

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

Thursday, December 01, 2016

Hearing Room 301

9:30 AM

1:14-13456 Gingko Rose Ltd.

Chapter 11

#1.00 Debtor's motion for order authorizing sale of real property at 801 N. Alvarado Los Angeles, CA 90026; (A) Outside the ordinary course of business; (B) Free and clear of liens, encumbrances and interests; (C) Subject to overbids; (D) For a determination of good faith purchasers pursuant to 363(m); and (E) Waiving the 14-day stay imposed by FRBP 6004

fr. 11/3/16

Docket No: 367

Tentative Ruling:

11/3/2016 Tentative:

In connection with the Court making a good faith determination pursuant to 11 U.S.C. § 363(m), if the principals of the proposed buyer and the debtor appear in person at the hearing on this motion, opposing creditors may cross examine these individuals at that time. If those persons are not available for cross examination (and the opposing creditors seek an opportunity to cross examine them), the Court intends to continue the hearing on this matter until such cross examination can take place.

If the Court makes a good faith finding under § 363(m), the Court will approve the sale free and clear of interests in the subject property. It appears all parties agree that proceeds of the sale (except those necessary to pay involuntary liens) will be held in a trust account until the disputes regarding interests in the property are resolved.

Party Information

Debtor(s):

Gingko Rose Ltd.

Represented By

Marc A Lieberman

Stephen E Ensberg Esq

Michael R Totaro

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Gingko Rose Ltd.

Chapter 11

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Central District of California
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Thursday, December 01, 2016

Hearing Room 301

1:00 PM

1:14-11558 Daniel Steinberg and Pamela Steinberg

Chapter 11

#2.00 Post confirmation status conference re: chapter 11 case

fr. 5/15/14; 9/18/14; 10/16/14; 12/4/14; 1/15/15; 3/19/15; 6/11/15;
7/23/15; 8/13/15; 9/10/15; 11/19/15; 1/7/16; 3/3/16; 5/19/16; 7/21/16

Docket No: 1

Tentative Ruling:

Contrary to the Court's order entered on August 4, 2016 and Local Bankruptcy Rule 3020-1(b), as of November 29, 2016, the reorganized debtors have not filed a postconfirmation status report explaining what progress has been made towards consummation of the confirmed plan.

Party Information

Debtor(s):

Daniel Steinberg

Represented By
Michael J Jaurigue

Joint Debtor(s):

Pamela Steinberg

Represented By
Michael J Jaurigue

**United States Bankruptcy Court
Central District of California
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Thursday, December 01, 2016

Hearing Room 301

1:00 PM

1:15-13076 Leonora Manor, LLC

Chapter 11

#3.00 Status conference re chapter 11 case

fr. 11/5/15; 3/10/16; 8/4/16; 8/25/16; 10/20/16

Docket No: 1

Tentative Ruling:

In light of the debtor's pending Court-approved sale of its real property, the Court will continue this status conference to **1:00 p.m. on March 9, 2017**.

The debtor in possession or any appointed chapter 11 trustee must file a status report, to be served on the debtor's 20 largest unsecured creditors, all secured creditors and the United States Trustee, no later than **14 days** before the continued status conference. The status report **MUST BE SUPPORTED BY EVIDENCE** in the form of declarations and supporting documents.

Appearances are excused on December 1, 2016.

Party Information

Debtor(s):

Leonora Manor, LLC

Represented By
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
Central District of California
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Thursday, December 01, 2016

Hearing Room 301

1:00 PM

1:16-11351 Oscar Navarro

Chapter 11

#4.00 Status conference re chapter 11 case
from: 6/16/16

Docket No: 0

Tentative Ruling:

The parties should address the following:

Continued deadline to file proof of claim ("Bar Date"): **January 31, 2017.**

Continued deadline to mail notice of Bar Date: **December 5, 2016.**

The Court intends to continue the hearing on the adequacy of the debtor's disclosure statement to **1:00 p.m. on February 16, 2017.** The debtor must give notice of the hearing on the adequacy of the disclosure statement, and the deadline to file any objections, no later than **January 5, 2017.**

The debtor(s) must use the mandatory court-approved form Notice of Bar Date for Filing Proofs of Claim in a Chapter 11 Case, F 3003-1.NOTICE.BARDATE.

The debtor(s) must lodge the amended Order Setting Bar Date for Filing Proofs of Claim, using mandatory court-approved form F 3003-1.ORDER.BARDATE.

Party Information

Debtor(s):

Oscar Navarro

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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Hearing Room 301

1:00 PM

1:16-11769 Paula Dean Laddusire

Chapter 11

#5.00 U.S. Trustee Motion to dismiss or convert case with an order directing payment of quarterly fees and for judgment thereon

fr. 10/20/16

Docket No: 58

Tentative Ruling:

Pursuant to 11 U.S.C. §§ 349 and 1112(b)(1) and (4)(C), (F) and (H), this case will be dismissed with 180-day bar to the debtor's filing of another petition under chapter 11 of the Bankruptcy Code. Based upon the Court's review of the debtor's schedules of assets and liabilities and statement of financial affairs, filed on June 27, 2016 and amended as to schedules A/B, D and the statement of financial affairs on September 2, 2016, and the claims docket, the Court concludes that it is in the best interest of creditors and the estate to dismiss this case.

