

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, September 23, 2021

Hearing Room 301

10:30 AM

1:00-00000

Chapter

#0.00 You will not be permitted to be physically present in the courtroom. All appearances for the September 23, 2021 calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

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Docket 0

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Chapter

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
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Judge Victoria Kaufman, Presiding
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Thursday, September 23, 2021

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10:30 AM

1:12-18333 Susan H Tregub

Chapter 7

#1.00 Trustee's Final Report and Applications for Compensation

Wesley Avery, Chapter 7 Trustee

Roquemore, Pringle & Moore, Attorneys for Trustee

Menchaca & Company, Accountants for Trustee

Docket 387

Tentative Ruling:

Wesley Avery, chapter 7 trustee - approve fees of \$13,250.00 and reimbursement of expenses of \$151.20, on a final basis.

Roquemore, Pringle & Moore, counsel to the Trustee - approve fees of \$11,981.00 and reimbursement expenses of \$272.28, pursuant to 11 U.S.C. § 330, on a final basis.

Menchaca & Company, accountant to the Trustee - approve fees of \$6,639.50, pursuant to 11 U.S.C. § 330, on a final basis.

The chapter 7 trustee must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee and his/her professionals 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 the relevant applicant(s) will be so notified.

Party Information

Debtor(s):

Susan H Tregub

Pro Se

Trustee(s):

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CONT... **Susan H Tregub**
Wesley H Avery (TR)

Chapter 7

Represented By
Wesley H Avery (TR)
Toan B Chung
Victor A Sahn
Eric J Bakewell
Alex M Weingarten
Steven J. Katzman
Anthony Bisconti

**United States Bankruptcy Court
Central District of California
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Judge Victoria Kaufman, Presiding
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Thursday, September 23, 2021

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10:30 AM

1:18-11488 Christopher Anderson

Chapter 7

#2.00 Trustee's Final Report and Applications for Compensation

David Gottlieb, Chapter 7 Trustee

Ervin Cohen & Jessup LLP, Attorneys for Trustee

Michelman & Robinson, LLP, Special Litigation Counsel for Trustee

Province Inc, Accountants for Trustee

Docket 211

Tentative Ruling:

The Court will continue this hearing to **October 21, 2021 at 10:30 a.m.**

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Christopher Anderson

Represented By
Daniel King

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Howard Camhi

**United States Bankruptcy Court
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1:18-11900 Maryam Hadizadeh

Chapter 7

#3.00 Trustee's Final Report and Applications for Compensation

Amy L. Goldman, Chapter 7 Trustee

Levene Neale Bender Yoo & Brill LLP, Attorneys for Trustee

SLBiggs, a Division of SingerLewak, Accountant for Trustee

Docket 120

Tentative Ruling:

Amy L. Goldman, chapter 7 trustee - approve fees of \$9,225.00 and reimbursement of expenses of \$18.91, on a final basis.

Levene, Neale, Bender, Yoo & Brill LLP ("LNBYB"), counsel to the Trustee - approve fees of \$48,500.00 and reimbursement of expenses of \$3,299.93, pursuant to 11 U.S.C. § 330, on a final basis.

SLBiggs, a Division of SingerLewak, accountant to the Trustee - approve fees of \$3,853.00 and reimbursement of expenses of \$185.99, pursuant to 11 U.S.C. § 330, on a final basis.

Law Offices of Goldie Schon, APLC, special litigation counsel to the Trustee - approve fees of \$12,762.50 and expenses of \$90.00, pursuant to 11 U.S.C. § 330, on a final basis.

The chapter 7 trustee must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or her professionals 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 the relevant applicant(s) will be so notified.

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CONT... Maryam Hadizadeh

Chapter 7

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| Party Information |
|--------------------------|

Debtor(s):

Maryam Hadizadeh

Represented By
Stella A Havkin

Trustee(s):

Amy L Goldman (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
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Thursday, September 23, 2021

Hearing Room 301

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1:19-11777 Winters-Schram & Associates

Chapter 7

#4.00 Trustee's Final Report and Applications for Compensation

Nancy Zamora, Chapter 7 Trustee

Margulies Faith LLP, Attorneys for Trustee

Grobstein Teeple LLP, Accountants for Trustee

Docket 116

Tentative Ruling:

The Court will continue this hearing to **October 14, 2021 at 10:30 a.m.**

Appearances on September 23, 2021 are excused.

Party Information

Debtor(s):

Winters-Schram & Associates

Represented By
Daniel H Reiss
Lindsey L Smith

Trustee(s):

Nancy J Zamora (TR)

Represented By
Noreen A Madoyan
Jeremy Faith

**United States Bankruptcy Court
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Thursday, September 23, 2021

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10:30 AM

1:19-11950 Farzan Bassala

Chapter 7

#5.00 Trustee's Final Report and Applications for Compensation

David Gottlieb, Chapter 7 Trustee

Marshack Hays LLP, Attorneys for Trustee

Berkeley Research Group LLC, Accountants for Trustee

Docket 93

Tentative Ruling:

The Court will continue this hearing to **October 21, 2021 at 10:30 a.m.**

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Farzan Bassala

Represented By
David S Hagen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
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Thursday, September 23, 2021

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1:19-12082 Robert M. Gerstein

Chapter 7

#6.00 Trustee's Final Report and Applications for Compensation

Amy L. Goldman, Chapter 7 Trustee

Levene Neale Bender Yoo & Brill LLP, Attorneys for Trustee

SLBiggs, a Division of SingerLewak, Accountants for Trustee

Docket 158

Tentative Ruling:

Amy L. Goldman, chapter 7 trustee - approve fees of \$36,464.52 and reimbursement of expenses of \$141.94, pursuant to 11 U.S.C. § 330, on a final basis.

Levene, Neale, Bender, Yoo & Brill LLP, counsel to the trustee - approve fees of \$65,000.00 and expenses of \$1,682.82, pursuant to 11 U.S.C. § 330, on a final basis.

SLBiggs, a Division of SingerLewak, accountant to the trustee - approve fees of \$3,745.00 and expenses of \$75.49, pursuant to 11 U.S.C. § 330, on a final basis.

The chapter 7 trustee must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or her professionals 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 the relevant applicant(s) will be so notified.

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CONT... Robert M. Gerstein

Chapter 7

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| Party Information |
|--------------------------|

Debtor(s):

Robert M. Gerstein

Represented By
John D Faucher

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
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1:09-26982 Tag Entertainment Corp.

Chapter 7

#6.10 Trustee's Final Report and Applications for Compensation

Diane C. Weil, Chapter 7 Trustee

Levene, Neale, Bender, Yoo & Brill LLP, Attorneys for Chapter 7 Trustee

Van Dyke & Associates, APLC, Special Litigation Counsel to Chapter 7 Trustee

Focus Advisory Services LLC, Special Consultant to Chapter 7 Trustee

Hahn Fife & Company, LLP, Accountants for Chapter 7 Trustee

fr. 8/5/21; 8/26/21; 9/2/21; 9/9/21

Docket 287

Tentative Ruling:

Levene, Neale, Bender, Yoo & Brill LLP Tentative

Levene, Neale, Bender, Yoo & Brill LLP ("LNBYB"), counsel to the chapter 7 trustee – based on the Court's previous orders for interim fees: (A) LNBYB is authorized to receive \$50,000.00 in fees, for the period between January 1, 2010 and December 31, 2011 [doc. 86]; (B) LNBYB is authorized to receive \$48,477.54 in fees and \$1,522.46 for reimbursement of expenses, for the period between January 1, 2012 and February 5, 2014 [doc. 152]; and (C) LNBYB is authorized to receive \$23,226.50 in fees and \$900.59 for reimbursement of expenses, for the period between February 6, 2014 and October 31, 2014 [doc. 174]. At this time, the Court approves those fees, and that reimbursement of expenses, on a final basis.

In addition, for the period between January 1, 2010 through the end of this case, the Court will approve LNBYB's fees billed in the amount of \$313,399.56 and reimbursement of expenses incurred in the amount of \$2,803.29, on a final basis. The Court will not approve \$48,753.90 in fees for the reasons set forth below [FN1].

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CONT... **Tag Entertainment Corp.**

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11 U.S.C. § 330(a)(2) provides that the court may, on its own motion, award compensation that is less than the amount of the compensation that is requested.

11 U.S.C. § 330(a)(1)(A) provides that a court may award to a professional person employed under § 327 "reasonable compensation for actual, necessary services" rendered by the professional person. "In determining the amount of reasonable compensation to be awarded to the professional person, the court shall consider the nature, the extent and the value of such services, taking into account all relevant factors, including—(A) the time spent on such services; (B) the rates charged for such services; (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title; [and] (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed . . .". 11 U.S.C. § 330(a)(3). Except in circumstances not relevant to this chapter 7 case, "the court shall not allow compensation for—(i) unnecessary duplication of services; or (ii) services that were not—(I) reasonably likely to benefit the debtor's estate; or (II) necessary to the administration of the case." 11 U.S.C. § 330(a)(4)(A).

In accordance with the foregoing, the Court will disallow the fees billed for the following services by 20%. In light of the billing rates, and based on the Court's review of the related pleadings filed, an excessive amount of time was spent on the identified tasks:

| Category | Date | Timekeeper | Description | Time | Fee |
|---------------------------|----------|------------|--|------|------------|
| Asset Analysis & Recovery | 10/15/13 | EMW | Preparation of Pikl settlement pleadings; send e-mail to trustee | 2.9 | \$1,725.50 |
| Asset Analysis & Recovery | 10/16/13 | EMW | Review files; begin preparation of Pikl 9019 motion | 2.8 | \$1,666.00 |
| Asset Analysis & Recovery | 10/18/13 | EMW | Revise Pikl 9019 motion; send to LLS with instructions | 2.3 | \$1,368.50 |
| Other Litigation | 10/14/13 | EMW | Analysis of files and documents re preparation of Pikl settlement motion | 1.8 | \$1,071.00 |

The Court will not approve the following fees, in the amount of \$6,026.00, because the billing professional did not sufficiently describe the litigation or assets to which they relate:

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CONT... Tag Entertainment Corp.

