

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

Tuesday, January 23, 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

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(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 -

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2:23-16676 Belen Rodarte

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2015 Ford Explorer Sport Utility 4D; VIN: 1FM5K7B80FGC64696**

MOVANT: Ally Bank

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant with waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Belen Rodarte

Pro Se

Movant(s):

Ally Bank

Represented By
Cheryl A Skigin

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:23-16760 Charles Leonard Muscarella

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Prius Three Hatchback 4D . Fee Amount \$199, Filed by Creditor Capital One Auto Finance, a division of Capital One, N.A. (Attachments: # 1 Declaration) (Skigin, Cheryl)

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant without waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Charles Leonard Muscarella

Represented By
Stephen L Burton

Movant(s):

Capital One Auto Finance, a division

Represented By
Cheryl A Skigin

Trustee(s):

Sam S Leslie (TR)

Pro Se

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2:23-17519 Geo Sook Park

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **3940 Beverly Blvd, Los Angeles, CA 90004 .**

MOVANT: Moon S. Chang, Trustee

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion, with waiver of Rule 4001(a)(3). Make relief binding in any bankruptcy affecting the property for a period of 180 days after recordation of a copy of the order.

Party Information

Debtor(s):

Geo Sook Park

Pro Se

Movant(s):

Moon S. Chang, Trustee

Represented By
David S Hagen

Trustee(s):

David M Goodrich (TR)

Pro Se

United States Bankruptcy Court
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10:00 AM

2:23-18272 Monica Cardenas

Chapter 7

#4.00 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

Docket 10

***** VACATED *** REASON: RESCHEDULED TO BE HEARD ON 1-11-2024 AT 10AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Hearing advanced to January 11, 2024. OFF CALENDAR.

Party Information

Debtor(s):

Monica Cardenas

Pro Se

Movant(s):

Myong W. Lim, Co-Trustee of the

Represented By
Roy J Jimenez

Trustee(s):

Timothy Yoo (TR)

Pro Se

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10:00 AM

2:23-16887 Jonathan Myung

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2576 Coventry Circle #98, Fullerton, California 92833-1286

MOVANT: Selene Finance as servicer for U.S. Bank Trust National Association, Not in Its Individual Capacity But Solely As Owner Trustee For RCF2 Acquisition Trust, its successors and/or assigns

fr: 1-9-24

Docket 17

Courtroom Deputy:

ZoomGov Appearance by:

1/8/24 - Caren J. Castle

Tentative Ruling:

Tentative Ruling for January 9, 2024:

Case has been dismissed. Motion is not entirely moot, as it seeks extraordinary relief. Either deny motion as moot or, if movant prefers, continue hearing to give movant an opportunity to comply with Court's local, local rule re proceeding to hearing on motions in dismissed cases.

Final Ruling for January 9, 2024:

Continue hearing to January 23, 2024 at 10:00 a.m. Movant shall file and serve by January 12, 2024 notice of continuance advising debtor that movant intends to proceed to hearing and that oppositions will be due by the hearing.

Tentative Ruling for January 23, 2024:

Movant served notice in a timely manner (early in fact), but it does not say that oppositions are due by the hearing. It does not mention when oppositions are due. Hearing required.

Party Information

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CONT... Jonathan Myung

Chapter 7

Debtor(s):

Jonathan Myung

Pro Se

Movant(s):

Selene Finance as servicer for U.S.

Represented By
Caren J Castle

Selene Finance as servicer for U.S.

Represented By
Caren J Castle

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01080 Richard A. Marshack, solely in his capacity as Cha v. ASR Development

#200.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other) Complaint by Richard Marshack against ASR Development Co., a California corporation, Desert Medical Properties, Inc., a California corporation, Abraham Stuart Rubin, Joseph Rubin, Elliot B Lander, Gary Stiffelman

fr: 5-2-23; 7-11-23; 11-14-23; 1-16-24

Docket 1

Courtroom Deputy:

3/20/23 - Jury Demand by Defendants Desert Medical Properties, Inc. and Elliot B Lander

9/11/23 - Jury Demand by Defendant Joseph Rubin

10/13/23 - Jury Demand by Defendants ASR Development Co and Abraham Stuart Rubin

ZoomGov Appearance by:

11/9/23 - Joseph Boufadel

Tentative Ruling:

Have any requests for entry of default been filed? Has trustee now met and conferred with defendant Stiffelman?

Hearing required.

7/14/23 -- Court approved scheduling order with following dates:

L/D to complete mediation -- November 14, 2023

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CONT... Glenroy Coachella, LLC

Chapter 7

L/D to lodge order appointing mediators -- August 4, 2023
Cont'd status conference -- November 14, 2023 at 2
L/D to file joint status report -- October 31, 2023

8/15/23 -- Court approved order appointing Meredith Jury as mediator.

8/28/23 -- Court approved stipulation setting aside default of Joseph Rubin, conditioned on his reimbursing trustee \$250 for cost of having his default entered. Response to complaint due September 11, 2023.

