

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

Tuesday, January 30, 2024

Hearing Room 1539

9:00 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.**

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 **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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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#1.00 Motion for Relief from Stay and Plan Injunctions.

Docket 6795

***** VACATED *** REASON: CONTINUED TO 2-27-24 AT 10AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

1/16/24 -- Court signed order approving stipulation continuing hearing to February **27**, 2024. (See order for additional dates.) OFF CALENDAR FOR JANUARY 30, 2024.

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

Stephen J O'brien

Roger Kent Heidenreich

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CONT... Verity Health System of California, Inc.

Chapter 11

Movant(s):

Cindy Campbell

Represented By
Daniel Varon

Trustee(s):

Howard Grobstein Liquidating

Represented By
James Cornell Behrens

Howard Grobstein

Represented By
Gary D Underdahl

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2:22-10994 Better 4 You Breakfast, Inc.

Chapter 11

Adv#: 2:23-01301 Better 4 You Breakfast, Inc. v. Intrepid Investment Bankers LLC

#200.00 Status Conference re: 91 (Declaratory judgment) Complaint by Better 4 You Breakfast, Inc. against Intrepid Investment Bankers LLC

fr: 8-29-23; 11-7-23, 1-9-24

Docket 1

Courtroom Deputy:

8/28/23 - Amended Complaint filed

9/29/23 - Counterclaim and Jury Demand filed by Defendant

ZoomGov Appearance by:

1/8/24 - Allen Felahy

1/8/24 - Farbod Nourian

Tentative Ruling:

8/15/23 -- At hearing held this date on motion to dismiss, Court continued status conference to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR AUGUST 29, 2023. NO APPEARANCE REQUIRED.

8/18/23 -- Court entered an order granting defendant's motion to dismiss on following terms: Plaintiff's claim seeking refund or return of the \$75,000 non-refundable fee paid to Intrepid upon execution of the Engagement Agreement between Intrepid and Plaintiff (Dkt. No. 1, Ex. A.) is dismissed without leave to amend. Balance of the claims are dismissed WITH leave to amend. Plaintiff must file its amended complaint no later than August 28, 2023. Defendant must file its response to Plaintiff's amended complaint no later than September 27, 2023. The parties are directed to file a joint status report required by Local Bankruptcy Rule 7026-1 by no later than October 24, 2023. The court will

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Chapter 11

conduct a status conference in this matter on November 7, 2023 at 2:00 p.m.

Tentative Ruling for November 7, 2023:

This may be styled as an action by the debtor, but the substance of the action is an objection to claim -- an action for declaratory relief as to the extent to which creditor's proof of claim should be allowed as a general unsecured claim in this bankruptcy case. Defendant has filed a proof of claim and has therefore waived any right to a jury trial. As this is a core matter, the court can enter final orders, and creditor's consent is not required.

In the future, court would like the parties to use its mandatory joint status report form. How long do the parties need to complete their discovery? Do the parties contemplate any pretrial motions? Is this an appropriate matter to be sent to mediation?

Hearing required.

Tentative Ruling for January 9, 2024:

Why is the status report filed unilateral? Where is the declaration that should accompany a unilateral status report?

Continue status conference approximately 90 to 120 days and order parties to complete a day of mediation prior to date of continued status conference.

Final Ruling for January 9, 2024:

Court imposed sanctions of \$250 on counsel for Intrepid for failing to cooperate in preparation of joint status report and failing to appear at January 9, 2024 status conference. Court continued status conference to January 30, 2024 and waived requirement that new status report be submitted.

Tentative Ruling for January 30, 2024:

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Tentative ruling from January 9, 2024 remains unchanged.

Party Information

Debtor(s):

Better 4 You Breakfast, Inc.

Represented By
David A. Tilem
Kerri A Lyman
Jeffrey M. Reisner
Allen B Felahy

Defendant(s):

Intrepid Investment Bankers LLC

Pro Se

Plaintiff(s):

Better 4 You Breakfast, Inc.

Represented By
Farbod Nourian
Allen B Felahy

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2:22-13785 Marine Wholesale & Warehouse Co.