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| Category | Date | Timekeeper | Description | Time | Fee |
|---------------------------|---------|------------|---|------|------------|
| Asset Analysis & Recovery | 5/6/10 | EMW | Review several e-mails from R. Kutche and attached pleadings and documents re Smith interests | 4.3 | \$2,515.50 |
| Asset Analysis & Recovery | 11/5/12 | EMW | Review of documents; attend meeting with trustee AAF and P. Fier re various ongoing matters; telecon R. Van Dyke, J. Bush and M. King re same | 4.2 | \$2,499.00 |
| Other Litigation | 9/12/11 | EMW | Analysis of Ruiz case; send e-mail to SVD re same; review response from SVD | 2.6 | \$1,547.00 |
| Other Litigation | 5/15/14 | EMW | Review emails from Bradley with attached pleadings and documents | 3.3 | \$1,963.50 |

The Court will not approve the following fees, in the amount of \$714.00, because the billing professional also billed for the same services on the same date in the category of Asset Analysis & Recovery:

| Category | Date | Timekeeper | Description | Time | Fee |
|-------------------|----------|------------|--|------|----------|
| Asset Disposition | 10/17/12 | EMW | Review Whittlesey objection to consolidation mtn; review files; prepare file notes | 1.2 | \$714.00 |

The Court will disallow the fees billed for the following services by 30%. In light of the applicable billing rates, and the Court's review of the related pleadings filed, an excessive amount of time was spent on the identified tasks:

| Category | Date | Timekeeper | Description | Time | Fee |
|---------------------------|----------|------------|--|------|----------|
| Relief from Stay | 4/7/10 | EMW | Telephone conference with judge's clerk re continuance of Quantum motion; review files; draft order on stipulation | 1.3 | \$760.50 |
| Asset Analysis & Recovery | 12/14/11 | EMW | Analysis of memo from J. Bush re consolidation | 0.7 | \$416.50 |
| Asset Analysis & Recovery | 4/27/12 | EMW | Analysis of information from M. King re consolidation of various entities | 1.3 | \$773.50 |

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| Asset Analysis & Recovery | 7/3/12 | EMW | Analysis of files and documents in preparation for conference call with trustee; conference call with trustee's, S. Van Dyke and J. Bush re consolidation; prepare file notes | 3.3 | \$1,963.50 |
| Asset Analysis & Recovery | 7/16/12 | EMW | Review files and documents re preparation of consolidation motion | 0.7 | \$416.50 |
| Asset Analysis & Recovery | 8/10/12 | EMW | Analysis of files and documents re consolidation; draft file notes | 0.9 | \$535.50 |
| Asset Analysis & Recovery | 8/13/12 | EMW | Preparation of consolidation motion-ongoing | 0.7 | \$416.50 |
| Asset Analysis & Recovery | 8/17/12 | EMW | Analysis of files and documents re substantive consolidation of cases; begin preparation of motion | 5.3 | \$3,153.50 |
| Asset Analysis & Recovery | 9/27/12 | EMW | Analysis of files and documents; draft consolidation motion and notice | 5.3 | \$3,153.50 |
| Asset Analysis & Recovery | 9/28/12 | EMW | Preparation of consolidation motion-ongoing | 3.0 | \$1,785.00 |
| Asset Analysis & Recovery | 10/1/12 | AAF | Revise notice of motion for substantive consolidation and separate motion for substantive consolidation; review correspondence from trustee re executed declaration | 0.6 | \$450.00 |
| Asset Analysis & Recovery | 10/15/12 | AAF | Draft notice of hearing on motion for substantive consolidation | 0.5 | \$225.00 |
| Asset Analysis & Recovery | 10/17/12 | EMW | Review Whittlesey objection to consolidation mtn; review files; prepare file notes | 1.2 | \$714.00 |
| Asset Analysis & Recovery | 10/29/12 | EMW | Analysis of pleadings and correspondence re consolidation issues | 2.2 | \$1,309.00 |
| Asset Analysis & Recovery | 11/9/12 | EMW | Analysis of documents and pleadings related to consolidation and disbursing agent; begin preparation of reply | 2.3 | \$1,368.50 |

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Tag Entertainment Corp.

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|---------------------------|----------|-----|--|-----|------------|
| Asset Analysis & Recovery | 11/11/12 | EMW | Analysis of documents for preparation of reply to USA opposition to consolidation; analysis of disbursing agent docs; send e-mail to trustee | 4.4 | \$2,618.00 |
| Asset Analysis & Recovery | 11/12/12 | EMW | Preparation of reply to opposition of USA to consolidation mtg; several telecons w/ P. Fier; review and respond to e-mails from trustee, Fier, SVD, AAP and M. King | 7.4 | \$4,403.00 |
| Asset Analysis & Recovery | 11/13/12 | EMW | Preparation of brief in reply to U.S. opposition to consolidation motion; review and respond to e-mails from trustee and M. King; several telecons to P. Fier re declaration; prepare declarations and exhibits | 5.3 | \$3,153.00 |
| Asset Analysis & Recovery | 11/20/12 | EMW | Review files re hearing on consolidation; review court site re tentative; review and respond to e-mails from trustee; attend hearing; confer with trustee; telecon AAF re consolidation order; send email to D. Adhoot re same | 4.9 | \$2,915.50 |
| Asset Analysis & Recovery | 11/21/12 | EMW | Research regarding preparation of consolidation order | 2.3 | \$1,368.50 |
| Asset Analysis & Recovery | 11/29/12 | EMW | Review sample consolidation order | 0.5 | \$297.50 |
| Asset Analysis & Recovery | 12/2/12 | EMW | Review email from ECF; review filing by USA re consolidation motion | 0.6 | \$357.00 |
| Asset Analysis & Recovery | 1/8/13 | EMW | Review ECF email; review entered consolidation order; send email to trustee re same | 0.6 | \$357.00 |
| Asset Disposition | 8/17/12 | EMW | Analysis of files and documents re substantive consolidation of cases; begin preparation of motion | 5.3 | \$3,153.50 |

11 U.S.C. § 328(b) provides that an attorney may not receive compensation for the performance of any trustee's duties that are generally performed by a trustee without

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the assistance of an attorney. *In re Garcia*, 335 B.R. 717, 725 (9th Cir. B.A.P. 2005) (holding that bankruptcy court did not abuse its discretion in refusing to compensate chapter 7 trustee's counsel for services rendered in connection with the sale of property of the estate and for preparing routine employment applications).

Local Bankruptcy Rule ("LBR") 2016-2(f)(2) provides a "nonexclusive list of services that the court deems 'trustee services.'" This list includes, among other activities: conduct 11 U.S.C. § 341(a) examinations; routine investigation regarding location and status of assets; turnover or inspection of documents; recruit and contract appraisers, brokers, and professionals; routine collection of accounts receivable; routine documentation of notices of sales, abandonment, compromise, etc.; prepare motions to abandon or destroy books and records; routine claims review and objection; monitor litigation; answer routine creditor correspondence and phone calls; review and comment on professional fee applications; and additional routine work necessary for administration of the estate.

In *Garcia*, the Bankruptcy Appellate Panel for the Ninth Circuit explained "a case trustee may only employ professionals for tasks that require special expertise beyond that expected of an ordinary trustee." *Id.* at 727.

In accordance with *Garcia* and LBR 2016-2(f), the Court does not approve \$8,789.00 in the fees billed for the services identified below. It appears that these fees are for services that are duplicative of those that could and should be performed by the Trustee:

| Category | Date | Timekeeper | Description | Time | Fee |
|---------------------------|----------|------------|---|------|------------|
| Asset Analysis & Recovery | 3/9/10 | EMW | Review e-mail from LAD to trustee re interim settlement; draft e-mail to LAD re accountant | 0.3 | \$175.50 |
| Asset Analysis & Recovery | 10/30/13 | EMW | Review e-mails from trustee and S. Levin re BMI Royalties; review Levine app to employ and respond to Levin e-mails re same | 1.6 | \$952.00 |
| Asset Analysis & Recovery | 3/22/15 | EMW | Preparation for meeting of creditors | 2.3 | \$1,368.50 |
| Asset Analysis & Recovery | 2/6/17 | EMW | Analysis of offers for film library | 0.2 | \$119.00 |