9/15/23 -- Court approved stipulation setting aside defaults of Stuart Rubin and ASR Development.

Tentative Ruling for November 14, 2023:

Parties were ordered to complete a day of mediation by the date of this status conference. Has anyone filed a declaration evidencing the efforts that the parties have made to comply with this deadline? Hearing required.

Tentative Ruling for January 23, 2024:

Has a date been scheduled for mediation yet? If not, why not? Court ordered the parties to complete a day of mediation months ago. Hearing required.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

ASR Development Co., a California

Pro Se

Desert Medical Properties, Inc., a

Pro Se

Abraham Stuart Rubin

Pro Se

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CONT... Glenroy Coachella, LLC

Chapter 7

Joseph Rubin Pro Se

Elliot B Lander Pro Se

Gary Stiffelman, as trustee for the Pro Se

Plaintiff(s):

Richard A. Marshack, solely in his Represented By
Ryan D O'Dea

Trustee(s):

Richard A Marshack (TR) Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
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2:00 PM

2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01081 Richard A Marshack, solely in his capacity as Chap v. Force-DMP, LLC et al

#201.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)) Complaint by Richard A Marshack against Force-DMP, LLC, Desert Medical Properties, Inc., Quonset Partners, LLC, SGE Reality, Inc., The Coachella Lighthouse, LLC

fr: 5-2-23; 7-11-23; 11-14-23; 1-16-24

Docket 1

Courtroom Deputy:

3/20/23 - Jury Demand by Desert Medical Properties, Inc. and Force-DMP, LLC

10/13/23 - Jury Demand by Quonset Partners, LLC

Tentative Ruling:

Have any requests for entry of default been filed? If not, why not? Hearing required.

7/14/23 -- Court approved scheduling order with following dates:

L/D to complete mediation -- November 14, 2023

L/D to lodge order appointing mediators -- August 4, 2023

Cont'd status conference -- November 14, 2023 at 2

L/D to file joint status report -- October 31, 2023

8/15/23 -- Court approved order appointing Meredith Jury as mediator.

9/15/23 -- Court approved stipulation setting aside Quonset's default.

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CONT... Glenroy Coachella, LLC

Chapter 7

Tentative Ruling for November 14, 2023:

Parties were ordered to complete a day of mediation by the date of this status conference. Has anyone filed a declaration evidencing the efforts that the parties have made to comply with this deadline? Hearing required.

Tentative Ruling for January 23, 2024:

Has a date been scheduled for mediation yet? If not, why not? Court ordered the parties to complete a day of mediation months ago. Hearing required.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Force-DMP, LLC

Pro Se

Desert Medical Properties, Inc.

Pro Se

Quonset Partners, LLC

Pro Se

SGE Reality, Inc.

Pro Se

The Coachella Lighthouse, LLC

Pro Se

Plaintiff(s):

Richard A Marshack, solely in his

Represented By
Ryan D O'Dea

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes

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Glenroy Coachella, LLC

D Edward Hays

Chapter 7

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01378 Marshack, Chapter 7 Trustee v. Roth

#202.00 Status Conference re: 14 (Recovery of money/property - other), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Richard A Marshack, Chapter 7 Trustee against Stan Roth

fr: 10-17-23

Docket 1

Courtroom Deputy:

10/2/23 - Jury Demand filed by Defendant

ZoomGov Appearance by:

10/16/23 - Sarah Hasselberger

Tentative Ruling:

9/14/23 -- Court approved stipulation continuing defendant's deadline to respond to complaint to September 29, 2023.

Tentative Ruling for October 17, 2023:

Continue status conference to January 23, 2024 at 2:00 p.m. Parties should file updated status report not later than January 9, 2024. Court will set discovery cutoff and discuss with parties whether matter should be sent to mediation at the January, 2024 status conference. APPEARANCES
WAIVED ON OCTOBER 17, 2023.

Tentative Ruling for January 23, 2024:

Why doesn't the trustee want this matter sent to mediation? Hearing required.

Party Information

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CONT... Glenroy Coachella, LLC

Chapter 7

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Stan Roth

Pro Se

Plaintiff(s):

Richard A Marshack, Chapter 7

Represented By
Sarah Rose Hasselberger
Chad V Haes

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays
Leonard M Shulman

**United States Bankruptcy Court
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2:00 PM

2:22-14715 Rita Manukyan

Chapter 7

Adv#: 2:23-01090 Pringle v. Manukyan

#203.00 Status Conference re: 41 (Objection / revocation of discharge 727(c),(d),(e))
Complaint by John P. Pringle against Rita Manukyan

fr: 5-9-23; 8-29-23; 12-5-23

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

11/30/23 - Michelle Marchisotto

Tentative Ruling:

Set discovery cutoff for 90 to 120 days and continued status conference for approximately same time frame.

