

**United States Bankruptcy Court
Central District of California
Riverside
Judge Scott Clarkson, Presiding
Courtroom 126 Calendar**

Wednesday, September 29, 2021

Hearing Room 126

1:30 PM

6:20-11096 Ronald Ward Komers

Chapter 11

#42.00

CONT. Hrg. on Order to Show Cause why case should not be dismissed or converted

From: 7/13/21

EH_____

Docket 218

***** VACATED *** REASON: ADVANCED TO 9/28/21 BY ORDER
ENTERED 7/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Ward Komers

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
Riverside
Judge Scott Clarkson, Presiding
Courtroom 126 Calendar**

Wednesday, September 29, 2021

Hearing Room 126

1:30 PM

6:20-11096 Ronald Ward Komers

Chapter 11

#43.00

CONT Hrg. on Chapter 11 Status Conference

EH_____

From: 9/29/20, 10/20/20,12/15/20,1/5/21,2/16/21, 4/6/21,6/1/21,7/13/21

Docket 7

***** VACATED *** REASON: ADVANCED TO 9/28/21 BY ORDER
ENTERED 7/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Ward Komers

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
Riverside
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Wednesday, September 29, 2021

Hearing Room 126

1:30 PM

6:20-11096 Ronald Ward Komers

Chapter 11

#44.00

Hrg. on Confirmation of Chapter 11 Plan

EH_____

Docket 7

***** VACATED *** REASON: ADVANCED TO 9/28/21 BY ORDER
ENTERED 7/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Ward Komers

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

10:00 AM

8:20-10437 State Department Watch Limited

Chapter 7

#1.00

Hearing RE: Trustee's Final Report And Application For Compensation And Reimbursement Of Expenses
(Final Report filed 8/25/2021)

[RE: THOMAS H. CASEY - Chapter 7 Trustee]
[Fees: \$8,372.51; Expenses: \$243.29]

[RE: SHULMAN BASTIAN FRIEDMAN & BUI, LLP - Attorneys For Chapter 7 Trustee]
[Fees: \$35,609.50; Expenses: \$2,295.65]

[RE: HAHN FIFE & COMPANY - Accountants for Chapter 7 Trustee]
[Fees: \$3,060.00; Expenses: \$377.90]

Docket 52

***** VACATED *** REASON: OFF CALENDAR PER NOTICE OF
WITHDRAWAL OF TRUSTEE'S FINAL REPORT FILED 9-9-2021 -
(DOCKET NO. [56])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

State Department Watch Limited

Represented By
Leonard M Shulman
Jai H Kim

Trustee(s):

Thomas H Casey (TR)

Represented By
Leonard M Shulman
Jai H Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

10:00 AM

8:21-11947 Bong Gyun Kim and Sook Won Kim

Chapter 7

#2.00

Hearing RE: Motion for relief from stay [Action In Non-Bankruptcy Forum]

You Suk Min, aka Patrick Min & Aerahn Park, aka Gaia Park vs. DEBTORS
(Motion filed 9/3/2021)

**[RE: Case Name: You Suk Min, et al. v. Ace-Tech Construction, et al.]
[Docket No.: 30-2020-01131647-CU-BC-CJC]
[Pending In: The Superior Court Of California - Orange County, Central
Justice Center]**

Docket 11

Tentative Ruling:

Tentative for 9/29/21 is to DENY without prejudice.

Movants seek relief from stay (and annulment) to proceed with a pre-petition state court action alleging fraud and other claims against Defendants.

Movants who have not filed an adversary proceeding related to this action at this time argue that the debt would be nondischargeable pursuant to Section 523(a)(2)(A). Defendants oppose the motion, asserting that this matter can and should be determined in bankruptcy court.

The party moving for relief from stay bears the burden of establishing that cause exists for such stay relief. *LaPierre v. Advanced Med. Spa Inc. (In re Advanced Med. Spa Inc.)*, Nos. EC-16-1087, 15-27456-B-7, 2016 Bankr. LEXIS 2205, at *9 (B.A.P. 9th Cir. May 23, 2016). Courts routinely weight multiple "factors" in order to determine if cause exists to allow the litigation to proceed in another forum. See *Truebro, Inc. v. Plumberex Specialty Products, Inc. (In re Plumberex Specialty Products, Inc.)*, 311 B.R. 551, 559 (Bankr. C.D. Cal. 2004).

Movants' motion contains no analysis or showing of the aforementioned *Plumberex* factors. Moreover, the supporting declaration lacks foundation and personal knowledge. Therefore, Movants have not met their burden to

**United States Bankruptcy Court
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CONT... Bong Gyun Kim and Sook Won Kim

Chapter 7

demonstrate that stay relief is warranted and the Court is inclined to DENY Movants' request.

As to the issue of annulment, bankruptcy courts typically consider multiple factors, including the debtor's overall good faith under a totality of the circumstances; whether the creditor was aware of the stay but nonetheless took action; how quickly the creditor moved for annulment; whether, after learning of the bankruptcy, the creditor proceeded to take steps in continued violation of the stay, or whether it moved expeditiously to gain relief; and the extent of prejudice to creditors or third parties if the stay relief is not made retroactive. *In re Sinclair*, 2013 WL 2303729 (BAP 9th Cir. 2013).

Movants' motion is devoid of any details regarding why annulment is required, and likewise lacks any analysis of the foregoing legal factors. Therefore, the Court is inclined to DENY the request for annulment.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1614333394>

Meeting ID: 161 433 3394

Password: 717068

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

10:00 AM

CONT... Bong Gyun Kim and Sook Won Kim

Chapter 7

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 433 3394

Password: 717068

For further details, please consult the instructions on the Court's website
<https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

Bong Gyun Kim

Represented By
Young K Chang

Joint Debtor(s):

Sook Won Kim

Represented By
Young K Chang

Movant(s):

Edward Ip

Represented By
Chi L Ip

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

10:00 AM

8:21-11947 Bong Gyun Kim and Sook Won Kim

Chapter 7

#3.00

Hearing RE: Motion for relief from stay [Real Property]

Bank Of The West vs. DEBTORS
(Motion filed 9/3/2021)

[RE: 771 Stephens Avenue, Fullerton, CA 92833]

Docket 13

Tentative Ruling:

Tentative for 9/29/21 is to GRANT.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

The courtroom will be locked; parties wishing to make an appearance must do so by Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 433 3394

Password: 717068

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing.

Movant to lodge an order within seven (7) days.

Party Information

**United States Bankruptcy Court
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10:00 AM

CONT... Bong Gyun Kim and Sook Won Kim

Chapter 7

Debtor(s):

Bong Gyun Kim

Represented By
Young K Chang

Joint Debtor(s):

Sook Won Kim

Represented By
Young K Chang

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:16-12589 Andrea Steinmann Downs

Chapter 7

#4.00

Hearing After Remand RE: Determination Of Whether Sanctions Are Appropriate, And If So, The Amount
(Set per Order Entered 9/3/2021 (Docket No. 1149))

Docket 1080

Tentative Ruling:

Revised Tentative for 9/29/21:

On April 17, 2020, the United States Bankruptcy Court entered an order imposing \$62,172.86 in sanctions against Lora Steinmann in connection with a motion to compel ("Sanctions Order") [Bk. Dkt. No. 848]. That sanction amount was promptly paid, and the Sanctions Order was timely appealed on or about December 2, 2020. The Sanctions Order has been vacated twice, first on March 26, 2021 [USDC Case no. 8:20-cv-02272-RGK, Dkt. No. 15; Bk Dkt. No.1077] ("The Court VACATES and REMANDS the bankruptcy court's award of attorney fees") and again on June 2, 2021, the District Court amplified its vacation of the entire award [USDC Case no. 8:20-cv-02272-RGK, Dkt. No. 16; Bk. Dkt. 1132]. Not only did the District Court vacate the entire sanctions award, but it also required this Court to determine if sanctions were appropriate or not.