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| Asset Analysis & Recovery | 2/7/17 | EMW | Review Fier email re offers from Goldman and Film Rise; analyze offers | 0.8 | \$476.00 |
| Asset Analysis & Recovery | 3/10/17 | EMW | Conference call with trustee and P. Fier re sale of film library; analysis of documents | 2.7 | \$1,606.50 |
| Asset Disposition | 1/30/12 | AAF | Review correspondence from Gaiaam services re royalty payments and royalty report | 0.2 | \$90.00 |
| Asset Disposition | 10/21/13 | AAF | Correspond with Levin re status report of collection reports | 0.2 | \$95.00 |
| Asset Disposition | 1/24/13 | AAF | Review correspondence from BMI re 2nd quarter collections | 0.1 | \$49.50 |
| Asset Disposition | 2/18/14 | AAF | Review correspondence from ASCAP International re collection efforts | 0.1 | \$49.50 |
| Asset Disposition | 5/20/14 | AAF | Review correspondence from trustee re payments received on royalties | 0.1 | \$49.50 |
| Asset Disposition | 8/27/14 | AAF | Review correspondence re 2014 ASCAP collections | 0.1 | \$49.50 |
| Asset Disposition | 11/20/14 | AAF | Review November 2014 ASCAP royalties payment | 0.1 | \$49.50 |
| Asset Disposition | 3/17/15 | AAF | Review correspondence re Gaiaam 4th quarter royalties | 0.1 | \$49.50 |
| Asset Disposition | 5/21/15 | AAF | Review payment from ASCAP | 0.1 | \$49.50 |
| Asset Disposition | 6/3/15 | AAF | Review SLM royalties payment | 0.1 | \$49.50 |
| Asset Disposition | 5/19/16 | AAF | Review correspondence re ASCAP royalties | 0.1 | \$51.50 |
| Asset Disposition | 5/31/16 | AAF | Review SLM 1st quarter 2016 royalty statement | 0.1 | \$51.50 |
| Asset Disposition | 8/30/16 | AAF | Review Levin royalty collection report for 2nd quarter 2016 | 0.1 | \$51.50 |
| Asset Disposition | 11/30/16 | AAF | Review correspondence from Levin re 3rd quarter 2016 royalty collections | 0.1 | \$51.50 |

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| Asset Disposition | 2/28/17 | AAF | Review correspondence from Levin re 4th quarter royalty report | 0.1 | \$53.50 |
| Asset Disposition | 4/25/17 | AAF | Review correspondence re ASCAP March 2017 royalty statements | 0.1 | \$53.50 |
| Asset Disposition | 5/31/17 | AAF | Review correspondence and attachments re 1st quarter royalty collection | 0.1 | \$53.50 |
| Asset Disposition | 8/31/17 | AAF | Review correspondence re 2nd quarter royalty payments received | 0.1 | \$53.50 |
| Asset Disposition | 9/5/18 | AAF | Review correspondence from Levin 2nd quarter royalty payments | 0.1 | \$56.50 |
| Asset Disposition | 3/3/19 | AAF | Review correspondence from Levin 4th quarter royalties | 0.1 | \$58.00 |
| Asset Disposition | 6/2/19 | AAF | Review correspondence from S. Levin re royalty payments | 0.1 | \$58.00 |
| Asset Disposition | 12/3/19 | AAF | Review correspondence from Levin re collection of 3rd quarter 2019 music royalties | 0.1 | \$58.00 |
| Case Administration | 10/29/10 | EMW | Analysis of files and documents; prepare memo to trustee for 180-dar reports | 0.8 | \$468.00 |
| Claims Administration | 4/7/14 | EMW | Review amended FTB claim | 0.2 | \$119.00 |
| Claims Administration | 8/10/18 | EMW | Review amended FTB claim | 0.2 | \$119.00 |
| Claims Administration | 9/13/19 | EMW | Review FTB claims | 0.5 | \$312.50 |
| Claims Administration | 3/15/21 | EMW | Analysis of pleadings re Quantum, Kennedy, Guild, Smith, MacDonald, Goldstein and Tarquino; prepare analysis and forward to trustee | 2.9 | \$1,841.50 |

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The Court further concludes that LNBYB has inappropriately billed for more than one professional's involvement in particular tasks. Although some duplication of effort, *e.g.*, in order to supervise junior attorneys or paralegals, is appropriate, the entries identified below are not justified in that regard. Consequently, the Court has not approved \$9,351.50 in fees, as identified below.

| Category | Date | Timekeeper | Description | Time | Fee |
|---------------------------|----------|------------|---|------|----------|
| Asset Analysis & Recovery | 8/4/10 | AAF | Analysis of complaint against USA for return of restitution funds paid to it by Debtor | 1.1 | \$456.50 |
| Asset Analysis & Recovery | 6/1/12 | AAF | Review correspondence from trustee re consolidation motion | 0.1 | \$45.00 |
| Asset Analysis & Recovery | 10/16/12 | AAF | Review notice setting hearing on motion to consolidate | 0.1 | \$45.00 |
| Asset Analysis & Recovery | 10/19/12 | AAF | Review correspondence from trustee re Van Dyke information regarding reply to USA opposition to consolidation motion | 0.2 | \$90.00 |
| Asset Analysis & Recovery | 11/5/12 | AAF | Correspond with M. King re documentation in support of reply to opposition to motion to substantively consolidate | 0.2 | \$90.00 |
| Asset Analysis & Recovery | 11/5/12 | AAF | Conference with trustee, Fier and Wolkowitz and Van Dyke re consolidation motion, status of licenses on certain films and pending adversary proceedings | 2.0 | \$900.00 |
| Asset Analysis & Recovery | 11/6/12 | AAF | Review correspondence from King re documents in support of reply to opposition to motion to substantively consolidate | 0.4 | \$180.00 |
| Asset Analysis & Recovery | 1/7/13 | AAF | Review entry of order on consolidation motion | 0.1 | \$47.50 |

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Hearing Room 301

10:30 AM

CONT...

Tag Entertainment Corp.

Chapter 7

| | | | | | |
|---------------------------|----------|-----|---|-----|------------|
| Asset Analysis & Recovery | 6/29/18 | AAF | Review correspondence from trustee re movie studio distribution of Tag movies | 0.1 | \$56.50 |
| Asset Analysis & Recovery | 6/29/18 | AAF | Review correspondence from Fier re demand to movie studio | 0.1 | \$56.50 |
| Asset Disposition | 6/27/13 | AAF | Review conditional non opposition by SAG aftra Guild re reservation of certain royalties in response to trustee motion for approval of license agreements | 0.2 | \$95.00 |
| Asset Disposition | 10/28/19 | EMW | Analysis of revised APA and related documents | 1.6 | \$1,000.00 |
| Asset Disposition | 1/28/20 | EMW | Review status of sale of film library | 0.6 | \$381.00 |
| Asset Disposition | 2/4/20 | EMW | Analysis of documents AAF re sale of film library; review e-mail from J. Kohanski and attached documents re guild residuals | 1.5 | \$952.50 |
| Asset Disposition | 2/19/20 | EMW | Review tentative for sale mtn | 0.2 | \$127.00 |
| Asset Disposition | 7/8/20 | EMW | Analysis of correspondence closing of film sale deal | 0.4 | \$254.00 |
| Asset Disposition | 11/9/20 | EMW | Conference call with trustee and AAF re analysis of claims register; review various claims; send emails to trustee | 3.2 | \$2,032.00 |
| Asset Disposition | 3/18/21 | EMW | Analysis of tentative ruling | 0.4 | \$254.00 |
| Relief from Stay | 6/4/10 | AAF | Review correspondence re stipulation to continue hearing on Quantum relief from stay motion to hearing on opposition to compromise motion | 0.2 | \$83.00 |

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CONT...

Tag Entertainment Corp.

Chapter 7

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|------------------------|----------|-----|---|-----|----------|
| Relief from Stay | 6/4/10 | EMW | Review and sign Quantum stip; send to Bush | 0.3 | \$175.50 |
| Relief from Stay | 6/15/10 | EMW | Review notice of continued hearing; send e-mail to LLS re same | 0.2 | \$117.00 |
| Relief from Stay | 7/22/10 | EMW | Review e-mails from AAF and B. Kurtz re changes to proposed RFS order; send e-mail to trustee re same | 0.6 | \$351.00 |
| Relief from Stay | 8/5/10 | AAF | Review order granting relief from stay re Quantum | 0.1 | \$41.50 |
| Relief from Stay | 8/7/10 | EMW | Review ECF e-mail and attached entered RFS order | 0.2 | \$117.00 |
| Employment Application | 3/22/12 | EMW | Review entered fee order | 0.3 | \$178.50 |
| Employment Application | 3/8/13 | EMW | Review ECF e-mail and pleadings re Levin employment | 0.3 | \$178.50 |
| Employment Application | 4/30/13 | AAF | Review order entered employing Sindee Levin | 0.1 | \$47.50 |
| Employment Application | 5/3/13 | AAF | Review entered order on application to employ Levin | 0.1 | \$47.50 |
| Other Litigation | 11/30/15 | EMW | Review documents and tentative ruling; send email to trustee re Austin Adversaries; review response | 0.4 | \$238.00 |
| Other Litigation | 2/17/16 | EMW | Review tentative in Austin litigation; send email to trustee | 0.5 | \$297.50 |
| Other Litigation | 3/10/17 | EMW | Review emails from AAP re SVD MTN to withdraw | 0.7 | \$416.50 |

In addition to violating the Local Bankruptcy Rules, lumped or blocked billing is generally frowned upon by courts because it prevents the court from "fairly evaluating whether individual tasks were expeditiously performed within a reasonable time frame." *In re Thomas*, 2009 WL 7751299, *5 (9th Cir. BAP), quoting *In re Hudson*, 364 B.R. 875, 880 (Bankr. N.D.N.Y. 2007). When fee applications contain lumped

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CONT... **Tag Entertainment Corp.**

Chapter 7

billing, courts disallow or reduce the lumped entries. *See In re Breeden*, 180 B.R. 802, 810 (Bankr. N.D. W.Va. 1995) (court disallowed all lumped fee entries solely because their format); *Welch v. Metropolitan Life Ins. Co.*, 480 F.3d 942 at 948 (9th Cir. 2007) (court may properly impose a reduction for block billing).