5/11/23 -- Court approved scheduling order with following dates:

Cont'd status conference -- August 29, 2023 at 2:00 p.m.

L/D to file joint status report -- August 15, 2023

Discovery cutoff -- August 31, 2023.

Tentative Ruling for August 29, 2023:

In their status report, the parties indicated that they would complete discovery in October of 2023. Plaintiff has requested an extension of the discovery cutoff. It appears that defendant agrees that the discovery cutoff should be extended, no? The parties refer in the status report to what appears to be an agreement in principle to resolve this matter. Is this correct? Hearing required.

8/30/23 -- Court signed scheduling order with following dates:

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CONT... Rita Manukyan

Chapter 7

Extended discovery cutoff -- October 31, 2023
L/D to file joint status report -- November 21, 2023
Cont'd status conference -- December 5, 2023 at 2:00 p.m.

9/8/23 -- Court approved compromise pursuant to which defendants will pay trustee enough to satisfy claims in full.

Tentative Ruling for December 5, 2023:

Status report in related adversary proceeding reports that refinancing that was to pay trustee enough per settlement agreement to satisfy claims in full (and moot this adversary proceeding) has been delayed. Continue status conference in this and related adversary proceeding to January 23, 2024 at 2:00 p.m. Parties should file updated status report not later than January 9, 2024. OFF CALENDAR FOR DECEMBER 5, 2023.

Tentative Ruling for January 23, 2024:

Motion to dismiss 727 claim has been served and filed. The deadline to object was January 17, 2024. The docket does not reflect the filing of any objections or requests to be substituted in as plaintiff. Is trustee prepared to dismiss this action? Did the financing referenced in the prior tentative get funded? Hearing required.

Party Information

Debtor(s):

Rita Manukyan

Represented By
Zaven Armen Pehlevanian

Defendant(s):

Rita Manukyan

Pro Se

Plaintiff(s):

John P. Pringle

Represented By
Michelle A Marchisotto

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CONT... Rita Manukyan

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

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2:22-14715 Rita Manukyan

Chapter 7

Adv#: 2:23-01095 Pringle v. Manukyan et al

#204.00 Status Conference re: 91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (14 (Recovery of money/property - other) Complaint by John Pringle against Rita Manukyan, Garik Manukyan, Lusine Mkrtchian, Inessa Chavez.

fr: 5-9-23; 8-29-23; 12-5-23

Docket 1

***** VACATED *** REASON: 12/21/23 - ADVERSARY DISMISSED.**

Courtroom Deputy:

ZoomGov Appearance by:

11/30/23 - Michelle Marchisotto

Tentative Ruling:

Parties stipulated to set aside default. Answer to complaint due May 5, 2023. Continue this status conference to same date and time as status conference in related matter on calendar. How long do the parties anticipate that they will require to conduct discovery in this matter? Hearing required.

5/11/23 -- Court approved scheduling order with following dates:

Cont'd status conference -- August 29, 2023 at 2:00 p.m.

L/D to file joint status report -- August 15, 2023

Discovery cutoff -- August 31, 2023.

Tentative Ruling for August 29, 2023:

Parties report that they have reached a settlement in principle. When do parties anticipate that they will be in a position to file a 9019 motion? Hearing required.

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CONT... Rita Manukyan

Chapter 7

9/8/23 -- Court approved compromise pursuant to which defendants will pay trustee enough to satisfy claims in full.

Tentative Ruling for December 5, 2023:

Status report advises that refinancing that was to pay trustee enough per settlement agreement to satisfy claims in full has been delayed. Continue status conference in this and related adversary proceeding to January 23, 2024 at 2:00 p.m. Parties should file updated status report not later than January 9, 2024. OFF CALENDAR FOR DECEMBER 5, 2023.

12/20/23 -- Court approved stipulation dismissing action. OFF CALENDAR.
NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Rita Manukyan

Represented By
Zaven Armen Pehlevanian

Defendant(s):

Rita Manukyan

Pro Se

Garik Manukyan

Pro Se

Lusine Mkrtchian

Pro Se

Inessa Chavez

Pro Se

Plaintiff(s):

John Pringle

Represented By
Michelle A Marchisotto

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

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2:20-11846 Deco Enterprises, Inc.

Chapter 11

Adv#: 2:20-01126 Pouladian v. Deco Enterprises, Inc. et al

#205.00 Status Conference re: 01 (Determination of removed claim or cause)), (14 (Recovery of money/property - other)) Notice Of Removal Of State Court Civil Action To Federal Bankruptcy Court Pursuant To 28 U.S.C. § 1452(a) by Deco Enterprises, Inc.

fr. 7-14-20, 9-1-20, 11-3-20, 12-1-20, 2-2-21, 3-30-21, 6-29-21, 10-12-21, 10-14-21, 2-15-22; 4-5-22; 5-10-22; 6-14-22; 7-12-22; 8-2-22; 9-21-22; 11-15-22; 12-13-22; 1-10-23; 3-28-23; 5-9-23; 6-27-23; 8-29-23; 9-26-23; 11-28-23; 12-6-23

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

12/4/23 - John Yates

Tentative Ruling:

According to the parties' status report, a mediation must be completed in a related LASC action by July 31, 2020. Have the parties scheduled a mediation date? Hearing required.