Based solely on the vacating of the Sanctions Order, the Creditors are to inform the Court whether they have returned the funds to Lora Steinmann after the March 26, 2021 or the June 2, 2021 District Court orders vacating the Sanctions Order.

If those funds have not been returned, Creditors are compelled by this Court to return those funds via certified funds or wire transfer within thirty six (36) hours from entry of its order entered September 28, 2021 [Dk. 1165] (the

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11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

"Order"). If Creditors have previously returned these funds, they are to file a declaration with the Court within thirty six (36) hours of the entry of the Order so attesting. If Creditors have not previously returned the funds, Creditors shall be required to file a declaration within seventy two (72) hours of the entry of the Order.

In either event, the Creditor's declaration should include who the funds were paid to, when they were paid, how they were paid, and include a copy of the check or other evidence of payment.

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Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1605246779>

Meeting ID: 160 524 6779

Password: 537406

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 524 6779

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

Password: 537406

For further details, please consult the instructions on the Court's website
<https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

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hearing.

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"screenshot," or otherwise. Violation of this prohibition may result in the
imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

 Andrea Steinmann Downs

 Pro Se

Trustee(s):

 Robert Whitmore (TR)

 Represented By
 Caroline Djang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:18-10969 Luminance Recovery Center, LLC

Chapter 7

Adv#: 8:20-01104 Marshack v. Scottsdale Insurance Company

#5.00

Hearing RE: Motion To Compel Discovery
(Motion filed 8/16/2021)

Docket 82

Tentative Ruling:

Tentative for 9/29/21:

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1605246779>

Meeting ID: 160 524 6779

Password: 537406

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Luminance Recovery Center, LLC

Chapter 7

Meeting ID: 160 524 6779

Password: 537406

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Party Information

Debtor(s):

Luminance Recovery Center, LLC

Represented By
Jeffrey I Golden
Beth Gaschen

Defendant(s):

Scottsdale Insurance Company

Represented By
Valerie D Rojas
Christopher B. Burch
Sabrina C Haurin

Movant(s):

Scottsdale Insurance Company

Represented By
Valerie D Rojas
Christopher B. Burch
Sabrina C Haurin

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Luminance Recovery Center, LLC

Chapter 7

Plaintiff(s):

Richard A Marshack

Represented By
Christopher O Rivas
Benjamin R Fliegel
Katherine J Ellena

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kyra E Andrassy
Jeffrey I Golden
Beth Gaschen
Matthew Grimshaw
M Douglas Flahaut
Annie Y Stoops
Judith E Marshack
Sharon Oh-Kubisch
Faye C Rasch
Robert S Marticello
Laila Masud

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:18-13588 Tim M McKenna

Chapter 7

Adv#: 8:19-01004 Law Offices of Michelle J. Sukhov, Inc. v. McKenna

#6.00

CONT'D STATUS CONFERENCE RE: Complaint Objecting To Debtor's Discharge Under 11 U.S.C. Section 727 And For Nondischargeability Of Debt Under 11 U.S.C. Section 523(a)(2)
(Complaint filed 1/4/19)
(TRIAL set at PTC held 12/18/19)
[Trial set as "initial Trial date per Order Entered 3/19/2020]
(S/C set at hearing held 8/7/2020)
[S/C set per Order Entered 7-23-2021 vacating Trial]

FR: 4-3-19; 12-18-19; 4-20-20; 6-16-20; 7-28-20; 8-7-20; 12-7-20; 4-19-21

Docket 1

Tentative Ruling:

Tentative for 9/29/21:

Having reviewed the latest status reports [Dks. 172 and 173] and noting that the parties appear to be engaged in continued settlement discussions, this status conference is CONTINUED to October 20, 2021, at 11:00 a.m. A *joint* status report is due not later than 14 days in advance, which should address not only the status of the settlement, but also the parties' availability for trial in the near term in the event that a settlement is not finalized.

Appearances for the 9/29 hearing are excused.

Party Information

Debtor(s):

Tim M McKenna

Represented By
Michael G Spector

Defendant(s):

Tim M McKenna

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
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11:00 AM

CONT... Tim M McKenna

Chapter 7

Michael G Spector

Plaintiff(s):

Law Offices of Michelle J. Sukhov,

Represented By
Michelle J Nelson
Roger F Friedman

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Ryan W Beall
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:19-13159 Homestead Escrow, Inc.

Chapter 7

Adv#: 8:21-01007 Karen S. Naylor v. Glen Oaks Escrow, Inc.

#7.00

CONT'D Hearing RE: Defendant's Motion For Dismissal Of Complaint Under Federal Rule Of Bankruptcy Procedure 7012 And Federal Rule Of Civil Procedure 12(b)
(Motion filed 3/4/2021)

FR: 4-28-21; 5-19-21; 6-16-21

Docket 4

***** VACATED *** REASON: OFF CALENDAR PER ORDER
APPROVING STIPULATION TO DISMISS COMPLAINT WITH
PREJUDICE ENTERED 7-7-2021 - (DOCKET NO. [26])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Homestead Escrow, Inc.

Represented By
Marc C Forsythe

Defendant(s):

Glen Oaks Escrow, Inc.

Represented By
J Scott Bovitz

Movant(s):

Glen Oaks Escrow, Inc.

Represented By
J Scott Bovitz

Plaintiff(s):

Karen S. Naylor

Represented By
Marc C Forsythe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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11:00 AM

CONT... Homestead Escrow, Inc.

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Represented By
Marc C Forsythe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

11:00 AM

8:20-11007 Sharif M. Atta

Chapter 7

Adv#: 8:20-01106 Meineke Franchisor SPV LLC et al v. Atta

#8.00

Hearing RE: Motion For Order Granting Summary Judgment On Plaintiff's Complaint To Determine Dischargeability Of Debt
[11 U.S.C. Section 523(a)(6)]
(Motion filed 8/16/2021)

Docket 53

Tentative Ruling:

Tentative for 9/29/21 :

This motion is GRANTED and appearances are excused.

On August 16, 2021, Plaintiffs filed their motion for summary judgment against Defendant, asserting that Defendant engaged in willful and malicious conduct causing damages to Plaintiffs and that those damages are non-dischargeable under 11 U.S.C. §523(a)(6). Defendant did not file an opposition. For the reasons more fully stated below, the Court will grant summary judgment in favor of Plaintiffs in the amount of \$373,352.00, along with costs to be determined through submission of a bill of costs.

To be entitled to the relief requested, Plaintiffs must establish that there is "no genuine dispute as to any material fact and that Movant is entitled to judgment as a matter of law." FRCP 56. Plaintiffs assert that there is no genuine dispute of material fact that Defendant willfully and maliciously infringed on Plaintiffs' trademarks after ceasing to make payments under their franchise agreement but continuing to publicly use the trademarks for the purpose of exploiting the goodwill associated with the trademarks. This Court agrees.

§523(a)(6) provides that an individual may not discharge a debt for willful and malicious injury to another entity. *In re Su*, 290 F.3d 1140, 1142 (9th Cir. 2002).