Many of LNBYB's time entries contain entries with lumped services. Accordingly, this Court will not allow 20% of the fees set forth below, based on lumped billing. This will reduce the fees to be paid by \$9,389.00. *See e.g. Thomas*, *7 (upheld 10% reduction of fees from lumped billing); *Darling Intern., v. Baywood Partners, Inc.*, 2007 WL 4532233, *9 (N.D. Cal. 2007) ("courts typically make an adjustment ranging from 5% to over 30%"); *In re SAIF, Inc.*, 2009 WL 6690966 (Bankr. S.D.Cal. 2009) (due to substantial lumping, court reduced the fees sought by 10%); *In re Stewart*, 2008 WL 8462960, *6 (9th Cir. BAP 2008) (upheld 20% reduction for inappropriate lumping).

| Category | Date | Timekeeper | Description | Time | Fee |
|---------------------------|---------|------------|---|------|------------|
| Asset Analysis & Recovery | 1/8/10 | EMW | Analysis of Debtor's tax returns; review emails to and from trustee and Debtor's attorney; prepare file notes | 0.4 | \$234.00 |
| Asset Analysis & Recovery | 3/2/10 | EMW | Analysis of file related to pending litigation matters and possible liens on assets of the estate; legal research on erroneous liens; conference with LAD re strategy | 2.2 | \$1,287.00 |
| Asset Analysis & Recovery | 3/9/10 | EMW | Analysis of e-mails from trustee and AUSA Whittlesee re Austin Judgment and re Restitution; transfer to file | 0.7 | \$409.50 |
| Asset Analysis & Recovery | 3/19/10 | EMW | Analysis of e-mail from Van Dyke and attachments; telephonic call from J. Faith re investor interests; draft file notes | 0.8 | \$468.00 |

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Tag Entertainment Corp.

Chapter 7

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|---------------------------|---------|-----|--|-----|------------|
| Asset Analysis & Recovery | 3/30/10 | EMW | Analysis of correspondence from S. Van Dyke; analysis of proposed legal services agreement; telephonic conference with trustee re changes to agreement; telephonic conference with S. Van Dyke re changes | 1.5 | \$877.50 |
| Asset Analysis & Recovery | 4/1/10 | EMW | Telephone conference with trustee re Van Dyke LSA and restitution; litigation; send e-mail to Van Dyke re changes | 1.8 | \$1,053.00 |
| Asset Analysis & Recovery | 4/6/10 | EMW | Review e-mail from van dyke; send e-mail to trustee re same; telephone conference with Van Dyke | 0.5 | \$292.50 |
| Asset Analysis & Recovery | 4/20/10 | EMW | Review and revise Van Dyke Pleading; TC Van Dyke re same; review and respond to e-mail from trustee re same; prepare filing instructions | 1.9 | \$1,111.50 |
| Asset Analysis & Recovery | 5/17/10 | EMW | Telephone conference with J. Lund re Fox AR; telephone conference with R. Kutche re Smith claim to AR's; telephone conference with R. Van Dyke re resolution of Smith objection; review and respond to e-mail from trustee | 1.6 | \$936.00 |
| Asset Analysis & Recovery | 5/19/10 | EMW | Review opposition to 9019 motion; send e-mail to LS re hearing notice; review response | 0.6 | \$351.00 |
| Asset Analysis & Recovery | 5/28/10 | EMW | Analysis of pleadings filed by R. Kutche; telecon with V. Digioia re Supercross; send e-mails to Van Dyke and Digioia re same | 1.2 | \$702.00 |
| Asset Analysis & Recovery | 6/15/10 | EMW | Review documents from Digioia re Suprecross; send e-mail to Van Dyke re same; review response | 0.7 | \$409.50 |

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Tag Entertainment Corp.

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|---------------------------|----------|-----|---|-----|----------|
| Asset Analysis & Recovery | 7/20/10 | EMW | Review revisions to 9019 order; review comments from trustee; send e-mail to R. Van Dyke re modifications; draft file notes | 0.6 | \$351.00 |
| Asset Analysis & Recovery | 7/28/10 | EMW | Analysis of e-mails from S. Van Dyke and trustee re various pending matters; review e-mail from trustee re Van Dyke; telecon trustee re same | 0.8 | \$468.00 |
| Asset Analysis & Recovery | 8/5/10 | EMW | Review e-mails between Hoffman and Van Dyke re Seven Arts; send e-mail to Hoffman re reports; review response | 0.9 | \$526.50 |
| Asset Analysis & Recovery | 8/13/10 | EMW | Telephone conference with S. Van Dyke re response from P. Hoffman and situation involving 7 arts; send follow-up email to Hoffman; draft file notes | 0.6 | \$351.00 |
| Asset Analysis & Recovery | 8/27/10 | EMW | Review files re conference call with Van Dyke and trustee; draft notes; conference call with Van Dyke and J. Bush re various matters | 0.8 | \$468.00 |
| Asset Analysis & Recovery | 1/6/11 | EMW | Review e-mail exchange between RVD and P. Hoffman; review memo from P. Hoffman; send e-mail to RVD re same | 0.6 | \$357.00 |
| Asset Analysis & Recovery | 1/7/11 | EMW | Analysis of correspondence from R. Kutche re Smith Judgment; confer with LLS re transmittal of overpayment check to trustee; telecon trustee re same | 0.5 | \$297.50 |
| Asset Analysis & Recovery | 12/12/11 | EMW | Review e-mails from trustee, RVD and J. Bush re documents and recovery of assets; review files; conference call with trustee, Van Dyke and Bush re same | 1.4 | \$833.00 |

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Tag Entertainment Corp.

Chapter 7

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|---------------------------|----------|-----|---|-----|------------|
| Asset Analysis & Recovery | 4/25/12 | EMW | Review and respond to trustee e-mail re Crystal inquiry; analysis of P. Fier message re film elements; draft file notes | 0.6 | \$357.00 |
| Asset Analysis & Recovery | 10/29/12 | EMW | Analysis of RVD e-mail re distribution of Supercross proceeds; review agreements review and respond to e-mails from trustee | 1.6 | \$952.00 |
| Asset Analysis & Recovery | 11/7/12 | EMW | Review e-mails from trustee re Quantum issues; analysis of relevant documents | 2.3 | \$1,368.50 |
| Asset Analysis & Recovery | 11/28/12 | EMW | Telephone conference with P. Fier re music rights and re consolidation; review e-mails re 7 Arts; send e-mail to trustee re music rights | 0.8 | \$476.00 |
| Asset Analysis & Recovery | 1/3/13 | EMW | Analysis of e-mail from trustee re SVD litigation and recoveries; review pleadings and files; draft response to trustee | 0.8 | \$476.00 |
| Asset Analysis & Recovery | 2/22/13 | EMW | Review check and documents from Gaiam; send e-mail to trustee and P. Fier re same; draft letter to trustee with check | 0.6 | \$357.00 |
| Asset Analysis & Recovery | 6/26/13 | EMW | Telephone conference with Joe Kohanski – twice re licensing artist view motion; review and responds to e-emails from P. Fier re same; send e-mail to trustee re confirmation; review response | 1.2 | \$714.00 |
| Asset Analysis & Recovery | 12/9/13 | EMW | Analysis of amended disbursing agent stip; review and respond to trustee email re same; sign and send to M. King with comments | 0.6 | \$357.00 |
| Asset Analysis & Recovery | 12/19/13 | EMW | Review emails from P. Fier re Zolfo Cooper and 7 Arts; review files; send email to trustee re possible claims against Zolfo Cooper | 0.8 | \$476.00 |

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| Asset Analysis & Recovery | 2/3/15 | EMW | Review emails from RVD and trustee re 7 Arts license fees; review other documents re same; send email to P. Fier re same | 0.7 | \$416.50 |
| Asset Analysis & Recovery | 3/12/15 | EMW | Analysis of film library documents; attend mtg with trustee, AAF and P. Fier re sale of film library; draft file notes | 3.7 | \$2,201.50 |
| Asset Analysis & Recovery | 3/10/17 | EMW | Conference call with trustee and P. Fier re sale of film library; analysis of documents | 2.7 | \$1,606.50 |
| Asset Analysis & Recovery | 7/30/19 | EMW | Analysis of pleadings and documents re Van Dyke disbursing agent; review other related documents; send emails to trustee | 2.8 | \$1,750.00 |
| Asset Analysis & Recovery | 8/9/19 | EMW | Review and revise letter to Van Dyke re Fox stipulation; review files; send emails to trustee | 1.3 | \$812.50 |
| Asset Analysis & Recovery | 8/13/19 | EMW | Review and revise Van Dyke stipulation; send email to trustee; send email to P. Fier re alchemy titles | 1.6 | \$1,000.00 |
| Asset Disposition | 7/23/12 | EMW | Telephone conference with S. Singh and T. Kennedy re R. Van Dyke; review database and send e-mail to Singh; review and respond to e-mails from trustee | 0.7 | \$416.50 |
| Asset Disposition | 3/24/15 | EMW | Analysis of film titles; draft email to J. Kohanski re guild claims; review response | 0.4 | \$238.00 |
| Asset Disposition | 12/18/15 | EMW | Review Pullman email re film library; send to trustee; review email from P. Fier | 0.6 | \$357.00 |
| Asset Disposition | 1/19/18 | EMW | Analysis of files and documents re sale of intellectual properties; telecon AAF re Fox issues | 2.2 | \$1,309.00 |

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|-----------------------|---------|-----|---|-----|------------|
| Asset Disposition | 6/5/18 | EMW | Analysis of re 7 Arts litigation; send emails to trustee; telecon P. Fier re settlement with 7 Art; send email to AAF re documents | 1.2 | \$714.00 |
| Asset Disposition | 2/3/20 | EMW | Telephone conference with J. Kohanski re sale of film library; analysis of Guild claims; send email to trustee | 2.2 | \$1,397.00 |
| Asset Disposition | 2/19/20 | EMW | Telephone conference with J. Kohanski re sale of library; telecon AAF re sale hearing; review tentative | 0.8 | \$508.00 |
| Case Administration | 2/1/10 | EMW | Analysis of documents in database; prepare transmittal e-mail to LAD | 1.2 | \$702.00 |
| Case Administration | 2/4/10 | EMW | Review files and documents; prepare email to LAD re pending matters; prepare file notes | 1.7 | \$994.50 |
| Case Administration | 3/19/10 | EMW | Review e-mail from R. Van Dyke re documents; send to trustee; review e-mail from Trustee re 341A | 0.5 | \$292.50 |
| Claims Administration | 3/30/10 | EMW | Telephonic conference with AUSA Z. Segina re inquiries from investors in limited partnerships; telephone conference with trustee re same; prepare file notes | 0.6 | \$351.00 |
| Relief from Stay | 3/25/10 | EMW | Review e-mail from S. Van Dyke re relief from stay; draft response; draft stipulation to continue relief from stay hearing; send e-mail to trustee re same | 0.8 | \$468.00 |
| Relief from Stay | 3/30/10 | EMW | Analysis of file; review proposed Quantum settlement agreement; review memo from LAD; telephone conference with trustee re settlement with Quantum; telephone conference with S. Van Dyke re same; prepare memo to file | 2.4 | \$1,404.00 |

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Tag Entertainment Corp.