7/21/20 -- Court approved scheduling order with following dates:

L/D for Edith Pouladian to file and serve response to cross-complaint -- August 4, 2020

L/D for plaintiff to file and serve opposition to motion to dismiss (if response is a motion to dismiss) -- August 18, 2020

L/D for Edith Pouladian to file and serve reply to any such opposition -- August 25, 2020

Continued status conference and hearing on any motion to dismiss -- September 1, 2020 at 2:00 p.m.

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CONT... Deco Enterprises, Inc.

Chapter 11

Tentative Ruling for September 1, 2020:

What is the status of this matter? Set deadline for filing of responses to first amended cross-complaint. How long do the parties anticipate it will take to conduct discovery? Hearing required.

9/2/20 -- Court signed scheduling order with following dates:

L/D for cross-complainants to file second amended cross-complaint -- 9/11/20

L/D to file joint status report -- October 20, 2020

Cont'd status conference -- November 3, 2020 at 2:00 p.m.

Tentative Ruling for November 3, 2020:

Where is joint status report that should have been filed by October 20, 2020? How much time do the parties need to conduct discovery? Is this an appropriate matter to be sent to an early mediation? Hearing required.

Tentative Ruling for December 1, 2020:

If court grants motion to dismiss (number 214), the number of claims asserted in this adversary proceeding will be reduced and the parties' responses to the questions posed in the status report may be different. Continue status conference approximately 60 to 90 days and require parties to file an updated status report. (The parties should respond to all questions raised by the status report.)

Tentative Ruling for February 2, 2021:

Parties have already completed a day of mediation. Discuss with parties whether additional mediation would be helpful. Does either party contemplate being in a position to bring any pretrial motions? Set discovery cutoff and continue case status conference.

2/9/21 -- Court approved scheduling order with following dates:

Cont'd status conference -- March 30, 2021 at 2:00 p.m.

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CONT... Deco Enterprises, Inc.

Chapter 11

L/D to file joint status report -- March 16, 2021

L/D to complete discovery -- December 17, 2021

Tentative Ruling for March 30, 2021:

Discuss with parties whether it might be a good time to make another attempt at resolving this matter through mediation.

Tentative Ruling for June 29, 2021:

Plaintiff checked the box, "no," in response to the question, "Do you want this matter sent to mediation at this time." Defendant checked the box marked, "yes." In the comments section, plaintiff states that it thinks a mediation in September could be useful. It seems, therefore, that the issue is when a continued mediation should occur, not whether. Is that correct? Hearing required.

7/6/21 -- Court approved scheduling order setting following dates:

Cont'd status conference -- October 12, 2021 at 2:00 p.m.

L/D to file joint status report -- September 28, 2021

L/D to lodge order appointing mediators -- July 16, 2021

L/D to complete another day of mediation through mediation program -- October 12, 2021.

7/30/21 -- Court approved order appointing mediators.

Tentative Ruling for October 14, 2021:

Extend nonexpert discovery cutoff to March 15, 2022. Continue status conference approximately 90 to 120 days.

10/22/21 -- Court approved scheduling order with following dates:

Discovery cutoff extended to March 15, 2022

Continued status conference -- February 15, 2022 at 2:00 p.m.

L/D for parties to file joint status report -- February 1, 2022

L/D for plaintiff to file third amended complaint -- November 2, 2021

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Deco Enterprises, Inc.

Chapter 11

L/D for defendant to file response to third amended complaint -- 21 days after filing of third amended complaint

1/27/22 -- Court approved stipulation extending cutoff date for nonexpert discovery to June 17, 2022, continuing status conference to April 5, 2022, and directing parties to file joint status report not later than March 21, 2022. OFF CALENDAR FOR FEBRUARY 15, 2022.

Tentative Ruling for April 5, 2022:

Where is joint status report that should have been filed by March 21, 2022?

4/4/22 -- Court approved stipulation continuing hearing to May 10, 2022 at 2:00 p.m. OFF CALENDAR FOR APRIL 5, 2022.

Tentative Ruling for May 10, 2022:

Continue hearing to June 14, 2022 at 2:00 p.m. to be heard concurrently with motion for summary judgment on same date. APPEARANCES WAIVED ON MAY 10, 2022.

Court continued hearing to July 12, 2022 at 2:00 p.m. OFF CALENDAR FOR JUNE 14, 2022.

Tentative Ruling for July 12, 2022:

Continue status conference to August 2, 2022 at 2:00 p.m. to be heard concurrently with motions for summary judgment and partial summary adjudication. OFF CALENDAR FOR JULY 12, 2022.

