

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:00-00000**

**Chapter**

**#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. that are in effect at the time of the hearing.**

Parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below. **MEMBERS OF THE PUBLIC MAY ONLY CONNECT TO THE AUDIO FEED USING THE TELEPHONE NUMBERS PROVIDED BELOW AND ARE NOT PERMITTED TO CONNECT TO THE VIDEO FEED.**

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at [Chambers SBluebond@cacb.uscourts.gov](mailto:SBluebond@cacb.uscourts.gov) of your appearance.** The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:  
<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, **"Phone/Video Appearances."**

**Hearing conducted by ZOOMGov.**

**Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>**

**ZoomGov meeting number: 161 6109 0855**

**Password: 148508**

**Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**CONT...**

**Chapter**

(when prompted, enter meeting number and password shown above)

Judge Bluebond seeks to maintain a courtroom environment (both online and in person) in which all persons are treated with dignity and respect, irrespective of their gender identity, expression or preference. To that end, individuals appearing before the Court are invited to identify their preferred pronouns (e.g., he, she, they, etc.) and their preferred honorific (e.g., Mr., Miss, Ms., Mrs., Mx, M, etc.). Individuals may do so by advising the Courtroom Deputy or Judge prior to any appearance and/or, in the case of remote hearings, by providing this information in the person's screen name in ZoomGov.

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:23-17518 RIBD HOLDINGS LLC**

**Chapter 7**

**#1.00** Order to Show Cause Re Dismissal Based On Non-Individual Chapter 7 Debtors  
Lack Of Representation By An Attorney

fr: 12-13-23

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Tentative Ruling for December 13, 2023:

Court entered OSC re dismissal based on fact that debtor is not an individual and is not represented by counsel. Docket does not reflect the appearance of counsel or the filing of an employment application. Dismiss case.

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Final Ruling for December 13, 2023:

Continue hearing to January 11, 2024 at 10:00 a.m. (Debtor is attempting to resolve issues that led to need for filing.)

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Tentative Ruling for January 11, 2024:

Docket does not reflect motion to dismiss or notice of appearance by counsel. Dismiss case.

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

RIBD HOLDINGS LLC

Pro Se

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:23-16321 Gerardo Anguiano**

**Chapter 7**

**#2.00** United States Trustee's Motion To Dismiss Chapter 7 Case For Cause Under 11 U.S.C. § 707(A), Or In The Alternative, Motion To Extend Bar Date For Filing Motion To Dismiss Case Under § 707(B)(3) And/Or Complaint Under 11 U.S.C. § 727 Objecting To Debtor's Discharge;

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

There has been no opposition to motion to dismiss. Unless US Trustee has received the additional information and documentation that he has requested, grant motion and dismiss case.

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

Gerardo Anguiano

Represented By  
Kenumi T Maatafale

**Movant(s):**

United States Trustee (LA)

Represented By  
Hatty K Yip

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:23-17151 Moises Arreguin**

**Chapter 7**

**#3.00** Motion for Order Compelling Attorney to File Disclosure of Compensation  
Pursuant to 11 U.S.C. § 329 and Federal Rule of Bankruptcy Procedure 2016

Docket 12

**Courtroom Deputy:**

**ZoomGov Appearance by:**

1/10/24 - David Shevitz

**Tentative Ruling:**

On December 11, 2023, debtor's counsel filed a disclosure of compensation.  
Is this motion now moot?

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

Moises Arreguin

Represented By  
Jaime A Cuevas Jr.

**Movant(s):**

United States Trustee (LA)

Represented By  
David Samuel Shevitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:23-17675 Westside Multispecialty Surgery Center**

**Chapter 7**

**#4.00** Trustee's Motion for Determination That a Patient Care Ombudsman is Not Necessary for the Protection of Patients Pursuant to Rule 2007.2(a)

Docket 13

**Courtroom Deputy:**

**ZoomGov Appearance by:**

1/10/24 - David Shevitz

**Tentative Ruling:**

Grant motion. Debtor is not currently serving any patients. There would be nothing for a patient care ombudsman to do.