**United States Bankruptcy Court
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11:00 AM

CONT... Sharif M. Atta

Chapter 7

To satisfy the willful injury requirement, Plaintiffs must show either that Defendant had a "subjective motive to inflict the injury" or Defendant "believe[d] that injury [wa]s *substantially certain* to occur as a result of his own conduct." *In re Su*, 290 F.3d 1140, 1142 (9th Cir. 2002) (emphasis added). In evaluating what Defendant may have believed at the time of the action, the court may consider circumstantial evidence. *Id.* at 1146, fn 6. Further, the Court may charge a debtor "with the knowledge of the natural consequences of his actions." *Ormsby v. First Am. Title Co. (In re Ormsby)*, 591 F.3d 1199, 1203 (9th Cir. 2010) (where the court found from circumstantial evidence that a debtor must have been aware that injury to creditor was substantially certain to result from his misappropriation of creditor's assets because he had previously paid that creditor for access to the misappropriated assets).

To satisfy the malicious injury requirement, there must be: (1) a wrongful act; (2) done intentionally; (3) which necessarily causes injury; and (4) is done without just cause or excuse. *Id.* "[I]ntentional infringement is tantamount to intentional injury under [§ 523(a)(6)]." *In re Smith*, No. ADV.01-02219-A, 2009 Bankr. LEXIS 4582, 2009 WL 7809005, at *9 (B.A.P. 9th Cir. Dec. 17, 2009) aff'd, 465 F. App'x 707 (9th Cir. 2012) (unpublished).

Here, Plaintiffs have provided evidence demonstrating that Defendant was aware of the value of Plaintiffs' trademarks, continued to use Plaintiffs' trademarks (in direct violation of his written agreements with Plaintiffs) after he was no longer making payments to Plaintiffs and after being formally advised to discontinue use, and that Plaintiffs were thusly deprived of proper compensation for the use of their trademarks. In so showing, Plaintiffs have met their burden to demonstrate Debtor's willfulness and maliciousness.

As to damages, when asserting a cause of action for intentional infringement, "a plaintiff shall be entitled . . . to recover (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) the costs of the action." 15 U.S.C. § 1117(a). Plaintiffs have provided evidence supporting their entitlement to damages in the amount of \$373,352.00, exclusive of costs.

Therefore, the Court will enter summary judgment in favor of Plaintiffs in the amount of \$373,352.00, along with costs to be determined through submission of a bill of costs. Plaintiffs shall submit a bill of costs not later than

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Santa Ana
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11:00 AM

CONT... **Sharif M. Atta**

Chapter 7

14 days after the entry of judgment in accordance with LBR 7054-1(c).

Appearances for the 9/29 hearing are excused.

Party Information

Debtor(s):

Sharif M. Atta

Represented By
Leonard W Stitz

Defendant(s):

Sharif Atta

Pro Se

Movant(s):

Meineke Franchisor SPV LLC

Represented By
Lawrence J Hilton

Econo Lube Franchisor SPV LLC

Represented By
Lawrence J Hilton

Plaintiff(s):

Meineke Franchisor SPV LLC

Represented By
Lawrence J Hilton

Econo Lube Franchisor SPV LLC

Represented By
Lawrence J Hilton

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:21-10362 Michael Gargan

Chapter 11

Adv#: 8:21-01039 GAC Brokerage, Inc. v. Murray et al

#9.00

Hearing RE: Plaintiff's Motion For Default Judgment Under LBR 7055-1 Against Jennifer Ann Murray And Sean Durant (Motion filed 8/11/2021)

Docket 14

***** VACATED *** REASON: CONTINUED TO SEPTEMBER 29, 2021
AT 1:30 P.M. PER ORDER CONTINUING HEARING ON MOTION FOR
DEFAULT JUDGMENT ENTERED 9-10-2021 - (DOCKET NO. [17])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Gargan

Represented By
Michael Jones

Defendant(s):

Jennifer Ann Murray

Pro Se

Sean Durant

Pro Se

Movant(s):

GAC Brokerage, Inc.

Represented By
Michael Jones

Plaintiff(s):

GAC Brokerage, Inc.

Represented By
Michael Jones

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:21-10384 Howard Medical Corp.

Chapter 7

Adv#: 8:21-01022 Marshack v. Sutter & Gillham, PLLC et al

#10.00

CONT'D STATUS CONFERENCE Hearing RE: Chapter 7 Trustee's Amended Complaint For Turnover Of Property Of The Bankruptcy Estate By An Entity That Owes A Debt To The Estate Under Section 542(b) Of The Bankruptcy Code
(Complaint filed 5/24/2021)
(Amended Complaint filed 6/1/2021)

FR: 8-18-21

Docket 5

Tentative Ruling:

Tentative for 9/29/21:

The Court is inclined to set the following dates/deadlines:

1. Discovery cutoff: December 31, 2021. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: January 31, 2022. Note: this is the date by which all non-discovery motions must be heard and resolved.
3. Pre-trial conference: March 2, 2022, at 11:00 a.m.

The parties are specifically advised to cooperate and follow all local and federal rules. The failure to do so may result in the imposition of monetary and non-monetary sanctions, including the striking of the answer and dismissal of the complaint.

Plaintiff is to lodge a scheduling order within seven (7) days.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Howard Medical Corp.

Chapter 7

Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1605246779>

Meeting ID: 160 524 6779

Password: 537406

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 524 6779

Password: 537406

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

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**United States Bankruptcy Court
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Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Howard Medical Corp.

Chapter 7

Party Information

Debtor(s):

Howard Medical Corp.

Represented By
Halli B Heston

Defendant(s):

Sutter & Gillham, PLLC

Represented By
Christopher L Blank

Luther Oneal Sutter

Represented By
Christopher L Blank

Plaintiff(s):

Richard A. Marshack

Represented By
Thomas J Polis

Trustee(s):

Richard A Marshack (TR)

Represented By
Thomas J Polis

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:21-11100 Alexander L Loukaides

Chapter 11

Adv#: 8:21-01054 Graduation Solutions LLC v. Loukaides

#11.00

Hearing RE: Motion To Dismiss Adversary Complaint
(Motion filed 8/18/2021)

Docket 6

Tentative Ruling:

Tentative for 9/29/21:

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1605246779>

Meeting ID: 160 524 6779

Password: 537406

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 524 6779

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Alexander L Loukaides

Chapter 11

Password: 537406

For further details, please consult the instructions on the Court's website
<https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

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Party Information

Debtor(s):

Alexander L Loukaides

Represented By
Andy C Warshaw
Arnold H. Wuhrman
Richard L. Sturdevant
Scott Talkov

Defendant(s):

Alexander L Loukaides

Represented By
Scott Talkov

Movant(s):

Alexander L Loukaides

Represented By
Scott Talkov

Plaintiff(s):

Graduation Solutions LLC

Represented By
Jessica Kastner

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Alexander L Loukaides

Chapter 11

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:18-13324 Ruby's Franchise Systems, Inc., a California

Chapter 7

#12.00

Hearing RE: Motion For Order Approving Trustee's Settlement Agreement With
EFE Ruby's Diner, LLC And Steven L. Craig
(Motion filed 9/8/2021)

Docket 579

Tentative Ruling:

Tentative for 9/29/21 is to GRANT.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Trustee will be so notified.

The courtroom will be locked; parties wishing to make an appearance must do so by Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 524 6779

Password: 537406

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing.

Trustee to lodge an order within seven (7) days.