Tentative Ruling for August 2, 2022:

Revisit status of action after conclusion of related matters on calendar.

8/10/22 -- Court signed order granting in part and denying in part motion by trustees of family trust for summary judgment on claims raised in the Third Amended Cross-Complaint filed by Deco, Babak Sinai and ABS Capital, as

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CONT... Deco Enterprises, Inc.

Chapter 11

follows: motion granted as to eighth and tenth claims for relief and denied with regard to ninth claim for relief.

8/10/22 -- Court signed order granting in part and denying in part Pouladian's motion for summary judgment on claims raised in the Third Amended Cross-Complaint filed by Deco, Babak Sinai and ABS Capital, as follows: motion granted as to Babak Sinai only on first and second claims for relief on ground that these claims are derivative and belong only to Deco. Motion denied as to sixth claim for relief. Movant's request for specific findings is denied in its entirety.

8/31/22 -- Court approved stipulation continuing status conference to November 15, 2022 at 2:00 p.m. and continuing discovery cutoff to February 23, 2023. OFF CALENDAR FOR SEPTEMBER 21, 2022.

Tentative Ruling for November 15, 2022:

Where is joint status report that should have been filed two weeks prior to the date of this status conference? Hearing required.

Final Ruling for November 15, 2022:

Court ordered Deco is to file and serve motion for leave to amend complaint not later than November 22, 2022 and set it for hearing on December 13, 2022 at 2:00 p.m. unless defendant is willing to stipulate to amendment. Continue status conference to December 13, 2022 at 2:00 p.m. as a holding date. Plaintiff will lodge order dismissing Craig Allen as defendant.

11/18/22 -- Court approved order dismissing Craig Allen.

Tentative Ruling for December 13, 2022:

Discovery cutoff has passed. Are parties jointly requested extension of discovery cutoff?

Docket does not reflect either the filing of a stipulation for leave to amend the complaint or a motion for leave to amend. (And there is no amended

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CONT... Deco Enterprises, Inc.

Chapter 11

complaint on the docket.) Why not?

Discuss with parties timing for filing remainder of motions referenced in section G of the parties' November, 2022 status report. Hearing required.

Tentative Ruling for January 10, 2023:

If court grants motion for leave to amend, set deadlines for filing of fourth amended cross-complaint and deadline for filing and service of response thereto.

Tentative Ruling for March 28, 2023:

Continue status conference to May 9, 2023 at 2:00 p.m. to be heard concurrently with pending motion for summary judgment. Parties need not file new status report for the May 9 status conference. APPEARANCES WAIVED ON MARCH 28, 2023.

Tentative Ruling for May 9, 2023:

Discovery cutoff passed over a year ago. Set deadline for filing pretrial motions and date for pretrial conference.

Final Ruling for May 9, 2023:

Extend discovery cutoff to June 30, 2023 as to third parties. Continue status conference to June 27, 2023 at 2:00 p.m. Parties should file joint status report by June 13, 2023. Plaintiff to lodge scheduling order.

Tentative Ruling for June 27, 2023:

Orders lodged on May 10, 2023 were marked unused for reasons emailed to counsel concerning form of order and notice of lodgment. Counsel never relogged the orders or refiled the notices of lodgment. As a result, no scheduling order was entered either. Continue hearing to give plaintiff an opportunity to lodge orders and file notices of lodgment.

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Deco Enterprises, Inc.

Chapter 11

Defendants now reports that they will be completed with percipient witness discovery in September or October 2023. Does plaintiff consent to a further extension of the discovery cutoff? If not, defendants will need to move for an extension.

Set deadlines for exchange of expert witness reports and completion of expert witness discovery.

8/17/23 -- Court approved stipulation continuing status conference to September 26, 2023 at 2:00 p.m. OFF CALENDAR FOR AUGUST 29, 2023.

9/15/23 -- Court approved stipulation continuing status conference to November 28, , 2023 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 26, 2023.

Tentative Ruling for November 28, 2023:

Continue status conference to December 6, 2023 at 10:00 a.m. as a holding date, to be heard concurrently with trustee's sale motion. No new status report will be required for December 6 status conference.

Tentative Ruling for December 6, 2023:

Revisit this adversary proceeding after the conclusion of the hearing on the sale motion. If the court approves a sale of the estate's rights in this litigation to the buyer (subject to a right to receive a small portion of the net proceeds), is there any reason for this litigation to remain in bankruptcy court? Hearing required.

Final Ruling for December 6, 2023:

Continue status conference to January 23, 2024 at 2:00 p.m. Parties should file joint status report not later than January 9, 2024.

Tentative Ruling for January 23, 2024:

Court retains jurisdiction over this action in that it is a claim against the estate.

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CONT... Deco Enterprises, Inc. Chapter 11

In addition, the trustee retains a residual interest in proceeds recovered from claims against Pouladian. The fact that the claims arise under state law is not in and of itself a reason to remand the litigation. Almost all prepetition claims arise under nonbankruptcy law.