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

Party Information

Debtor(s):

Paula Dean Laddusire

Represented By

Clifford Bordeaux

Clifford Bordeaux

Clifford Bordeaux

Clifford Bordeaux

Clifford Bordeaux

Jerome S Cohen

**United States Bankruptcy Court
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Thursday, December 01, 2016

Hearing Room 301

1:00 PM

1:16-11914 Loretta Calijan

Chapter 7

#6.00 Order to show cause why Carlo Reyes should not be held in civil contempt and sanctioned for failing to comply with a court order
fr. 11/3/16

Docket No: 20

Tentative Ruling:

During the last hearing on this matter, the Court instructed the debtor's attorney, Carlo O. Reyes, to file a satisfactory Disclosure of Compensation, which Mr. Reyes filed on November 4, 2016 [doc. 24]. For the reasons set forth in the Court's tentative ruling from November 3, 2016, the Court ordered Mr. Reyes to pay contempt sanctions by reimbursing the U.S. Trustee for attorneys' fees incurred prosecuting this matter. The Court also instructed Mr. Reyes to file proof of payment of these sanctions.

On November 9, 2016, the U.S. Trustee submitted a declaration setting forth a total of \$510 in incurred attorneys' fees [doc. 26]. Mr. Reyes has not filed proof of payment of this amount to the U.S. Trustee.

11/3/2016 Tentative:

I. BACKGROUND

On June 30, 2016, Loretta Calijan ("Debtor") filed a voluntary chapter 7 petition (the "Petition"). The Petition was signed by Carlo Reyes as the attorney of record for Debtor.

On July 5, 2016, the Court entered an order dismissing the case for failure to file initial petition documents within 72 hours [doc. 8]. On July 12, 2016, the United States Trustee (the "UST") filed a motion for an Order Compelling Attorney to File Disclosure of Compensation (the "UST's Motion") [doc. 12].

On August 31, 2016, after a hearing, the Court entered an order compelling Mr. Reyes to file a Disclosure of Compensation within 14 days of entry [September 14, 2016]

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Loreta Calijan

Chapter 7

(the "Disclosure Order") [doc. 14]. However, by September 14, 2016, Mr. Reyes had not yet filed the required Disclosure of Compensation. On September 20, 2016, the UST filed an application for an order to show cause why Mr. Reyes should not be held in civil contempt and sanctioned for failing to comply with the Disclosure Order (the "Application") [doc. 16].

On September 21, 2016, Mr. Reyes filed an Attorney Disclosure of Compensation [doc. 18]. However, it was deficient; it was filed without Debtor's electronic signature, and it was unaccompanied by a separately filed Electronic Filing Declaration [doc. 19].

On October 14, 2016, the Court entered the *Order to Show Cause Why Carlo Reyes Should Not be Held in Civil Contempt and Sanctioned for Failing to Comply with a Court Order* (the "OSC") [doc. 20]. The OSC required Mr. Reyes to file a written response no later than October 20, 2016. Mr. Reyes has not filed a timely response, and has not filed an updated Disclosure of Compensation with the required signatures.

II. ANALYSIS

Pursuant to 11 U.S.C. § 105(a), the Court "may issue any order, process, or judgment that is necessary or appropriate to carry out provisions of this title," and take "any action or mak[e] any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process."

"The standard for finding a party in civil contempt is well settled: The moving party has the burden of showing by clear and convincing evidence that the contemnors violated a specific and definite order of the court." *In re Dyer*, 322 F.3d 1178, 1190-91 (9th Cir. 2003). "Substantial compliance with the terms of a court's order is a defense to civil contempt." *In re Count Liberty, LLC*, 370 B.R. 259, 275 (Bankr. C.D. Cal. 2007). The party being held in contempt must show that he or she took every reasonable step to comply with the Court's order. *Stone v. City & Cnty. of San Francisco*, 968 F.2d 850, 856 (9th Cir. 1992) (citing to *Sekaquaptewa v. MacDonald*, 544 F.2d 396, 404 (9th Cir. 1976)); see also *Count Liberty*, at 275 ("To establish substantial compliance, the contemnor must show that he took all reasonable steps within his power to comply.").

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Loreta Calijan

Chapter 7

Here, Mr. Reyes violated a specific and definite order of the Court. Not only did Mr. Reyes violate the Disclosure Order by failing to keep the deadline contained therein, but his late filing was deficient. Further, Mr. Reyes has made no representations to the court that he substantially complied with the Disclosure Order by taking "all reasonable steps within [his] power to insure compliance." *Stone*, 968 F.2d at 856. In fact, Mr. Reyes has not provided a response to the OSC at all.

In light of the clear and convincing evidence that Mr. Reyes violated the Disclosure Order, and the fact that Mr. Reyes has provided no explanation regarding the violation, the Court will hold Mr. Reyes in civil contempt.