Party Information

Debtor(s):

Ruby's Franchise Systems, Inc., a

Represented By
Eric J Fromme
Christopher J Harney

**United States Bankruptcy Court
Central District of California
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Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Ruby's Franchise Systems, Inc., a California

Chapter 7

Movant(s):

Peter J Mastan (TR)

Represented By
Christopher Celentino
Ashleigh A Danker

Trustee(s):

Peter J Mastan (TR)

Represented By
Christopher Celentino
Ashleigh A Danker

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:18-13324 Ruby's Franchise Systems, Inc., a California

Chapter 7

#13.00

Hearing RE: Motion For Order Approving Trustee's Settlement Agreement With
Theodora Oringer PC, Christopher J. Harney, And Eric J. Fromme
(Motion filed 9/8/2021)

Docket 583

Tentative Ruling:

Tentative for 9/29/21 is to GRANT.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Trustee will be so notified.

The courtroom will be locked; parties wishing to make an appearance must do so by Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 524 6779

Password: 537406

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing.

Trustee to lodge an order within seven (7) days.

Party Information

Debtor(s):

Ruby's Franchise Systems, Inc., a

Represented By
Eric J Fromme
Christopher J Harney

**United States Bankruptcy Court
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Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Ruby's Franchise Systems, Inc., a California

Chapter 7

Movant(s):

Peter J Mastan (TR)

Represented By
Christopher Celentino
Ashleigh A Danker

Trustee(s):

Peter J Mastan (TR)

Represented By
Christopher Celentino
Ashleigh A Danker

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:18-13311 Ruby's Diner, Inc., a California corporation

Chapter 7

#14.00

Hearing RE: Chapter 7 Trustee's Motion For Authority To Distribute Payment To Steven Craig In Full Satisfaction Of Super-Priority Administrative Claim Including Interest And Attorney's Fees
(Motion filed 9/8/2021)

Docket 1140

Tentative Ruling:

Tentative for 9/29/21 is to GRANT.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Trustee will be so notified.

The courtroom will be locked; parties wishing to make an appearance must do so by Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 524 6779

Password: 537406

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing.

Trustee to lodge an order within seven (7) days.

Party Information

Debtor(s):

Ruby's Diner, Inc., a California

Represented By
William N Lobel

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Ruby's Diner, Inc., a California corporation
Jeffrey P Nolan

Chapter 7

Movant(s):

Richard A Marshack (TR)

Represented By
Laila Masud
D Edward Hays
Tinho Mang
Christopher Dale Beatty

Trustee(s):

Richard A Marshack (TR)

Represented By
Laila Masud
D Edward Hays
Tinho Mang
Christopher Dale Beatty

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:20-12636 Golden Hotel LLC

Chapter 11

#15.00

CONT'D Hearing RE: Debtor's Emergency Motion For Order Authorizing Use Of Cash Collateral And Turnover Of Estate Property
(Motion filed 9/22/2020)
(Cont. hearing set per Order Entered 9/8/2021 - (docket no. [352])

FR: 9-23-20; 10-22-20; 11-5-20; 1-7-21; 2-18-21; 6-17-21

Docket 15

Tentative Ruling:

Tentative for 9/29/21:

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1605246779>

Meeting ID: 160 524 6779

Password: 537406

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Golden Hotel LLC

Chapter 11

Meeting ID: 160 524 6779

Password: 537406

For further details, please consult the instructions on the Court's website
<https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

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Tentative for 6/17/21:

Virtual appearances are required.

Tentative for 11/5/20:

Virtual appearances are required.

Party Information

Debtor(s):

Golden Hotel LLC

Represented By
Lei Lei Wang Ekvall
Michael Simon
Timothy W Evanston

Movant(s):

Golden Hotel LLC

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT...

Golden Hotel LLC

Chapter 11

Lei Lei Wang Ekvall
Michael Simon
Timothy W Evanston

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01052 Marshack v. Foster Garvey PC, as successor-in-interest to Fost

#16.00

Hearing RE: Foster Garvey PC's Motion For Partial Summary Judgment
(Motion filed 8/18/2021)

Docket 80

***** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT
11:00 A.M. PER ORDER APPROVING STIPULATION TO CONTINUE
HEARING AND DEADLINES FOR OPPOSITION AND REPLIES TO
DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT
ENTERED 9-1-2021 - (DOCKET NO. [85])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Foster Garvey PC, as successor-in-

Represented By
Misty A Perry Isaacson

Movant(s):

Foster Garvey PC, as successor-in-

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman
John P. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
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Wednesday, September 29, 2021

Hearing Room 5C

11:00 AM

CONT... Eagan Avenatti, LLP

Chapter 7

Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:21-10362 Michael Gargan

Chapter 11

Adv#: 8:21-01039 GAC Brokerage, Inc. v. Murray et al

#16.10

CONT'D Hearing RE: Plaintiff's Motion For Default Judgment Under LBR 7055-1 Against Jennifer Ann Murray And Sean Durant (Motion filed 8/11/2021)

FR: 9-29-21 at 11:00 a.m.

Docket 14

Tentative Ruling:

Tentative for 9/29/21:

This matter is CONTINUED to November 3, 2021, at 1:30 p.m.

Movant shall be required to file supplemental admissible evidence, supported by declaration, regarding the allegations contained in the complaint, including but not limited to the alleged transfer of shares to GAC, by not later than October 13, 2021 at 12:00 p.m.

By way of example, Movant attaches a photograph to its complaint which appears to reflect Defendant Murray's signature on a document transferring her shares to Plaintiff GAC. However, the photograph is not in a clearly readable format, or supported and authenticated by a declaration. Therefore, the Court cannot ascertain basic factual information regarding the purported transfer (e.g., when the transfer was dated, whether the transfer document was ever fully executed, if Ms. Murray was the signatory on the document).

Appearances for the 9/29 hearing are excused.

Party Information

Debtor(s):

Michael Gargan

Represented By
Michael Jones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Michael Gargan

Chapter 11

Defendant(s):

Jennifer Ann Murray Pro Se

Sean Durant Pro Se

Movant(s):

GAC Brokerage, Inc. Represented By
Michael Jones

Plaintiff(s):

GAC Brokerage, Inc. Represented By
Michael Jones

Trustee(s):

Robert Paul Goe (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:21-10362 Michael Gargan

Chapter 11

Adv#: 8:21-01039 GAC Brokerage, Inc. v. Murray et al

#16.20

CONT'D STATUS CONFERENCE Hearing RE: Complaint For Declaratory Relief
(Complaint filed 6/22/2021)

FR: 9-15-21

Docket 1

Tentative Ruling:

Tentative for 9/29/21:

This matter is CONTINUED to November 3, 2021, at 1:30 p.m. to be heard concurrently with the continued hearing on Plaintiff's motion for default judgment. A status report shall be required 14 days in advance.

Appearances for the 9/29 hearing are excused.

Tentative for 9/15/21:

This matter is CONTINUED to September 29, 2021, at 1:30 p.m. to be heard concurrently with Plaintiff's motion for default judgment. A status report is not required.

Appearances for the 9/15 hearing are excused.

Party Information

Debtor(s):

Michael Gargan

Represented By
Michael Jones

**United States Bankruptcy Court
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Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Michael Gargan

Chapter 11

Defendant(s):

Jennifer Ann Murray Pro Se

Sean Durant Pro Se

Plaintiff(s):

GAC Brokerage, Inc. Represented By
Michael Jones

Trustee(s):

Robert Paul Goe (TR) Pro Se

**United States Bankruptcy Court
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Santa Ana
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:17-10929 Lindley Fire Protection Co., Inc.

