appears that both sides in their papers, movant by his motion, and debtor by his opposition, are seeking determinations of dischargeability of debt and related declaratory relief since movant is seeking to immunize himself from any violation of the discharge injunction and debtor is seeking to immunize himself from any liability to movant based on the discharge injunction, but the relief sought by each side require an adversary proceeding under FRBP 7001(4) and (9), though none of the papers refer to this rule, though this is what debtor is asking for without properly citing the applicable rule. Movant apparently wants the arbitrator to hear his claims on the merits, which may be in effect asking this court to abstain from hearing the claims, but the court does not see how movant can eliminate his exposure for any violation of the discharge injunction without commencing an adversary proceeding for dischargeability of debt and related relief, though this may

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**CONT... Grant Walker King**

**Chapter 7**

result in delay of the arbitration proceedings. Thus, deny motion without prejudice. Appearances are required on 10/11/16, but counsel may appear by telephone.

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

Grant Walker King

Represented By  
Steven K Brumer  
Howard N Madris  
Ronald N Richards

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se