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|------------------|----------|-----|---|-----|------------|
| Other Litigation | 6/4/10 | EMW | Telephone conference with Jim Bush re Supercross documents; telecon with Stela re same; review e-mail to Stela; transmit documents to Bush and Van Dyke | 1.4 | \$819.00 |
| Other Litigation | 8/1/10 | EMW | Review e-mail from R. Kutche re Smith lien language; send e-mail to R. Van Dyke re same; review responses from Van Dyke and trustee | 0.6 | \$351.00 |
| Other Litigation | 11/15/10 | EMW | Review docket re fraudulent transfer litigation; review pleadings; draft e-mail to RVD re same | 2.3 | \$1,345.50 |
| Other Litigation | 4/12/11 | EMW | Analysis of documents from SVD re MSJ; send e-mail to SVD re same; review response from J. Bush | 0.9 | \$535.00 |
| Other Litigation | 8/31/11 | EMW | Analysis of 9th circuit decision; review files; conference call with J. Bush and trustee | 0.6 | \$357.00 |
| Other Litigation | 10/17/11 | EMW | Analysis of pleadings in U.S. adversary; conference call with trustee; S. Van Dyke and J. Bush re same | 0.5 | \$297.50 |
| Other Litigation | 12/15/11 | EMW | Review e-mail from J. Bush re Austin complaints; review and respond to e-mails from trustee re same; review trustee e-mail to Bush | 0.8 | \$476.00 |
| Other Litigation | 1/11/12 | EMW | Review files; review discovery from USA; draft e-mail to Van Dyke and Bush re MSJ | 0.7 | \$416.50 |
| Other Litigation | 4/17/12 | EMW | Review and respond to e-mails from trustee and R. Van Dyke; conf. call with trustee, R. Van Dyke, J. Bush and M. King re trustee depo; prepare file notes | 2.3 | \$1,368.50 |
| Other Litigation | 4/19/13 | EMW | Review e-mails from trustee and M. King re pre-trial order; complete review of 87-page letter from S. Van Dyke re USA litigation; send email to SVD | 4.3 | \$2,558.50 |

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CONT...

Tag Entertainment Corp.

Chapter 7

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|------------------|----------|-----|--|-----|------------|
| Other Litigation | 4/23/13 | EMW | Research regarding possible claims against U.S. Attorney; send e-mail to M. King re same; review draft pretrial orders | 0.7 | \$416.50 |
| Other Litigation | 3/13/14 | EMW | Research regarding sec. 1927; further analysis of Whittlesey mtn; send e-mail TC M. King re same | 1.4 | \$833.00 |
| Other Litigation | 3/19/14 | EMW | Analysis of 1927 motion involving Whittlesey; draft file notes | 2.8 | \$1,666.00 |
| Other Litigation | 11/28/16 | EMW | Telephone conference with B. Whittlesey; telecon trustee; review district court pleadings | 0.8 | \$476.00 |
| Other Litigation | 12/30/16 | EMW | Review Whittlesey objection; telecon trustee; review files; send email to AAF | 1.3 | \$773.50 |

The chapter 7 trustee must submit the order within seven (7) days.

FOOTNOTE

FN1 The Court is starting from \$483,857.50, which is the aggregate amount of fees that LNBYYB requested be awarded in its *Application for Payment of Final Fees and/or Expenses* [doc. 278].

Party Information

Debtor(s):

Tag Entertainment Corp.

Represented By
Jonathan David Leventhal

Trustee(s):

Diane C Weil (TR)

Represented By
Lawrence A Diamant
Diane Weil
Edward M Wolkowitz
Anthony A Friedman

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Chapter 7

Lindsey L Smith
James A Bush
Richard S Van Dyke

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Hearing Room 301

1:00 PM

1:16-13382 Christopher Sabin Nassif

Chapter 11

#7.00 Status conference re chapter 11 case

fr. 1/26/17; 4/20/17; 6/8/17; 7/13/17; 9/21/17; 10/5/17;
12/7/17; 1/25/18; 3/8/18; 5/3/18(stip); 6/7/18(stip); 7/19/18(stip);
8/16/18; 10/4/18(stip); 11/8/18; 2/7/19(stip); 5/16/19(stip); 8/8/19(stip);
12/12/19; 1/23/20; 3/26/20(stip); 4/9/20; 6/25/20; 8/13/20; 10/8/20(stip);
12/10/20(stip); 2/18/21

Docket 1

Tentative Ruling:

Pursuant to the Fed. R. Bankr. P. 2002(b), the Court will set the following deadlines:

1. Service of the confirmation brief, with the related declarations and exhibits, on all creditors no later than Thursday, September 23, 2021.
2. Objections to confirmation must be filed and served on the debtor's counsel no later than October 21, 2021 at 1:00 p.m.
3. The debtor's response to objections to confirmation must be filed and served no later than October 25, 2021.
4. Confirmation hearing at **1:00 p.m. on October 28, 2021.**

The debtor must submit a scheduling order within seven (7) days.

Party Information

Debtor(s):

Christopher Sabin Nassif

Represented By
M Jonathan Hayes

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1:00 PM

1:18-11729 Richard Philip Dages

Chapter 7

#8.00 Order to show cause why debtor's counsel should not be ordered to disgorge fees

fr. 3/12/20; 4/30/20; 10/22/20; 3/18/21; 4/8/21; 4/22/21;
6/24/21

Docket 136

Tentative Ruling:

The Court will continue this hearing to **1:00 p.m. on October 7, 2021.**

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Richard Philip Dages

Represented By
Jeffrey J Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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1:00 PM

1:18-11729 Richard Philip Dages

Chapter 7

#9.00 Status conference re: Trustee Diane C. Weil's
progress with administration of the estate

fr. 6/24/21

Docket 226

Tentative Ruling:

The Court having reviewed the *Declaration of Diane C. Weil re Status of Distributions* [doc. 243], the Court will vacate this status conference.

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Richard Philip Dages

Represented By
Jeffrey J Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, September 23, 2021

Hearing Room 301

1:00 PM

1:20-12046 Buena Park Drive LLC

Chapter 11

#10.00 Disclosure statement hearing describing debtor's chapter 11 plan of reorganization

Docket 163

Tentative Ruling:

The Court will not approve the disclosure statement (the "Disclosure Statement") [doc. 163] describing the proposed chapter 11 plan of reorganization (the "Plan") [doc. 57] as containing adequate information. In addition to the problems noted by the U.S. Trustee and National Loan Acquisition Company ("NLAC"), the Disclosure Statement has the following deficiencies.

Lack of Declaration. The debtor did not submit a declaration stating that: (A) all facts and representations are true and correct; (B) no material facts have been omitted; (C) the source of the information; (D) the party responsible for providing financial information; and (E) the accounting method used.

Postpetition Lending. The debtor contends that it will fund the Plan by obtaining postpetition financing. There is no pending (or granted) motion for approval of postpetition financing. If the debtor has reached an agreement with a lender, the Disclosure Statement lacks any information about the terms of any postpetition lending agreement.

Failure to Provide Treatment for Certain Creditors. The claims register reflects that the Los Angeles County Treasurer and Tax Collector (the "LACTTC") asserts a secured claim against the estate in the amount of \$30,989.67. However, the Plan does not provide treatment for the LACTTC's secured claim. In addition, the claims register reflects that the LACTTC and the Franchise Tax Board asserted priority claims against the estate.

Class 2 Secured Creditor. In the Plan, the debtor provides treatment for a claim in favor of California Engineering and Shotcrete ("CES"). However, CES has not filed a claim against the estate, and the debtor did not schedule CES as a creditor. The debtor has not filed amended schedules or statements to include this claim.

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CONT... Buena Park Drive LLC

Chapter 11

List of Unsecured Creditors. The debtor did not attach a list of unsecured creditors that will be paid as part of Class 3.

Inconsistencies in the Plan and Disclosure Statement. As noted by the U.S. Trustee, the Plan and the Disclosure Statement contain different dates for payment to NLAC and to obtain funds from sale of the debtor's real properties.

Exhibit B. In the Disclosure Statement, the debtor refers to Exhibit B as a list of unexpired leases and executory contracts, but Exhibit B contains only the debtor's financial projections.