Chapter 11

#17.00

Hearing RE: Motion For Order Disgorging Funds Paid To Accurate Business Consulting, Inc. And John Murray For Failure To Comply With The Courts Order Approving Employment, Failure To File A Timely Fee Application To Approve Fees And Costs Incurred, Taking Excessive Compensation And Operating As A Suspended Corporation
(Motion filed 8/26/2021)

Docket 522

Tentative Ruling:

Tentative for 9/29/21:

Virtual appearances are required.

The Court has reviewed the motion, which appears to be well-taken. Nonetheless, the Opposition raises several issues, including the possibility of a valid defense; however, no admissible evidence was presented from which the Court could accurately determine that a defense legitimately exists. The Court is sympathetic to the assertions made in the Opposition but, combined with its mandate to resolve matters on their merits whenever possible, still requires some type of evidence.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1616574235>

**United States Bankruptcy Court
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Judge Scott Clarkson, Presiding
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Lindley Fire Protection Co., Inc.

Chapter 11

Meeting ID: 161 657 4235

Password: 107314

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 657 4235

Password: 107314

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

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Party Information

Debtor(s):

Lindley Fire Protection Co., Inc.

Represented By
Marc C Forsythe
Charity J Manee
James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Santa Ana
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Lindley Fire Protection Co., Inc.

Chapter 11

Movant(s):

Lindley Fire Protection Co., Inc.

Represented By

Marc C Forsythe

Charity J Manee

James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:17-11996 WJA Asset Management LLC

Chapter 11

Adv#: 8:19-01093 TD REO Fund, LLC et al v. Singal et al

#18.00

CONT'D STATUS CONFERENCE Hearing RE: Complaint For:
(1) Breach Of Guaranty Contracts; (2) Breach Of Lease Agreement;
(3) Breach Of Security Instrument
(Complaint filed 5/17/19)

FR: 8-8-19; 11-7-19; 1-23-20; 4-9-20; 7-16-20; 8-20-20; 10-22-20; 12-17-20;
2-4-21; 4-8-21; 4-29-21; 7-28-21

Docket 1

Tentative Ruling:

Tentative for 9/29/21:

This matter is CONTINUED to October 13, 2021, at 1:30 p.m. to be heard concurrently with the OSC set for hearing pursuant to the order entered 8/13/21 [Dk. 65]. A separate status report shall not be required in advance of the continued hearing.

Appearances for the 9/29 hearing are excused.

Party Information

Debtor(s):

WJA Asset Management LLC

Represented By
Lei Lei Wang Ekvall
Robert S Marticello
Michael Simon
Philip E Strok
Kyra E Andrassy
Roger F Friedman
Susan K Seflin
Steven T Gubner

**United States Bankruptcy Court
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Santa Ana
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... WJA Asset Management LLC

Chapter 11

Corey R Weber
Michael W Davis
Kathy Bazoian Phelps
Timothy W Evanston

Defendant(s):

Suneet Singal	Pro Se
First Capital Real Estate	Pro Se
Stephen Howell	Pro Se
Central Valley Gas Stations Atwater	Pro Se

Plaintiff(s):

TD REO Fund, LLC	Represented By Michael W Davis Corey R Weber Ryan Coy
TD Opportunity Fund, LLC	Represented By Michael W Davis Corey R Weber Ryan Coy

**United States Bankruptcy Court
Central District of California
Santa Ana
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:17-14386 Rodney Glen Bassett

Chapter 11

#19.00

CONT'D Hearing RE: Post-Confirmation Status Conference
(Petition filed 11/6/2017)
[Case transferred from CB on 7/31/2020]

FR: 11-14-17; 1-24-18; 4-25-18; 7-25-18; 9-26-18; 12-12-18; 4-24-19; 10-23-19;
11-27-19; 1-22-20; 7-22-20; 9-23-20; 9-24-20; 10-22-20; 1-7-21; 2-18-21; 5-6-21

Docket 1

Tentative Ruling:

Tentative for 9/29/21:

This matter is CONTINUED to February 16, 2022, at 1:30 p.m. A post-confirmation status report which complies with LBR 3020-1(c) and reflects the status of Debtor's payments under the plan is due not less than 14 days prior to the continued hearing.

Appearances for the 9/29 hearing are excused.

Tentative for 5/6/21:

Virtual appearances required.

As of the posting of this tentative, no post-confirmation status report has been filed. Debtor has been personally warned by the Court on multiple prior occasions, including at the hearings on October 22, 2020, January 7, 2021, and February 18, 2021, that non-compliance with this rule would be grounds for dismissal or conversion. Additionally, the Court has previously issued orders to show cause and ordered Debtor to pay monetary sanctions for continued failure to comply with this rule.

In recognition that Debtor is pro se and has previously demonstrated significant progress on his plan, the Court has relaxed the post-confirmation

**United States Bankruptcy Court
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Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... **Rodney Glen Bassett**

Chapter 11

reporting requirements and instructed Debtor to file *anything* before the status conferences evidencing continued compliance with the terms of his plan. Disappointingly, nothing has been filed.

Accordingly, the Court has no choice but to consider whether it should CONVERT or DISMISS this case, and would like to hear from the US Trustee regarding whether conversion or dismissal of this case is most appropriate.

If this case is not dismissed, at the status conference, the Court will set a continued status conference date of September 29, 2021, at 1:30 p.m. A status report shall be due no later than 14 days prior to the continued status conference.

Virtual appearances are required.

Tentative for 2/18/21:

In light of the tentative on related matter #11, this status conference will be taken off calendar.

Virtual appearances are required.

Tentative for 1/7/21:

Virtual appearances are required.

As of the posting of this tentative, the required status report has not been filed. Pursuant to LBR 3020-1(c) (which is accessible on the Court's external website), the failure to timely file a post-confirmation status report is cause for dismissal or conversion to a case under Chapter 7 pursuant to 11 U.S.C. Section 1112(b). Debtor was previously warned at the October 22, 2020 hearing that non-compliance with this rule would be grounds for dismissal or conversion.

Accordingly, the Court will (1) set a continued status conference date of

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Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

CONT... Rodney Glen Bassett

Chapter 11

February 18, 2021, at 11:00 a.m., (2) issue an order directing Debtor to appear on February 18, 2021, at 11:00 a.m. to show cause why this case should not be dismissed or converted, and (3) sanction the Debtor in the amount of \$50 to be paid to the clerk's office. A response, which may be included in the status report, is due no later than 14 days prior to the February 18, 2021 hearing.

Virtual appearances are required.

Tentative for 10/22/20:

Virtual appearances are required.

As of the posting of this tentative, no status report has been filed as required by this Court's Order issued September 17, 2020 [Dk. 124]. Pursuant to LBR 3020-1(c), the failure to timely file a post-confirmation status report is cause for dismissal or conversion to a case under Chapter 7 pursuant to 11 U.S.C. Section 1112(b).

Accordingly, the Court will (1) set a continued status conference date of December 17, 2020, at 11:00 a.m. and, (2) issue an order directing Debtor to appear on December 17, 2020 at 11:00 a.m. to show cause why this case should not be dismissed or converted. A response, which may be included in the status report, is due no later than 14 days prior to the December 17, 2020 hearing.

The failure to appear at the December 17, 2020 hearing may result in the dismissal or conversion of the case.

Virtual appearances are required.