Set deadlines for exchange of expert witness reports and completion of expert witness discovery.

Set deadlines for filing pretrial motions and final status conference to coincide with date that may be used for hearing on motions for summary judgment or partial summary adjudication.

Party Information

Debtor(s):

Deco Enterprises, Inc.

Represented By
Raymond H. Aver

Defendant(s):

Deco Enterprises, Inc.

Represented By
Raymond H. Aver

Craig Allen

Represented By
Amy Mousavi

Plaintiff(s):

Benjamin Pouladian

Represented By
John R Yates

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2:22-14165 Treetop Development, LLC

Chapter 11

Adv#: 2:22-01178 Treetop Development, LLC v. Skylark Capital Management, LLC

#206.00 Status Conference re: 14 (Recovery of money/property - other)), (21 (Validity, priority or extent of lien or other interest in property)), (81 (Subordination of claim or interest)), (91 (Declaratory judgment)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Treetop Development, LLC against Skylark Capital Management, LLC

fr: 11-29-22; 12-13-22; 2-28-23; 6-6-23; 9-12-23; 12-19-23

Docket 1

Courtroom Deputy:

3/21/23 - Second Amended Complaint Filed

Tentative Ruling:

10/26/22 -- Court approved stipulation continuing deadline for defendant to respond to complaint to November 2, 2022.

11/18/22 -- Court approved stipulation continuing hearing to December 13, 2022 at 2:00 p.m. See order for additional dates. OFF CALENDAR FOR NOVEMBER 29, 2022.

Tentative Ruling for December 13, 2022:

Responses to the amended complaint are not yet due. Continue status conference to February 28, 2023 at 2:00 p.m. Parties should file joint status report not later than February 14, 2023. APPEARANCES WAIVED ON DECEMBER 13, 2022.

Tentative Ruling for February 28, 2023:

Revisit status of action after conclusion of related matter on calendar.

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CONT... Treetop Development, LLC

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Tentative Ruling for June 6, 2023:

Plaintiff refers to the prospect of resolving issues by way of summary adjudication. Is the plaintiff in a position to prepare a summary judgment motion in the near future or does discovery need to be completed or conducted first? Why haven't the parties participated in a Rule 7026 meet and confer yet? Hearing required.

6/13/23 -- Court signed scheduling order with following dates:

Cont'd status conference -- September 12, 2023 at 2:00 p.m.

L/D to file joint status report -- August 29, 2023

L/D to complete discovery -- January 31, 2024

L/D to respond to pending discovery from debtor -- July 12, 2023

Tentative Ruling for September 12, 2023:

Continue status conference to December 19, 2023 at 2:00 p.m. Parties should file updated status report not later than December 5, 2023.

APPEARANCES WAIVED ON SEPTEMBER 12, 2023.

Tentative Ruling for December 19, 2023:

At plaintiff's request, continue status conference to January 23, 2024 at 2:00 p.m. Parties should file joint status report not later than January 9, 2024.

APPEARANCES WAIVED ON DECEMBER 19, 2023.

1/09/2024 -- Court approved stipulation extending stay of adversary proceeding from January 15, 2024 to February 15, 2024.

Tentative Ruling for January 23, 2024:

Based on the debtor's unilateral status report, continue adversary status conference to February 7, 2024 at 11:00 a.m. as a holding date to be heard concurrently with debtor's motion for summary adjudication of action against City. No new status report required for that conference. OFF CALENDAR FOR JANUARY 23, 2024.

Party Information

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CONT... Treetop Development, LLC

Chapter 11

Debtor(s):

Treetop Development, LLC

Represented By
Lewis R Landau
David J Williams

Defendant(s):

Skylark Capital Management, LLC

Pro Se

Plaintiff(s):

Treetop Development, LLC

Represented By
David J Williams

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2:22-14165 Treetop Development, LLC

Chapter 11

#207.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr: 9-14-22; 12-14-22; 12-21-22; 2-1-23; 5-3-23; 7-12-23; 8-9-23; 8-10-23;
12-6-23; 12-19-23

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

12/15/23 - Quincy Chuck

Tentative Ruling:

Set bar date and deadline for serving notice of bar date. Continue case status conference approximately 90 days.

9/14/22 -- Court approved scheduling order and bar date order setting following dates:

L/D to serve notice of bar date -- 9/15/2022

Bar date -- 11/18/2022

Cont'd status conference -- 12/14/2022 at 11:00 a.m.

L/D to file updated status report -- 12/2/2022.

Tentative Ruling for December 14, 2022:

Continue hearing to December 21, 2022 at 10:00 a.m. to be heard concurrently with final hearing to consider approval of DIP financing. No new status report required. APPEARANCES WAIVED ON DECEMBER 14, 2022.