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

Westside Multispecialty Surgery

Represented By  
Julie J Villalobos

**Movant(s):**

United States Trustee (LA)

Represented By  
David Samuel Shevitz

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:22-14165 Treetop Development, LLC**

**Chapter 11**

**#5.00** Motion for Issuance of Order to Show Cause Against the City of Los Angeles  
[OST]

Docket 338

**Courtroom Deputy:**

**ZoomGov Appearance by:**

1/5/24 - Sara Chenetz

1/8/24 - Jon Haddan

1/10/24 - Douglas Neistat

**Tentative Ruling:**

Rulings on City's Evidentiary Objections (Docket No. 355)

Court has assigned a number to each box in the City's chart of objections.

Issa Declaration

1. Sustain (lack of foundation; we don't know how he knows)
2. Overrule.
3. Sustain (lack of foundation)
4. Overrule. Court understands this as testimony as to the fact that the debtor's conduct was reasonable in light of its understanding of instructions/information received from the City.
5. Overrule.
6. Overrule as to all by final phrase "long standing opponents of Mr. Hadid have actively tried to thwart the estate's efforts to sell the Property" for lack of foundation/personal knowledge.
7. Sustain as to first 2 sentences. Overrule as to balance of testimony, commencing with "Ms. Clarke then reached out to me."
8. Sustain (lack of personal knowledge).
9. Overrule.
10. Sustain (lack of personal knowledge).
11. Overrule.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**CONT... Treetop Development, LLC**

**Chapter 11**

12. Sustain (lack of foundation/hearsay not within business records exception) as to first six sentences. Overrule as to balance, which begins with the phrase "In any event, based on my experience . . . ."
13. Sustain (lack of foundation).
14. Sustain as to first sentence (lack of foundation). Overrule as to balance.
15. Overrule.
16. Sustain as to the word "unjustifiable" for lack of foundation. Overrule as to balance.

James 12/29/23 Declaration

17. Overrule.
18. Overrule.
19. Sustain (lack of foundation).
20. Sustain (lack of foundation).
21. Sustain (hearsay not within business records exception).
22. Overrule.
23. Sustain (lack of foundation).
24. Overrule as to first sentence. Sustain as to balance (lack of foundation.)
25. Overrule.

Bush Declaration

- 26, 27 and 28. Overrule.

James 12/19/22 Declaration

29. Overrule as to first two sentences. Sustain as to balance (lack of personal knowledge).
30. Sustain as to first sentence (lack of foundation). Overrule as to next four sentences. Sustain as to balance (lack of foundation).
31. Sustain (lack of foundation).
32. Overrule.
33. Overrule as to first sentence. Sustain as to balance (hearsay).
34. Overrule.
- 35, 36, 37, 38. Overrule.

James 2/22/23 Declaration

39. Sustain (lack of foundation).
40. Sustain (lack of foundation).

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**CONT... Treetop Development, LLC**

**Chapter 11**

Fry Declaration

41. Overrule.

42 -- 49. Overrule.

50. Sustain (lack of personal knowledge; speculation).

51. Overrule.

Bonstelle Declaration

52. Sustain (lack of foundation).

53, 54. Overrule.

55. Sustain (lack of foundation).

56 -- 63. Overrule.

64. Sustain (lack of foundation).

65. Overrule as to first three sentence. Sustain as to balance (lack of personal knowledge; speculation).

66. Sustain (lack of personal knowledge).

67. Sustain (lack of personal knowledge).

68. Sustain (lack of personal knowledge).

69. Sustain (lack of personal knowledge).

70. Sustain (lack of personal knowledge) as to first sentence. Overrule as to balance.

71--81. Overrule.

82. Sustain (lack of personal knowledge).

83. Overrule.

84. Overrule.

Tentative Ruling on Merits

Motion was filed in the main case, seeking the entry of an order to show cause why the City should not be held in contempt for violating the automatic stay. In the alternative, debtor invites the Court to treat the motion as a request for the issuance of injunctive relief in the adversary proceeding that it has filed, although no motion was filed in that action.