Party Information

Debtor(s):

Rodney Glen Bassett

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:18-13588 Tim M McKenna

Chapter 7

Adv#: 8:19-01176 Golden v. Caufield et al

#20.00

Hearing RE: Motion In Limine To Exclude Testimonial Evidence From Michelle J. Sukhov (Nelson)
(Motion filed 9/1/2021)

Docket 60

Tentative Ruling:

Tentative for 9/29/21 is to GRANT.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

The courtroom will be locked; parties wishing to make an appearance must do so by Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 657 4235

Password: 107314

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Tim M McKenna

Represented By
Michael G Spector

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Tim M McKenna

Chapter 7

Defendant(s):

Jason Caufield

Represented By
Tyler H Brown

Movant(s):

Robert S. Whitmore

Represented By
Tinho Mang
Chad V Haes

Plaintiff(s):

Jeffrey I. Golden

Represented By
Reem J Bello
Ryan W Beall

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Ryan W Beall
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

8:20-11339 Rockport Development, Inc.

Chapter 11

#21.00

CONT'D Hearing RE: Objection To Proof Of Claim:

Claim No.: 46-1 Jumbo Investment, Inc. \$950,000.00
(Motion filed 6/30/2021)

FR: 8-5-21

Docket 538

Tentative Ruling:

Tentative for 9/29/21:

Jumbo Investment, Inc. ("Claimant") filed proof of Claim #46, asserting an unsecured claim amount of \$950,000 based on its status as an equity holder of Hi Point Holding, LLC., ("Hi Point") an Affiliate of Debtor. In its Opposition, Claimant further alleges that due to the fraud and forgery of Debtor's principal, Claimant should be allowed to pierce the corporate veil and hold Debtor liable for debts as an alter ego of Hi Point.

The Court is inclined to require further briefing, supported by admissible evidence, on the alter ego theory presented in Claimant's opposition, and set the following dates/deadlines:

1. Discovery cutoff: December 22, 2021. Note: this is the date by which all discovery motions must be heard and resolved.
2. Supplemental Opposition due: January 12, 2022.
3. Supplemental Reply due: January 19, 2022.
4. Continued hearing: February 2, 2022, at 1:30 p.m.

Debtor is to lodge a scheduling order within seven (7) days.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

CONT... Rockport Development, Inc.

Chapter 11

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Rockport Development, Inc.

Chapter 11

"screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

Movant(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

8:20-11339 Rockport Development, Inc.

Chapter 11

#22.00

CONT'D Hearing RE: Objection To Proof Of Claim:

Claim No.: 44-1 Jumbo Investment, Inc. \$1,443,789.05
(Motion filed 6/30/2021)

FR: 8-5-21

Docket 546

Tentative Ruling:

Tentative for 9/29/21:

Jumbo Investment, Inc. ("Claimant") filed proof of Claim #44, asserting an unsecured claim amount of \$1,443,789.05 based on its status as an equity holder of Bellevue Holding LLC, ("Bellevue") an Affiliate of Debtor. In its Opposition, Claimant further alleges that due to the fraud and forgery of Debtor's principal, Claimant should be allowed to pierce the corporate veil and hold Debtor liable for debts as an alter ego of Bellevue.

The Court is inclined to require further briefing, supported by admissible evidence, on the alter ego theory presented in Claimant's opposition, and set the following dates/deadlines:

1. Discovery cutoff: December 22, 2021. Note: this is the date by which all discovery motions must be heard and resolved.
2. Supplemental Opposition due: January 12, 2022.
3. Supplemental Reply due: January 19, 2022.
4. Continued hearing: February 2, 2021, at 1:30 p.m.

Debtor is to lodge a scheduling order within seven (7) days.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Rockport Development, Inc.

Chapter 11

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... **Rockport Development, Inc.**

Chapter 11

"screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

Movant(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:20-11339 Rockport Development, Inc.

Chapter 11

#23.00

CONT'D Hearing RE: Objection To Proof Of Claim:

Claim No.: 5	Earnix International Trading Ltd., A Hong Kong Corp.	\$2,500,000.00
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(Motion filed 6/30/2021 in Member Case 8:20:bk-11683-SC)
(Motion refiled 7/2/2021 in Lead Case)
(S/C set per Order Entered 8-2-2021)

FR: 8-5-21

Docket 566

Tentative Ruling:

Tentative for 9/29/21:

Earnix International Trading Ltd. ("Claimant") filed proof of Claim #5 in the Tiara Townhomes bankruptcy case (consolidated with Rockport Development, Inc.), asserting an unsecured claim amount of \$2,500,000 based on, *inter alia*, claims that Debtor breached fiduciary duties owed to Claimant. Debtor has filed an objection to this claim.

Having reviewed the latest status report filed 9/21/21 [Dk. 718], which states that the parties are engaged in continued settlement discussions and have agreed to a discovery schedule, the Court is inclined to treat this claim objection as an adversary proceeding and set the following dates/deadlines (which are mostly adopted from the Parties' agreed upon dates):

1. Discovery cutoff: January 21, 2022. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: March 4, 2022. Note: this is the date by which all non-discovery motions must be heard and resolved.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

CONT...

Rockport Development, Inc.

Chapter 11

3. Pretrial conference: April 27, 2022, at 11:00 a.m.

Debtor is to lodge a scheduling order within seven (7) days.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Rockport Development, Inc.

Chapter 11

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Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

Movant(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

8:20-11339 Rockport Development, Inc.

Chapter 11

#24.00

CONT'D STATUS CONFERENCE Hearing RE: Objection To Proof Of Claim:

Claim No.: 25 Earnix International Trading Ltd., \$2,500,000.00
 A Hong Kong Corp.

(Motion filed 6/30/2021)
(S/C set per Order Entered 8-2-2021)

FR: 8-5-21

Docket 547

Tentative Ruling:

Tentative for 9/29/21:

Earnix International Trading Ltd. ("Claimant") filed proof of Claim #25 in the Rockport Development, Inc. bankruptcy case, asserting an unsecured claim amount of \$2,500,000 based on, *inter alia*, claims that Debtor breached fiduciary duties owed to Claimant. Debtor has filed an objection to this claim.

Having reviewed the latest status report filed 9/21/21 [Dk. 718], which states that the parties are engaged in continued settlement discussions and have agreed to a discovery schedule, the Court is inclined to treat this claim objection as an adversary proceeding and set the following dates/deadlines (which are mostly adopted from the Parties' agreed upon dates):

1. Discovery cutoff: January 21, 2022. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: March 4, 2022. Note: this is the date by which all non-discovery motions must be heard and resolved.
3. Pretrial conference: April 27, 2022, at 11:00 a.m.

Debtor is to lodge a scheduling order within seven (7) days.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Rockport Development, Inc.

Chapter 11

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Rockport Development, Inc.

Chapter 11

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Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

Movant(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:20-11339 Rockport Development, Inc.

Chapter 11

#25.00

CONT'D Hearing RE: Objection To Proof Of Claim:

Claim No.: 25-1 Earnix International Trading Ltd., \$2,500,000.00
A Hong Kong Corp.
(Motion filed 6/30/2021)

FR: 8-18-21

Docket 543

Tentative Ruling:

Tentative for 9/29/21:

Earnix International Trading Ltd. ("Claimant") filed proof of Claim #25 in the Rockport Development, Inc. bankruptcy case, asserting an unsecured claim amount of \$2,500,000 based on, *inter alia*, claims that Debtor breached fiduciary duties owed to Claimant. Creditor, Everwin Investment Inc., filed this objection to this claim, noting that the proof of claim lacked evidence in support of the claimed amount. Separately, Debtor also filed an objection to this claim (which is # 24 on today's calendar).