Tentative Ruling for December 21, 2022:

Is there is something missing at the bottom of page 3 of the status report filed

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CONT... Treetop Development, LLC

Chapter 11

December 2, 2022 or should the sentence fragment simply be deleted? Did the Independent Manager retain anyone other than Roman James Design Build and LC Engineering?

Revisit status of case after conclusion of hearing on motion for approval of post-petition financing.

Tentative Ruling for February 1, 2023:

Court waived the requirement that an updated status report be filed. What progress, if any, has been made since the last status conference? Hearing required.

Tentative Ruling for May 3, 2023:

Continue case status conference approximately 60 days and set deadline for filing updated status report.

Tentative Ruling for July 12, 2023:

The debtor's status report states that the court set a status conference in the adversary proceeding with Skylark for the same date and time as the case status conference. This is incorrect. The status conference in the adversary proceeding is set for September 12, 2023 at 2:00 p.m.

Completely absent from the debtor's case status report is any information about what is going on with regard to the debtor's only asset -- its real property. What, if any, progress has been made with regard to either the condition of the property and/or the debtor's analysis of the best course of action with regard to this property?

Hearing required.

8/2/23 -- At request of parties, court agreed to continue case status conference to August 10, 2023 at 10:30 a.m. to be held concurrently with continued hearing on debtor's motion to modify financing. Requirement of status report for this conference is waived. NO APPEARANCE REQUIRED

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CONT... Treetop Development, LLC
ON AUGUST 9, 2023.

Chapter 11

Tentative Ruling for August 10, 2023:

Now that servicer and counsel for lender have changed, have the parties made any progress toward a global resolution? Hearing required.

Final Ruling for August 10, 2023:

Continue case status conference to December 6, 2023 at 11:00 a.m. Debtor should file updated status report by November 29, 2023.

Tentative Ruling for December 6, 2023:

The court has seen the stipulation filed November 30, 2023, extending the maturity date of the DIP Facility, but where is the status report that should have been filed by November 29, 2023? Hearing required.

Final Ruling for December 6, 2023:

The only party that appeared on December 6, 2023 was debtor's special litigation counsel. Court issued notice continuing hearing to December 19, 2023 at 2:00 p.m. and directing debtor to file updated status report not later than December 8, 2023.

Tentative Ruling for December 19, 2023:

Discuss with debtor what it anticipates with regard to litigation with the City. Hearing required.

STATUS CONFERENCE CONTINUED TO JANUARY 23, 2024 AT 2:00 P.M. TO COINCIDE WITH CONTINUED STATUS CONFERENCE IN ADVERSARY PROCEEDING. NO NEW STATUS REPORT REQUIRED FOR JANUARY 23 CONFERENCE. OFF CALENDAR FOR DECEMBER 19, 2023.

Tentative Ruling for January 23, 2024:

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Continue case status conference to February 7, 2024 at 11:00 a.m. as a holding date to be heard concurrently with debtor's motion for summary adjudication of action against City. No new status report required for that conference. OFF CALENDAR FOR JANUARY 23, 2024.

Party Information

Debtor(s):

Treetop Development, LLC

Represented By
Lewis R Landau

Movant(s):

Treetop Development, LLC

Represented By
Lewis R Landau

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2:23-12276 Ryan Magdi Girgis

Chapter 11

Adv#: 2:23-01358 Larson et al v. Girgis

#208.00 Motion to Dismiss Adversary Complaint for Failure to State a Claim Upon Which Relief May be Granted Pursuant to Federal Rule of Civil Procedure 12(B)(6) or Alternatively, for an Order Striking Allegations in the Adversary Complaint Pursuant to Federal Rule of Civil Procedure 12(F)

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23

Docket 5

***** VACATED *** REASON: CONTINUED TO 4-2-24 AT 2PM**

Courtroom Deputy:

ZoomGov Appearance by:

11/6/23 - Vanessa Haberbush

Tentative Ruling:

9/13/23 -- Court approved stipulation continuing hearing to October 17, 2023 at 2:00 p.m. (See order for additional dates.)

10/3/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for November 7, 2023:

There is a state court judgment against the debtor for fraud. Under the reasoning of the Supreme Court's decision in *Bartenwerfer v. Buckley*, if a conspiracy theory is sufficient to make debtor liable to plaintiff *for fraud* under nonbankruptcy law, it is a sufficient basis to make that liability nondischargeable under section 523(a)(2)(A), even if the debtor did not directly make any misrepresentations to the plaintiff. Deny motion with regard to claim under section 523(a)(2)(A).

With regard to claims under section 523(a)(4), a debt for larceny or embezzlement can be the basis for nondischargeable liability. Defendant

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CONT... Ryan Magdi Girgis

Chapter 11

need not owe a fiduciary duty to plaintiff. Is it possible, on these facts, for plaintiff to plead that debtor's liability satisfies the elements of larceny or embezzlement? If so, grant motion with leave to amend. Otherwise, grant motion without leave to amend, as court agrees that, on these facts, there would be no preexisting fiduciary duty for the debtor to have breached.