III. CONCLUSION

Pursuant to the UST's request, the Court will sanction Mr. Reyes \$20 per day for each day that he has not filed a valid Disclosure of Compensation. The Court will also award the UST the attorneys' fees and costs incurred in bringing the Application. The UST must file a declaration detailing the attorneys' fees and costs incurred in connection with the filing of the Application.

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

Party Information

Debtor(s):

Loreta Calijan

Represented By
Carlo Reyes

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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Hearing Room 301

2:00 PM

1:14-14939 Peter Brook

Chapter 11

#7.00 Amended disclosure statement hearing describing chapter 11 plan

Docket No: 144

Tentative Ruling:

Proposed dates and deadlines regarding "Chapter 11 Plan Dated September 30, 2015 [sic]" (the "Plan")

If, pursuant to 11 U.S.C. § 1125, the Court approves the "Chapter 11 Disclosure Statement Dated September 30, 2016:"

Hearing on confirmation of the Plan: **January 26, 2017 at 2:00 p.m.**

Deadline for the debtor to mail the approved disclosure statement, the Plan, ballots for acceptance or rejection of the Plan and to file and serve notice of: (1) the confirmation hearing and (2) the deadline to file objections to confirmation and to return completed ballots to the debtor: **December 9, 2016.**

The debtor 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 and the United States Trustee.

Deadline to file and serve any objections to confirmation and to return completed ballots to the debtor: **January 6, 2017.**

Deadline for the debtor to file and serve the debtor's brief and evidence, including declarations and the returned ballots, in support of confirmation, and in reply to any objections to confirmation: **January 16, 2017.** Among other things, the debtor's brief must address whether the requirements for confirmation set forth in 11 U.S.C. § 1129 are satisfied. These materials must be served on the U.S. Trustee and any party who objects to confirmation.

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CONT... Peter Brook

Chapter 11

Debtor(s):

Peter Brook

Represented By
Nam H. Le
Michael J Jaurigue
Ryan A Stubbe

**United States Bankruptcy Court
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Thursday, December 01, 2016

Hearing Room 301

2:00 PM

1:16-10317 Donmetz Home LLC

Chapter 11

#8.00 Disclosure statement hearing describing chapter 11 plan of reorganization

Docket No: 100

Tentative Ruling:

There is a typo on page 7, line 26, stating that the liquidation analysis, estimates and other financial information referenced in the disclosure statement, or attached as exhibits, have been developed by Debtor with the experience of *her* [sic] financial advisors.

Proposed dates and deadlines regarding "Debtor's Chapter 11 Plan of Reorganization" (the "Plan")

If, pursuant to 11 U.S.C. § 1125, the Court approves the "Debtor's Disclosure Statement Describing Chapter 11 Plan of Reorganization:"

Hearing on confirmation of the Plan: **January 26, 2017 at 2:00 p.m.**

Deadline for the debtor to mail the approved disclosure statement, the Plan, ballots for acceptance or rejection of the Plan and to file and serve notice of: (1) the confirmation hearing and (2) the deadline to file objections to confirmation and to return completed ballots to the debtor: **December 9, 2016.**

The debtor 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 and the United States Trustee.

Deadline to file and serve any objections to confirmation and to return completed ballots to the debtor: **January 6, 2017.**

Deadline for the debtor to file and serve the debtor's brief and evidence, including declarations and the returned ballots, in support of confirmation, and in reply to any objections to confirmation: **January 16, 2017.** Among other things, the debtor's brief must address whether the requirements for confirmation set forth in 11 U.S.C. § 1129

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CONT... Donmetz Home LLC

Chapter 11

are satisfied. These materials must be served on the U.S. Trustee and any party who objects to confirmation.

Party Information

Debtor(s):

Donmetz Home LLC

Represented By
M Jonathan Hayes
Roksana D. Moradi

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1:16-10317 Donmetz Home LLC

Chapter 11

#9.00 Status conference re chapter 11 case

fr. 3/24/16; 8/25/16; 10/20/16

Docket No: 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donmetz Home LLC

Represented By
M Jonathan Hayes

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Thursday, December 01, 2016

Hearing Room 301

2:00 PM

1:16-10486 Robert Marshall

Chapter 11

#10.00 Disclosure statement hearing describing chapter 11 plan of reorganization

Order appr stip to cont hrg ent 11/29/16

Docket No: 80

***** VACATED *** REASON: Continued to 01/12/2017 at 2:00 p.m. per
Order doc # 100**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Marshall

Represented By
M Jonathan Hayes
Roksana D. Moradi

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1:16-10486 Robert Marshall

Chapter 11

#11.00 Status conference re: chapter 11 case

fr. 5/5/16; 09/08/16; 9/15/16; 10/20/16; 11/10/16

Order appr stp to cont hrg ent 11/29/16

Docket No: 1

***** VACATED *** REASON: Continued to 01/12/2017 at 2:00 p.m. per
Order doc # 100**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Marshall

Represented By
M Jonathan Hayes