The Court is inclined to consolidate this claim objection with the Debtor's claim objection.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

CONT... **Rockport Development, Inc.**
and password, when prompted.

Chapter 11

Videoconference URL: <https://cacb.zoomgov.com/j/1616574235>

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Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT...

Rockport Development, Inc.

David Wood
Laila Masud

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:21-10930 Simon's Wholesale Bakery, Inc.

Chapter 11

#26.00

CONT'D STATUS CONFERENCE Hearing RE: On Status Of Subchapter V Case; (2) Requiring Debtor To Appear At Status Conference And File Report On Status Of Subchapter V Case, Or Face Possible (A) Conversion Of Case To Chapter 7 Or (B) Dismissal Of Case; (3) Requiring Subchapter V Trustee To Appear At Status Conference; (4) Establishing Procedure For Motion For Order Confirming Subchapter V Plan; And (5) Setting Date For 11 U.S.C. Section 1111(b) Election

(Petition filed 4/8/2021)

(Set per Order Entered 4/9/2021)

FR: 6-3-21

Docket 11

Tentative Ruling:

Tentative for 9/29/21:

The Court is inclined to set the following dates/deadlines:

1. Confirmation Brief due – November 24, 2021.
2. Oppositions to Confirmation Brief due – December 1, 2021.
3. Replies due – December 8, 2021.
4. Confirmation Hearing & Continued Status Conference – December 15, 2021, at 1:30 p.m. A status report shall be due 14 days in advance.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... **Simon's Wholesale Bakery, Inc.**
videoconference capabilities.

Chapter 11

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

CONT... Simon's Wholesale Bakery, Inc.

Chapter 11

Tentative for 6/3/21:

The Court is inclined to set the following dates/deadlines:

1. Deadline to file Plan – July 7, 2021 (statutory deadline)
2. Deadline to serve Plan – July 16, 2021
3. Ballots Due – August 18, 2021
4. Confirmation Brief Due – September 1, 2021
5. Oppositions to Confirmation Brief due – September 15, 2021
6. Replies due – September 22, 2021
7. Confirmation Hearing & Continued Status Conference – September 29, 2021, at 1:30 p.m. A status report shall be due 14 days in advance.

Virtual appearances are required.

Party Information

Debtor(s):

Simon's Wholesale Bakery, Inc.

Represented By
Michael Jones
Sara Tidd

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:21-11662 Jennifer Leigh Hodges

Chapter 11

#27.00

Hearing RE: Motion By United States Trustee To Dismiss Or Convert Case Pursuant To 11 U.S.C. Section 1112(b)
(Motion filed 8/18/2021)

Docket 36

***** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT 1:30 P.M. PER ORDER APPROVING STIPULATION TO CONTINUE HEARING RE UNITED STATES TRUSTEE'S MOTION TO DISMISS OR CONVERT CASE PURSUANT TO 11 U.S.C. SECTION 1112(B) ENTERED 9-22-2021 - (DOCKET NO. [52])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Leigh Hodges

Represented By
Misty A Perry Isaacson

Movant(s):

United States Trustee (SA)

Represented By
Queenie K Ng

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:21-11906 L'Inc D'Aline Corporation

Chapter 11

#28.00

STATUS CONFERENCE Hearing RE: (1) Case Management Conference And
(2) Requiring Status Report
(Petition filed 8/3/2021)

Docket 5

Tentative Ruling:

Tentative for 9/29/21 is to establish the following dates/deadlines:

1. Deadline to file proofs of claims: October 29, 2021.
2. Deadline to file a plan and disclosure statement: November 1, 2021.
3. Continued status conference: December 15, 2021 at 1:30 p.m. A status report is due 14 days in advance.
4. Deadline to file objections to claims: December 31, 2021.

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... L'Inc D'Aline Corporation

Chapter 11

 Password: 107314

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Party Information

Debtor(s):

L'Inc D'Aline Corporation

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:21-11906 L'Inc D'Aline Corporation

Chapter 11

#29.00

Hearing RE: Motion for Relief from [Real Property]

Ennerdale Corporation Defined Benefit Plan & Trust, For The Benefit Of Alan Reay, And Ennerdale Corporation 401K, For The Benefit Of Alan Reay vs. DEBTOR
(Motion filed 9/8/2021)

[RE: 7470 W. Cerritos Avenue, Stanton, California 90680]

Docket 44

Tentative Ruling:

Tentative for 9/29/21:

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1616574235>

Meeting ID: 161 657 4235

Password: 107314

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

CONT... L'Inc D'Aline Corporation

Chapter 11

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 657 4235

Password: 107314

For further details, please consult the instructions on the Court's website
<https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

L'Inc D'Aline Corporation

Represented By
Michael Jay Berger

Movant(s):

Ennerdale Corporation Defined

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:18-13145 James L Conkey

Chapter 7

Adv#: 8:18-01212 Saab et al v. Conkey

#30.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Second Amended Complaint
To Determine Dischargeability Of Debt
(Complaint filed 12/3/18)
Advanced from 11/6/19 - Order Entered 8-15-19)
(Second Amended Complaint filed 3/19/19)
(PTC set at S/C held 12/18/19)

FR: 2-27-19; 5-1-19; 5-15-19; advanced from 11-6-19; 9-18-19; 12-18-19;
12-16-20; 12-16-20; 4-7-21

Docket 22

***** VACATED *** REASON: CONTINUED TO DECEMBER 15, 2021
AT 11:00 A.M. PER ORDER AMENDING STATUS CONFERENCE AND
SCHEDULING ORDER ENTERED 6-23-2021 - (DOCKET NO. [85])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James L Conkey

Represented By
Laleh Ensafi

Defendant(s):

James L Conkey

Represented By
Donald W Reid

Plaintiff(s):

Camil Saab

Represented By
Douglas Jaffe

Helou Saab, Inc.

Represented By
Douglas Jaffe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... James L Conkey

Chapter 7

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01049 Marshack v. Aledmi, LLC et al

#31.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Second Amended Complaint
For Avoidance And Recovery Of Voidable Transfers
(Complaint filed 4/14/2020)
(First Amended Complaint filed 4/15/2020)
[Adversary case transferred from CB on 7/31/2020]
(S/C advanced from 9/29/2020 per Order Entered 8/7/2020)
(Second Amended Complaint filed 7/21/2020)
(PTC set at S/C held 9/23/2020)

FR: 6-30-20; 9-23-20; 4-28-21

Docket 19

***** VACATED *** REASON: CONTINUED TO DECEMBER 1, 2021 AT
1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF, AND PRETRIAL HEARING
DATES ENTERED 3-24-2021 - (DOCKET NO. [42])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Aledmi, LLC

Represented By
Michael Simon
Lei Lei Wang Ekvall

Alan Chaffee

Represented By
Michael Simon
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

Edwin Spaunhurst

Represented By
Michael Simon
Lei Lei Wang Ekvall

Michael White

Represented By
Michael Simon
Lei Lei Wang Ekvall

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By
Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01050 Marshack v. Alki Bakery, Inc.

#32.00

CONT'D PRE-TRIAL CONFERENCE Hearing: RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 4/14/2020)
(Adversary case transferred from CB on 7/31/2020)
(Hearing advanced from 9/29/2020 per Order Entered 8/7/2020)
(PTC set at S/C held 9/23/2020)

FR: 6-30-20; 9-23-20; 4-28-21

Docket 1

***** VACATED *** REASON: OFF CALENDAR PER ORDER
APPROVING STIPULATION TO DISMISS ADVERSARY PROCEEDING
WITHOUT PREJUDICE ENTERED 7-8-2021 - (DOCKET NO. [23])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Alki Bakery, Inc.