Liquidation Value. The debtor contends that it estimated the liquidation value of the real properties as 65% of the fair market value (which the debtor contends is \$2,203,470 based on an offer from NLAC). However, other than noting that the debtor estimates the chapter 7 trustee's administrative fees at \$75,098, the debtor has not explained why the liquidation value would amount to 65% of the total fair market value. Deducting \$75,098 from \$2,203,470 would amount to \$2,128,372, whereas the debtor estimates the liquidation value at \$1,449,500. It also is unclear how the debtor reached the number \$1,449,500; 65% of \$2,203,470 equals \$1,432,255.50, not \$1,449,500.

The U.S. Trustee must submit the order denying approval of the Disclosure Statement within seven (7) days.

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| Party Information |
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Debtor(s):

Buena Park Drive LLC

Represented By
Thomas C Corcovelos

**United States Bankruptcy Court
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Hearing Room 301

1:00 PM

1:20-12046 Buena Park Drive LLC

Chapter 11

#11.00 Status conference re chapter 11 case

fr. 1/14/21; 2/4/21; 6/17/21; 8/5/21

Docket 1

Tentative Ruling:

The Court will continue this chapter 11 case status conference to **1:00 p.m. on November 18, 2021** and issue an order to show cause why the Court should not dismiss or convert this case to one under chapter 7, pursuant to 11 U.S.C. §§ 105 and 1112(b)(1) and (4)(E) and (J), if the debtor does not confirm a chapter 11 plan by November 5, 2021.

The Court will prepare the order.

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| Party Information |
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Debtor(s):

Buena Park Drive LLC

Represented By
Thomas C Corcovelos

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, September 23, 2021

Hearing Room 301

1:30 PM

1:09-26982 Tag Entertainment Corp.

Chapter 7

#12.00 Objection to transfer of claim other than for security

Docket 300

Tentative Ruling:

Deny.

I. BACKGROUND

On December 16, 2009, Tag Entertainment Corp. ("Debtor") filed a voluntary chapter 7 petition. On April 7, 2010, Quantum Production Services, LLC ("Quantum") and Terry Kennedy filed proofs of claim nos. 1 and 2, asserting a joint, secured claim in the amount of \$3,387,901.60.

On July 12, 2021, MCL Associates, Inc. ("MCL") filed the *Transfer of Claim Other Than for Security* (the "Transfer of Claim") [doc. 294]. To the Transfer of Claim, MCL attached an assignment agreement between MCL, Mr. Kennedy and Quantum transferring claims nos. 1 and 2 to MCL. On August 2, 2021, Van Dyke & Associates, a Professional Law Corporation ("VDA") filed an objection to the Transfer of Claim (the "Objection") [doc. 300]. In the Objection, VDA asserts that it has an attorneys' lien against any recovery by Quantum and/or Mr. Kennedy, and that the transfer to MCL does not recognize or mention the lien.

II. ANALYSIS

As a preliminary matter, VDA did not serve the Objection on MCL. Nevertheless, VDA has not presented a basis to sustain the Objection.

MCL filed the Transfer of Claim in accordance with Federal Rule of Bankruptcy Procedure ("FRBP") 3001(e)(2), which provides—

If a claim other than one based on a publicly traded note, bond, or debenture has been transferred other than for security after the proof of claim has been filed, evidence of the transfer shall be filed by the

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CONT...

Tag Entertainment Corp.

Chapter 7

transferee. The clerk shall immediately notify *the alleged transferor* by mail of the filing of the evidence of transfer and that objection thereto, if any, must be filed within 21 days of the mailing of the notice or within any additional time allowed by the court. If *the alleged transferor* files a timely objection and the court finds, after notice and a hearing, that the claim has been transferred other than for security, it shall enter an order substituting the transferee for the transferor. If a timely objection is not filed *by the alleged transferor*, the transferee shall be substituted for the transferor.

(Emphases added). As such, FRBP 3001(e)(2) provides an opportunity for *the transferor* to object to a transfer of a claim. Here, the transferors are Quantum and Mr. Kennedy, not VDA. Consequently, VDA does not have standing to object to the Transfer of Claim.

VDA also has not provided any legal authority that allows this Court to stop the transfer from Quantum and Mr. Kennedy to MCL. VDA may have other avenues to protect its lien; filing an objection to the Transfer of Claim is not the proper vehicle for accomplishing that goal.

III. CONCLUSION

The Court will deny the Motion.

The Court will prepare the Order.

Party Information

Debtor(s):

Tag Entertainment Corp.

Represented By
Jonathan David Leventhal

Trustee(s):

Diane C Weil (TR)

Represented By
Lawrence A Diamant
Diane Weil
Edward M Wolkowitz
Anthony A Friedman

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CONT...

Tag Entertainment Corp.

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Lindsey L Smith
James A Bush
Richard S Van Dyke

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1:11-10418 Gary L Glasband

Chapter 11

#13.00 Motion For An Order Enforcing Plan Injunction, Injunction,
And Sanctions In The Amount Of \$40,626.95 Pursuant To
11 U.S.C. section 105 And Bankruptcy Court Rules 9014 And 9020

STIP TO CONTINUE FILED 9/9/21 - jc

Docket 127

***** VACATED *** REASON: continued per stipulation to 11/18/21 at 1:30
p.m.**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

Gary L Glasband

Represented By
Robert M Yaspan

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1:30 PM

1:13-16084 Holly Elizabeth Winzenburg

Chapter 7

#14.00 Status conference re: Order to show cause why Eric B. Gans should not be held in civil contempt for violations of the automatic stay and discharge injunction

fr. 5/20/21; 6/24/21; 8/5/21

Docket 22

***** VACATED *** REASON: Matter reassigned to Judge Mund, pursuant to order entered 9/22/21. [Dkt. 32]**

Tentative Ruling:

This contested matter is being transferred to Bankruptcy Judge Geraldine Mund. The status conference is continued to **10:00 a.m. on October 5, 2021**, in Courtroom 303.

The Court will prepare the order.

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Holly Elizabeth Winzenburg

Represented By
Brett F Bodie
Ahren A Tiller

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, September 23, 2021

Hearing Room 301

1:30 PM

1:17-13138 John Orlanes Case and Lourdes Halili Case

Chapter 7

#15.00 Debtors' Motion to convert chapter 7 case back to chapter 13 (confirmed plan in 2018 with applicable modifications provided by the CARES ACT)

fr. 8/5/21

Docket 88

Tentative Ruling:

On August 31, 2021, the chapter 7 trustee filed a motion to approve a compromise between the estate and the debtors (the "9019 Motion") [doc. 112]. If the Court grants the 9019 Motion, the parties' agreement will resolve this matter. As such, the Court will continue this hearing to **1:30 p.m. on October 7, 2021**. If, prior to that date, the Court enters an order granting the 9019 Motion and the debtors withdraw this motion in accordance with the agreement with the estate, the Court will vacate the continued hearing.

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

John Orlanes Case

Represented By
Lawrence B Yang

Joint Debtor(s):

Lourdes Halili Case

Represented By
Lawrence B Yang

Movant(s):

John Orlanes Case

Represented By
Lawrence B Yang
Lawrence B Yang
Lawrence B Yang

Lourdes Halili Case

Represented By

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CONT...

John Orlanes Case and Lourdes Halili Case

Chapter 7

Lawrence B Yang

Lawrence B Yang

Lawrence B Yang

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 301

1:30 PM

1:17-13138 John Orlanes Case and Lourdes Halili Case

Chapter 7

#16.00 Application to employ Rodeo Realty, Inc. as real estate broker
fr. 8/5/21

Docket 84

Tentative Ruling:

On August 31, 2021, the chapter 7 trustee filed a motion to approve a compromise between the estate and the debtors (the "9019 Motion") [doc. 112]. If the Court grants the 9019 Motion, the parties' agreement will resolve this matter. As such, the Court will continue this hearing to **1:30 p.m. on October 7, 2021**. If, prior to that date, the Court enters an order granting the 9019 Motion and the chapter 7 trustee submits an order approving this application, as set forth in the agreement, the Court will vacate the continued hearing.

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

John Orlanes Case

Represented By
Lawrence B Yang

Joint Debtor(s):

Lourdes Halili Case

Represented By
Lawrence B Yang

Movant(s):

Nancy J Zamora (TR)

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, September 23, 2021

Hearing Room 301

1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

#17.00 Chapter 7 Trustee's Notice of Motion and Motion for Order
(1) Approving a Settlement by and Between the Trustee, Robert
Yaspan, Deborah Lois Adri; and (2) Authorizing the Trustee to
Pay Attorney's Fees and Costs to Counsel for the Trustee

Docket 418

Tentative Ruling:

Grant.

I. BACKGROUND

On February 16, 2018, Deborah Lois Adri ("Debtor") filed a voluntary chapter 11 petition. Debtor was represented by attorney Robert M. Yaspan.

Shortly before the petition date, Debtor received a \$626,000 distribution as a beneficiary of the Albert Family Trust (the "Trust"). *See* Court's Ruling on Motion to Appoint Trustee (the "Ruling") [doc. 280]. Debtor assigned this distribution to Mr. Yaspan, who then deposited the check in his client trust account. *Id.* Mr. Yaspan: (1) retained \$25,000.00 in the trust account as his retainer; (2) transferred \$100,000.00 to a bank account in the name of Gold Girls, Inc., a corporate entity owned solely by Debtor; and (3) transferred \$501,000.00 to the debtor in possession general account. *Id.* As noted in the Ruling, Debtor then spent the funds in her debtor in possession account. *Id.*

On May 31, 2018, Moshe Adri, a creditor of the estate, filed a motion for an order appointing a chapter 11 trustee [doc. 216]. On February 8, 2019, the Court entered an order appointing a chapter 11 trustee [doc. 278]. Elissa D. Miller was appointed the chapter 11 trustee [doc. 283]. On April 8, 2019, the Court entered an order converting this case to a chapter 7 case [doc. 305]. Subsequently, Ms. Miller was appointed the chapter 7 trustee (the "Trustee") [doc. 307].