The City argues that it took no action to terminate (or "expire") the debtor's permits during the pendency of the case. It argues that the loss of the permits occurred due to their expiration pursuant to applicable nonbankruptcy law prior to the commencement of the bankruptcy case. Either the City is

**United States Bankruptcy Court  
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Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**CONT... Treetop Development, LLC**

**Chapter 11**

correct in this contention or it is not, but this argument cannot be characterized as a violation of the automatic stay. There is conflicting caselaw as to the extent to which a revocation or termination of a debtor's building permits is or is not within the police power exception to the automatic stay, but the City does not appear to be relying on the effectiveness of any actions that it took during the pendency of the bankruptcy case, so it is difficult to see how a stay violation could have occurred here.

What appears to have happened is that the City and its officials had been conducting themselves as if the permits remained in existence until pressure from the community mounted and the debtor's special counsel asked for written confirmation in writing that the permits had not expired. At that point, the officials the debtor had been dealing with needed to consult the City's legal experts who responded with the argument that the permits had expired pre-bankruptcy. It is hard to see how someone's thinking up a new legal theory to advance based on prepetition events constitutes a violation of the automatic stay.

However, based on this record, the debtor may well have a viable argument that it holds vested rights in the permits by virtue of a promissory or equitable estoppel theory under the reasoning articulated in such cases as Avco Community Developers, Inc. v. South Coast Regional Com., 17 Cal.3d 785 (1976) and San Clemente Estates v. City of San Clemente (In re San Clemente), 12 B.R. 209 (Bankr. S.D. Cal. 1981) and/or on the theory that the City is mistaken that the permits expired prepetition. Presumably, the debtor could seek the issuance of a preliminary injunction, prohibiting the City from behaving as if the permits had been terminated, by arguing that it is more likely than not to succeed on the merits of one or both of these theories (and the other elements necessary to obtain a preliminary injunction), but what good is a provisional remedy here?

This would permit the debtor to continue moving forward and incurring more expense or perhaps to market the property, but, without a final adjudication as to whether or not the permits remain effective, what good would a provisional remedy do? Unless the debtor (or a buyer) subsequently prevailed on the merits, the eventual outcome might be a huge, expensive house or two that will need to be torn down. No buyer would want to buy the

**United States Bankruptcy Court  
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Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**CONT... Treetop Development, LLC**

**Chapter 11**

property without knowing how the litigation turns out.

It seems, therefore, that what the debtor really needs is a binding adjudication on the merits of its promissory or equitable estoppel argument and/or on the issue of whether the permits in fact expired prepetition. And that will take time. (Perhaps one or both of these theories could be resolved by way of a summary adjudication, but it may well be that there are genuine issues of fact that would make that impossible.) Therefore, perhaps the most appropriate relief here would be the entry of an injunction that maintains the status quo as between the parties (and prevents the passage of time from being held against the debtor) while the parties litigate the merits of their respective positions to conclusion. That would appear to be an injunction that should be issued in the adversary proceeding rather than in the main case. Is there any order that the Court can issue in response to the paperwork that has already been filed? Would it be appropriate for the Court to issue an order to show cause re the entry of such a preliminary injunction in the adversary proceeding sua sponte?

Hearing required.

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

Treetop Development, LLC

Represented By  
Lewis R Landau  
David J Williams  
Sharon Z. Weiss  
Thomas M Geher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1539**

10:00 AM

**2:23-18272 Monica Cardenas**

**Chapter 7**

**#6.00** Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **13739 Leffingwell Road, Unit #F, Whittier, CA 90605**

**MOVANT: MYONG W. LIM, CO-TRUSTEE OF THE M.J. LIM FAMILY TRUST  
DATED AUGUST 12, 2008**

**[OST]**

fr: 1-23-24

Docket 10

**Courtroom Deputy:**

**ZoomGov Appearance by:**

1/10/24 - Brandon Fieldsted

**Tentative Ruling:**

Case has been dismissed, but motion is not moot in that it seeks annulment and extraordinary relief. What happened after the filing of the last bankruptcy case for which movant seeks annulment? (Movant has not served and filed notice of intention to proceed to hearing in dismissed case.)

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

Monica Cardenas

Pro Se

**Trustee(s):**

Timothy Yoo (TR)

Pro Se