Represented By
Fredrick A Rafeedie

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By
Jack A. Reitman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT...

Eagan Avenatti, LLP

Chapter 7

D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01051 Marshack v. Faieta dba Competition Motorsports

#33.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 4/14/2020)

[Adversary case transferred from CB on 7/31/2020]

(Hearing advanced from 9/29/2020 per Order Entered 8/7/2020)

(PTC set at S/C held 9/23/2020)

FR: 6-30-20; 9-23-20; 4-28-21

Docket 1

***** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT
1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF, PRETRIAL HEARING
DATES ENTERED 3-26-2021 - (DOCKET NO. [26])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Robert Faieta dba Competition

Represented By
Christopher L Blank

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT...

Eagan Avenatti, LLP

Chapter 7

Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01052 Marshack v. Foster Garvey PC, as successor-in-interest to Fost

#34.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 4/14/2020)

[Adversary Case transferred from CB on 7/31/2020]
(S/C reset from 9/29/2020 per Order Entered 8/7/2020)
(PTC set at S/C held 9/23/2020)

FR: 6-30-20; 9-23-20; 4-28-21

Docket 1

***** VACATED *** REASON: CONTINUED TO DECEMBER 1, 2021 AT
1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF, PRETRIAL HEARING
DATES ENTERED 3-24-2021 - (DOCKET NO. [75])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Foster Garvey PC, as successor-in-

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman
John P. Reitman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By

Jack A. Reitman

D Edward Hays

David Wood

Judith E Marshack

John P. Reitman

Meghan C Murphey

Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01059 Marshack v. Eisenhower Carlson PLLC

#35.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 4/21/2020)

[Adversary transferred from CB on 7/31/2020]

(S/C set per Order Entered 8/7/2020)

(PTC set at S/C held 9/30/20)

FR: 7-7-20; 9-30-20; 4-28-21

Docket 1

***** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT
1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF, PRETRIAL HEARING
DATES ENTERED 3-24-2021 - (DOCKET NO. [25])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Eisenhower Carlson PLLC

Represented By
Steven Casselberry

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01060 Marshack v. Gallo Builders, Inc.

#36.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE:Complaint For Avoidance And Recovery Of Voidable Transfers
(Complaint filed 4/21/2020)

[Adversary transferred from CB on 7/31/2020]

(S/C set per Order Entered 8/7/2020)

(PTC set at S/C held 9-30-20)

FR: 7-7-20; 9-30-20; 4-28-21

Docket 1

***** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT 1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND DISCOVERY CUTOFF, MOTION CUTOFF, PRETRIAL HEARING DATES ENTERED 3-24-2021 - (DOCKET NO. [23])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Gallo Builders, Inc.

Represented By
Martin B Greenbaum

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room

5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01069 Marshack v. Trackside Performance, LLC

#37.00

CONT'D PRE-TRIAL CONFERENCE RE: Complaint For Avoidance And
Recovery Of Voidable Transfer
(Complaint filed 5/1/2020)
(S/C set per Order Entered 8/7/2020)
[Adversary transferred from CB on 7/31/2020]
(PTC set at S/C held 9/30/2020)

FR: 7-21-20; 9-30-20; 4-28-21

Docket 1

***** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT
1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF, PRETRIAL HEARING
DATES ENTERED 3-26-2021 - (DOCKET NO. [17])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Trackside Performance, LLC

Represented By
Christopher L Blank

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT...

Eagan Avenatti, LLP

Chapter 7

Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01071 Marshack v. Vincent Builders, Inc.

#38.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: First Amended Complaint
For Avoidance And Recovery Of Voidable Transfers
(Complaint filed 5/1/2020)

[Adversary transferred from CB on 7/31/2020]

[Set per Order Entered 8/7/2020]

(PTC set at S/C held 9-30-2020)

(First Amended Complaint filed 10/14/2021)

FR: 7-21-20; 9-30-20; 5-19-20

Docket 28

***** VACATED *** REASON: OFF CALENDAR PER ORDER
APPROVING STIPULATION TO DISMISS ADVERSARY PROCEEDING
WITHOUT PREJUDICE ENTERED 7-29-2021 - (DOCKET NO. [38])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Vincent Builders, Inc.

Represented By
Andrew Still
Eric S Pezold

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By

Jack A. Reitman

D Edward Hays

David Wood

Judith E Marshack

John P. Reitman

Meghan C Murphey

Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP
Adv#: 8:20-01146 Marshack v. Davis

Chapter 7

#39.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 10/20/2020)
(PTC set at S/C held 1/6/2021)

FR: 1-6-21

Docket 1

*** VACATED *** REASON: CONTINUED TO NOVEMBER 3, 2021 AT
1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF, PRETRIAL HEARING
DATES ENTERED 3-26-2021 - (DOCKET NO. [13])

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Andrew S. Davis

Represented By
Christopher L Blank

Plaintiff(s):

Richard A. Marshack

Represented By
John P. Reitman
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By
Jack A. Reitman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01153 Marshack v. HPPW, LLC

#40.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 10/30/2020)
(PTC set at S/C held 1/20/2021)

FR: 1-20-21

Docket 1

***** VACATED *** REASON: CONTINUED TO FEBRUARY 2, 2022 AT
11:00 A.M. PER ORDER APPROVING STIPULATION TO EXTEND
DISCOVERY CUTOFF, MOTION CUTOFF; PRE-TRIAL HEARING
DATES ENTERED 7-13-2021 - (DOCKET NO. [17])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

HPPW, LLC

Represented By
Aditi Paranjpye

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By
Jack A. Reitman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT...

Eagan Avenatti, LLP

Chapter 7

D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

8:20-11885 Todd Stuart Masler

Chapter 7

Adv#: 8:21-01003 Weneta M.A. Kosmala v. Siegel-Masler

#41.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint:

- (1) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. Section 548(a)(1)(A);
- (2) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. Section 548(a)(1)(B);
- (3) For Recovery Of Avoided Transfers Under 11 U.S.C. Section 550;
- (4) To Preserve Transfer For The Benefit Of The Estate Pursuant To 11 U.S.C. Section 551;
- (5) For Authorization To Sell Real Property In Which Co-Owner Holds Interest Pursuant To 11 U.S.C. Section 363(h);
- (6) For Turnover Of Property Of The Estate; and
- (7) Payment of Costs Pursuant to 11 U.S.C. Section 363(j)
(Complaint filed 1/7/2021)
(PTC set at S/C held 4/7/2021)

FR: 4-7-21

Docket 1

***** VACATED *** REASON: CONTINUED TO DECEMBER 15, 2021
AT 11:00 A.M. PER ORDER APPROVING STIPULATION TO EXTEND
MEDIATION DEADLINE AND MODIFYING SCHEDULING ORDER
ENTERED 5-18-2021 - (DOCKET NO. [23])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Todd Stuart Masler

Pro Se

Defendant(s):

Sheri J. Siegel-Masler

Represented By
Alex J Llorente

Plaintiff(s):

Weneta M.A. Kosmala

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, September 29, 2021

Hearing Room 5C

1:30 PM

CONT... Todd Stuart Masler

Chapter 7

Jeffrey I Golden
Ryan W Beall

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Jeffrey I Golden
Ryan W Beall