On October 24, 2019, the Trustee filed a complaint against Mr. Yaspan, asserting claims for legal malpractice and breach of fiduciary duty arising out of Mr. Yaspan's

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CONT... Deborah Lois Adri

Chapter 7

representation of Debtor and the chapter 11 estate [Adversary No. 1:19-ap-01128-VK]. On January 4, 2020, Debtor filed a complaint against Mr. Yaspan, asserting claims for legal malpractice, breach of fiduciary duty, unjust enrichment and fraud [Adversary No. 1:19-ap-01014-VK]. Debtor also asserted a declaratory relief claim against the Trustee.

On June 21, 2019, Mr. Adri filed a complaint objecting to Debtor's discharge pursuant to 11 U.S.C. §727 [Adversary No. 1:18-bk-01072-VK]. On February 14, 2020, the Trustee filed a complaint against Ride on Autos, Inc. ("ROA") [Adversary No. 1:20-ap-01019-VK]. Through this adversary proceeding, the Trustee sought to recover estate funds Debtor transferred to ROA. On December 11, 2020, the Court entered a default judgement against ROA [1:20-ap-01019-VK, doc. 51].

On June 15, 2021, the Trustee, Mr. Yaspan and Debtor (collectively, the "Parties") attended a mediation before the Hon. Randell J. Newsome. Declaration of Larry W. Gabriel ("Gabriel Decl.") [doc. 418], ¶ 7. Mr. Adri's attorney was notified of the mediation and agreed to be available by telephone in case the Parties required his participation. *Id.* After the mediation, the Parties reached an agreement settling their claims (the "Agreement"). Gabriel Decl., ¶ 8; Motion, Exhibit 1. The Agreement provides that—

- (1) Mr. Yaspan, through his insurance carrier, will pay the Trustee \$626,000 within 30 days after approval of the Agreement. In addition, Mr. Yaspan will not seek any further compensation from the estate and waives the right to receive any additional compensation that may be due but not paid pursuant to the Court's order, dated September 27, 2018, granting Mr. Yaspan's request for compensation [doc. 168]. Furthermore, the Trustee will not attempt to disgorge any fees previously paid to Mr. Yaspan, nor shall Mr. Yaspan be required to file any further or final application for compensation.
- (2) Debtor will pay Trustee \$75,000.00 to satisfy the default judgment entered against ROA. Debtor also will dismiss, with prejudice, her action against Mr. Yaspan and the Trustee.
- (3) Upon receipt of payments, the Trustee will release her claims against Mr.

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CONT...

Deborah Lois Adri

Yaspan and Debtor.

Chapter 7

Motion, Exhibit 1. On August 23, 2021, the Trustee filed a motion to approve the Agreement (the "Motion") [doc. 418]. On September 15, 2021, Mr. Adri belatedly filed an opposition to the Motion (the "Opposition") [doc. 421], referring to the mediation between the Parties as "illegal."

II. ANALYSIS

Federal Rule of Bankruptcy Procedure 9019(a) provides the following: "On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement." In deciding whether to approve a compromise, courts must determine whether it is fair and equitable, and whether it is reasonable under the particular circumstances of the case. *In re A & C Properties*, 784 F.2d 1377, 1381 (9th Cir. 1986).

Although "[t]he law favors compromise and not litigation for its own sake," the law requires "more than a mere good faith negotiation of a settlement by the trustee in order for the bankruptcy court to affirm a compromise agreement." *Id.* "[A]s long as the bankruptcy court amply considered the various factors that determined the reasonableness of the compromise, the court's decision must be affirmed." *Id.* In determining the fairness, reasonableness and adequacy of a proposed settlement agreement, the court must consider:

- (a) The probability of success in the litigation;
- (b) the difficulties, if any, to be encountered in the matter of collection;
- (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it;
- (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Id. (citations omitted). It is the movant's burden to establish that the settlement is reasonable and should be approved. *Id.* Courts have recognized that the court should not substitute its own judgment for that of the trustee, but rather should ensure that the trustee has exercised proper business judgment and the settlement "falls above the lowest possible point in the range of reasonableness." *In re Rake*, 363 B.R. 146, 152

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CONT... Deborah Lois Adri

Chapter 7

(Bankr. D. Idaho 2007) (internal quotation omitted).

Here, the Trustee has established that all four factors weigh in favor of approving the Agreement. First, as discussed by the Trustee, even if the Trustee successfully proves her case against Mr. Yaspan, Mr. Yaspan may avoid paying damages by proving one of his affirmative defenses. For instance, based on alleged behavior by Debtor, Mr. Yaspan may successfully lodge an *in pari delicto* defense. Similarly, in the Trustee's adversary proceeding against Debtor, Debtor may successfully assert an advice of counsel defense. As such, it is not clear that the Trustee will successfully recover from Mr. Yaspan, and there is no guarantee that the Trustee will obtain a judgment against Debtor after expending significant resources prosecuting her adversary proceeding against Debtor.

With respect to difficulties encountered collecting, the Trustee contends that Mr. Yaspan's insurance policy is a "wasting" policy, such that any fees incurred defending Mr. Yaspan will be deducted from his policy limit. As such, if the Trustee and Debtor prosecute their claims against Mr. Yaspan, the pool of funds from which they may collect will be significantly reduced. As to ROA, the Trustee notes that her investigation revealed that all of ROA's assets were encumbered by a financing lien. Thus, the Trustee would encounter numerous difficulties in collecting on any judgments.

Next, prosecuting the adversary proceedings would involve significant expense and delay. The estate also may incur additional fees related to hiring experts pertaining to the professional negligence issues. Finally, the Parties anticipate that any judgments entered in the adversary proceedings will be appealed by the losing party.

Finally, the Agreement is in the paramount interest of the creditors. For the reasons mentioned above, unless there is an extremely large recovery, the cost of litigation would greatly diminish the amount available for distribution to creditors. In addition, the settlement amount to be paid by Mr. Yaspan's insurance carrier would fully replenish the estate funds dissipated by Debtor. Moreover, approval of the Agreement will lead to faster distribution to creditors, as opposed to delaying distribution until completion of all litigation.

In the Opposition, Mr. Adri does not address any of the *A & C Properties* factors. Mr. Adri also did not provide evidence in support of the untimely Opposition.

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CONT... Deborah Lois Adri

Chapter 7

Nevertheless, even if the Court accepts as true all of Mr. Adri's allegations, Mr. Adri has not set forth a basis to deny the Motion. Mr. Adri asserts that the mediation was "illegal" and that the Parties did not involve Mr. Adri; however, Mr. Adri does not provide any law or analysis regarding why the mediation would be "illegal." Further, Mr. Adri does not provide any authority that the Parties were required to include him in their settlement negotiations. The Agreement explicitly provides that the Parties' compromise does not have any impact on Mr. Adri's adversary proceeding against Debtor. As such, the factors all weigh in favor of approving the Agreement, and Mr. Adri has not provided any grounds for denial of the Motion.

III. CONCLUSION

The Court will grant the Motion.

The Trustee must submit an order within seven (7) days.

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| Party Information |
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Debtor(s):

Deborah Lois Adri

Represented By
Gary R Wallace

Trustee(s):

Elissa Miller (TR)

Represented By
Cathy Ta
Larry W Gabriel
Claire K Wu

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1:20-10026 Joseph Wanamaker

Chapter 7

#18.00 Order to show cause re motion by creditors the Affiliati Network, Inc. and Sanjay Palta for OSC re contempt and then for Order holding 2004 examinee, Christine Naud, in contempt of court after hearing and (2) Requiring compliance with LBR 7026-1(C)(3)

Docket 202

Tentative Ruling:

The Court will continue this hearing to **1:30 p.m. on October 7, 2021.**

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Joseph Wanamaker

Represented By
Peter M Lively

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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Thursday, September 23, 2021

Hearing Room 301

1:30 PM

1:20-10026 Joseph Wanamaker

Chapter 7

#19.00 Motion For Order: (1) Authorizing Sale Of Estate's Right, Title And Interest In The Real Property Commonly Known As 4070 Wilkinson Ave, Studio City, CA 91604 Free And Clear Of Liens; (2) Approving Overbid Procedure; (3) Approving Payment Of Real Estate Brokers Commissions; (4) Approving Chapter 7 Trustees Revocation Of Living Trust; And (4) Finding Purchaser Is A Good Faith Purchaser

Docket 232

Tentative Ruling:

Grant motion to sell the subject property free and clear of all liens, pursuant to 11 U.S.C. § 363(f)(3) and f(4), with a good faith finding under § 363(m) as to the purchaser(s), and a waiver of the 14-day stay pursuant to Fed. R. Bankr. P. 6004(h).

The proposed sale price is greater than the aggregate value of all liens against the subject property.

The liens of Ronald Thomas and ShipPlus Logistics, which are in bona fide dispute, may attach to the sale proceeds, pending the resolution of the pending adversary proceedings in which the chapter 7 trustee seeks, among other things, to avoid and preserve those liens for the benefit of the estate. 1:21-ap-1060-VK, doc. 1, and 1:21-ap-1062-VK, doc. 1.

In light of the pending motion objecting to the debtor's homestead exemption under 11 U.S.C. § 522(o) [doc. 241], the debtor's homestead exemption may not be distributed to the debtor from the sale proceeds unless and until the Court allows the debtor's claim of a homestead exemption, following the adjudication of that contested matter. The Court will set a hearing on the objection to the debtor's homestead exemption at **1:30 p.m. on October 21, 2021.**

The chapter 7 trustee must submit the order within seven (7) days.