Grant with leave to amend with regard to claim under section 523(a)(6). Debtor has a judgment against him for fraud and conversion. Such tortious conduct can be the basis for a claim under section 523(a)(6) in an appropriate fact pattern. Plaintiff needs to plead (and prove) that debtor had the appropriate intentions/knowledge in more than a mere conclusory manner. Plaintiff outlines the conduct that he claims evidences the willful and malicious intent, but he should discuss how these facts demonstrate that defendant either intended to cause harm to plaintiff or knew that harm was substantially certain to occur.

Deny motion to strike any material as scandalous or immaterial. Court will ignore anything that it later concludes is irrelevant, but court is not yet persuaded that the challenged information is in fact irrelevant, particularly in light of claim for willful and malicious injury.

12/6/23 -- Court approved stipulation continuing hearing to January 23, 2024 at 2:00 P.M. OFF CALENDAR FOR DECEMBER 12, 2023.

1/8/24 -- Court approved stipulation continuing hearing to April 2, 2024 at 2:00 P.M. OFF CALENDAR FOR JANUARY 23, 2024.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

Defendant(s):

Ryan Magdi Girgis

Represented By

Lane K Bogard

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CONT... Ryan Magdi Girgis

Chapter 11

Movant(s):

Ryan Magdi Girgis

Represented By
Lane K Bogard

Plaintiff(s):

Richard Larson

Represented By
Michael A Wallin
Justin O. Walker

Paragon Six LLC

Represented By
Michael A Wallin
Justin O. Walker

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:23-12276 Ryan Magdi Girgis

Chapter 11

Adv#: 2:23-01358 Larson et al v. Girgis

#209.00 Defendant Ryan Girgis' Motion for an Order Abating the Adversary Proceeding

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23

Docket 8

***** VACATED *** REASON: CONTINUED TO 4-2-24 AT 2PM**

Courtroom Deputy:

ZoomGov Appearance by:

11/6/23 - Vanessa Haberbush

Tentative Ruling:

9/13/23 -- Court approved stipulation continuing hearing to October 17, 2023 at 2:00 p.m. (See order for additional dates.)

10/3/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for November 7, 2023:

Court agrees that it would not be an efficient use of this Court's time to examine the extent to which a particular judgment does, or does not, dispose of the issues that need to be adjudicated in this matter if/when the defendant is challenging the state court judgment on appeal. Court will not set any additional deadlines (other than a date for the filing of a further amended complaint) until the appeal has been resolved; however, court will schedule periodic status conferences while the appeal is pending. Parties can report in their joint status report on the status of the appeal and request a further continuance to permit the appeal to be resolved if necessary.

12/6/23 -- Court approved stipulation continuing hearing to January 23, 2024 at 2:00 P.M. OFF CALENDAR FOR DECEMBER 12, 2023.

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CONT... Ryan Magdi Girgis

Chapter 11

1/8/24 -- Court approved stipulation continuing hearing to April 2, 2024 at 2:00 P.M. OFF CALENDAR FOR JANUARY 23, 2024.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

Defendant(s):

Ryan Magdi Girgis

Represented By

Lane K Bogard

Vanessa M Haberbush

Movant(s):

Ryan Magdi Girgis

Represented By

Lane K Bogard

Vanessa M Haberbush

Plaintiff(s):

Richard Larson

Represented By

Michael A Wallin

Justin O. Walker

Paragon Six LLC

Represented By

Michael A Wallin

Justin O. Walker

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:23-12276 Ryan Magdi Girgis

Chapter 11

Adv#: 2:23-01358 Larson et al v. Girgis

#210.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury) Complaint by Richard Larson, Paragon Six LLC against Ryan Magdi Girgis.

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23

Docket 1

***** VACATED *** REASON: CONTINUED TO 4-2-24 AT 2PM**

Courtroom Deputy:

ZoomGov Appearance by:

11/6/23 - Vanessa Haberbush

Tentative Ruling:

9/13/23 -- Court approved stipulation continuing hearing to October 17, 2023 at 2:00 p.m. (See order for additional dates.)

10/3/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for November 7, 2023:

Revisit status of action after conclusion of related matters on calendar.

12/6/23 -- Court approved stipulation continuing hearing to January 23, 2024 at 2:00 P.M. OFF CALENDAR FOR DECEMBER 12, 2023.

1/8/24 -- Court approved stipulation continuing hearing to April 2, 2024 at 2:00 P.M. OFF CALENDAR FOR JANUARY 23, 2024.

Party Information

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CONT... Ryan Magdi Girgis

Chapter 11

Debtor(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

Defendant(s):

Ryan Magdi Girgis

Pro Se

Plaintiff(s):

Richard Larson

Represented By

Michael A Wallin

Justin O. Walker

Paragon Six LLC

Represented By

Michael A Wallin

Justin O. Walker

Trustee(s):

Mark M Sharf (TR)

Pro Se