Party Information

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1:30 PM

CONT... Joseph Wanamaker

Chapter 7

Debtor(s):

Joseph Wanamaker

Represented By
Peter M Lively

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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Thursday, September 23, 2021

Hearing Room 301

1:30 PM

1:21-10503 BAIC

Chapter 11

#20.00 Debtor's application to employ the law offices of Stanley Bowman as counsel for the estate

Docket 80

Tentative Ruling:

On March 24, 2021, the debtor filed its chapter 11 petition. Because the debtor's prior selection of general bankruptcy counsel would have been concurrently representing two chapter 11 debtors in possession with adverse interests, that counsel did not meet the prerequisites to be employed as the debtor's general bankruptcy counsel.

Regarding the debtor's current selection of general bankruptcy counsel, as noted in the objection of the U.S. Trustee, Mr. Bowman lacks expertise in preparing an approved disclosure statement and obtaining confirmation of a chapter 11 plan. Regularly, prior to plan confirmation, chapter 11 cases in which Mr. Bowman has represented a debtor in possession have been dismissed. Consequently, the Court will deny the Application to Employ.

The debtor must employ general bankruptcy counsel with chapter 11 expertise, including having obtained approval of a client's proposed disclosure statement and confirmed a client's chapter 11 plan.

The United States Trustee must submit the order within seven (7) days.

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| Party Information |
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Debtor(s):

BAIC

Represented By
Michael E Plotkin
Stanley D Bowman

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1:21-11061 Mehrdad B Nejad

Chapter 7

#21.00 Trustee's Motion for Order Approving
Compromise Between Trustee and Debtor

Docket 15

Tentative Ruling:

Grant, to the extent that the compromise resolves payment to be made by the debtor to the chapter 7 trustee to retain his non-exempt interests (if any) only in the specifically identified assets.

Movant must submit the order within seven (7) days.

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| Party Information |
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Debtor(s):

Mehrdad B Nejad

Represented By
David S Hagen

Trustee(s):

Nancy J Zamora (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 301

2:00 PM

1:20-11006 Lev Investments, LLC

Chapter 11

#22.00 Motion For Order Disallowing Claim No. 10 Of Michael Masinovsky

Stip to continue filed 9/17/21

Docket 399

*** VACATED *** REASON: Continued by stip to 10/21/21 at 2:00 PM

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lev Investments, LLC

Represented By

David B Golubchik

Juliet Y Oh

Richard P Steelman Jr

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 301

2:00 PM

1:20-11006 Lev Investments, LLC

Chapter 11

#23.00 Pretrial Conference re: Motion for order disallowing claim no. 5
filed by FR, LLC

fr. 6/24/21 (re setting evid. hrg. 9/27 - 10/1); 7/8/21

Docket 314

Tentative Ruling:

Bankruptcy Judge Geraldine Mund, to whom this contested matter has been transferred, has informed the parties that she is vacating the September 23, 2021 pretrial conference. *See Order Reassigning Contested Matter*, doc. 427.

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Lev Investments, LLC

Represented By
David B Golubchik
Juliet Y Oh

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, September 23, 2021

Hearing Room 301

2:00 PM

1:21-10223 SteriWeb Medical LLC

Chapter 11

#24.00 Status conference re: chapter 11, subchapter V case
fr. 3/25/21; 4/8/21; 5/6/21; 6/17/21; 8/12/21

Docket 1

Tentative Ruling:

In light of the Court's approval of the Settlement Agreement and Mutual Release among the debtor, Dr. Bertram Rosenthal, Jessica Ojeda and Claudia Moncayo [docs. 100 and 109], what does the debtor intend to do to wrap up this case, *i.e.*, file and pursue confirmation of an amended chapter 11 plan, or move for dismissal?

Party Information

Debtor(s):

SteriWeb Medical LLC

Represented By
James R Felton

**United States Bankruptcy Court
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Thursday, September 23, 2021

Hearing Room 301

2:00 PM

1:21-10396 Advanced Sleep Medicine Services, Inc. and ASMS Holding Chapter 11

#25.00 Hearing on Confirmation of Amended Chapter 11 Small Business Plan First Amended Joint Plan of Reorganization for Small Business

Docket 103

Tentative Ruling:

On September 17, 2021, objecting creditor ResMed Corp. filed a notice of intention to cross-examine Kermit Newman [doc. 135].

The parties should be prepared to discuss their availability for such an evidentiary confirmation hearing on the following available dates and times: **September 29, 2021, AM or PM; September 30, 2021, AM; October 4, 2021, AM or PM; October 5, 2021, AM; October 8, AM or PM; and October 18, 2021, AM or PM.**

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| Party Information |
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Debtor(s):

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| Advanced Sleep Medicine Services, | Represented By Gregory M Salvato |
| ASMS Holding Company, Inc. | Represented By Gregory M Salvato |

Trustee(s):

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| John-Patrick McGinnis Fritz (TR) | Pro Se |
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2:00 PM

1:21-10396 Advanced Sleep Medicine Services, Inc. and ASMS Holding Chapter 11

#26.00 Status conference re: chapter 11 subchapter V voluntary case
fr. 5/20/21; 7/22/21

Docket 1

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

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| Advanced Sleep Medicine Services, | Represented By Gregory M Salvato |
| ASMS Holding Company, Inc. | Represented By Gregory M Salvato |

Trustee(s):

| | |
|----------------------------------|--------|
| John-Patrick McGinnis Fritz (TR) | Pro Se |
|----------------------------------|--------|

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Thursday, September 23, 2021

Hearing Room 301

2:00 PM

1:21-10978 Scott Tarnol and Amanda Tarnol

Chapter 11

#27.00 Motion for order establishing plan confirmation process

Docket 38

Tentative Ruling:

Proposed dates and deadlines regarding confirmation of "Subchapter V Chapter 11 Plan" [doc. 36] (the "Plan")

Hearing on confirmation of the Plan: **Thursday, December 9, 2021 at 2:00 p.m.** *If cross-examination will take place in connection with the confirmation hearing, the confirmation hearing will take place on **Monday, December 13, 2021, at 2:00 p.m.** (the "Evidentiary Hearing").*

Deadline for the debtors to mail the Plan, ballots for acceptance or rejection of the Plan and to file and serve notice of: (1) the confirmation hearing and (2) the deadlines to file objections to confirmation and to return completed ballots to the debtors' counsel: **Thursday, October 7, 2021.**

The debtors must serve the notice and the other materials (with the exception of the ballots, which should be sent only to creditors in impaired classes) on all creditors, the Subchapter V Trustee and the United States Trustee.

Deadline to return completed ballots to the debtors: **Thursday, November 4, 2021.**

Deadline for the debtors to file and serve the debtors' brief and evidence, including declarations and the returned ballots, in support of confirmation: **Monday, November 15, 2021.** Among other things, the debtors' brief must address whether the requirements for confirmation set forth in 11 U.S.C. § 1191 are satisfied. These materials must be served on the Subchapter V Trustee, the U.S. Trustee and any creditor who returns a ballot rejecting the Plan.

Deadline to file and serve any objections to confirmation: **Monday, November 22, 2021**

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, September 23, 2021

Hearing Room 301

2:00 PM

CONT... Scott Tarnol and Amanda Tarnol

Chapter 11

Deadline for the debtors to file any reply to objections to confirmation: **Monday, November 29, 2021.**

The Court will adopt the procedural rules as follows:

- (a) All direct testimony of each witness and all experts' reports must be filed by the dates set forth above;
- (b) No direct testimony will be permitted at the confirmation hearing;
- (c) Cross-examination of witnesses, the declarations of whom have been filed by any party, will be conducted at the Evidentiary Hearing;
- (d) With respect to any dispute about confirmation of the Plan, each party shall produce documents properly requested by the opposing party and produce any witnesses whose declarations a party has filed for examination at a deposition in advance of the other party's time to file confirmation pleadings.

The debtors must submit the confirmation scheduling and process order within seven (7) days.

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| Party Information |
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Debtor(s):

Scott Tarnol

Represented By
Michael Jones
Sara Tidd

Joint Debtor(s):

Amanda Tarnol

Represented By
Michael Jones
Sara Tidd

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, September 23, 2021

Hearing Room 301

2:00 PM

1:21-10978 Scott Tarnol and Amanda Tarnol

Chapter 11

#27.10 Status conference re: chapter 11 subchapter V case
fr. 7/22/21; 9/9/21

Docket 1

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

Scott Tarnol

Represented By
Michael Jones

Joint Debtor(s):

Amanda Tarnol

Represented By
Michael Jones

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, September 23, 2021

Hearing Room 301

2:00 PM

1:21-11348 Gagik Sargsyan

Chapter 11

#28.00 Status conference re: chapter 11, subchapter V case

Docket 0

Tentative Ruling:

Contrary to the Court's *Order Setting Hearing on Status of Chapter 11, Subchapter V Case and Requiring Report on Status of Chapter 11, Subchapter V Case* [doc. 25], the debtor did not: (A) describe concisely any litigation in which the debtor is involved; (B) disclose whether the debtor intends to hire any professionals and, if so, when the debtor intends to file the related employment application(s); and (C) provide a budget of the debtor's projected income, expenses and cash flow for the first six months of this case on a month by month basis. The debtor must supplement the status report with this information and support the supplement with evidence.

The Court will continue this status conference to **2:00 p.m. on October 7, 2021**. The Court also will hear the debtor's application to employ general bankruptcy counsel [doc. 11] and motion to strike the objection to that application [doc. 37] at **2:00 p.m. on October 7, 2021**.

Appearances on September 23, 2021 are excused.

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| Party Information |
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Debtor(s):

Gagik Sargsyan

Represented By
Vahe Khojayan

Trustee(s):

Andrew W. Levin (TR)

Pro Se