Chapter 11

#201.00 Pretrial Conference re Motion RE: Objection to Claim Number 5 by Claimant
Alcohol Tobacco Tax & Trade Bureau

fr: 11-30-22; 2-7-23; 6-13-23; 7-18-23; 8-15-23; 10-17-23; 12-5-23

Docket 90

Courtroom Deputy:

ZoomGov Appearance by:

12/4/23 - Vanessa Haberbush

12/4/23 - John Peterson

12/4/23 - Elan Levey

12/4/23 - Jolene Tanner

Tentative Ruling:

Tentative Ruling for November 30, 2022:

It would in any event have been the court's intention to conduct this initial conference as a status conference. Continue hearing to give debtor an opportunity to remedy any possible service defects. Set new status conference within approximately the next 60 days to discuss timing for discovery, potential for mediation, and any other procedural issues.

Final Ruling for November 30, 2022:

(Service problems have now been remedied.) Deem matter to be adversary proceeding for procedural purposes. (Court entered order to this effect on December 1, 2022, docket no. 107.) Set continued status conference for February 7, 2023 at 2:00 p.m. Parties should file joint status report not later than January 24, 2023.

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Chapter 11

Tentative Ruling for February 7, 2023:

Parties have both asked that matter be sent to mediation. Continue status conference for approximately 90 to 120 days and order parties to complete a day of mediation prior to date of continued status conference.

3/15/23 -- court approved scheduling order with following dates:

Cont'd status conference -- June 13, 2023 at 2:00 pm

L/D to attend mediation -- June 13, 2023

L/D to lodge order appointing mediator -- March 27, 2023

L/D to file status report -- May 30, 2023

3/28/23 -- Court approved order appointing mediator.

Tentative Ruling for June 13, 2023:

At request of parties, continue status conference to July 18, 2023 at 2:00 p.m. Parties should file a joint status report, utilizing the court's mandatory form for this purpose, not later than July 5, 2023. APPEARANCES WAIVED ON JUNE 13, 2023.

Tentative Ruling for July 18, 2023:

At the request of the parties, continue status conference to August 15, 2023 at 2:00 p.m. to give them a further opportunity to meet and confer about how best to bifurcate discovery so that the "change of control" issue can be litigated first. APPEARANCES WAIVED ON JULY 18, 2023.

Tentative Ruling for August 15, 2023:

Debtor outlines a proposal for bifurcating issues. The first of the issues identified on page 4 of its supplement to the status report may be a factual issue. The second appears to be purely a legal issue, no? What is the TTB's response to the debtor's proposal?

Set deadline for completion of discovery on change of control issue and set

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Chapter 11

continued status conference shortly thereafter for parties to discuss how best to proceed once that discovery has been completed. (Court agrees that number of interrogatories, depositions, etc. completed during this first phase should be disregarded in future phases of litigation, if there need to be any.)

8/22/23 -- Court signed scheduling order with following dates:

Parties to complete discovery with regard to facts surrounding 2012 transfer of shares in Debtor, the control of debtor's operations before and after the transfer and whether such transfers constituted a reportable event and/or a change of control not later than October 16, 2023. Court will conduct a continued status conference on October 17, 2023 at 2:00 p.m. (No status report is required for this status conference.)

10/16/23 -- Court approved stipulation continuing hearing to December 5, 2023 at 2:00 p.m., extending deadline for parties to respond to each other's outstanding written discovery to October 31, 2023 and extending the discovery cutoff for phase 1 of the litigation to December 1, 2023 for the sole purpose of conducting certain depositions. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for December 5, 2023:

Are the parties requesting an extension of the discovery cutoff for what they are referring to as "phase I"? If so, for how long? Hearing required.

12/15/23 -- Court signed scheduling order setting following dates:

L/D to file discovery motions -- January 9, 2024
L/D to lodge joint pretrial order -- January 16, 2024
Pretrial conference -- January 30, 2024 at 2:00 p.m.

Tentative Ruling for January 30, 2024:

No discovery motions for phase 1 were filed by cutoff date. Parties have lodged a proposed pretrial order. Approve parties' proposed order and discuss with parties whether there is any need for an evidentiary hearing for

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phase 1 or whether the court can resolve the issues with briefing only.

Either a change in legal control or a change in actual control can trigger a duty to report and an automatic lapse of the permits. As the pretrial order does not contain either any facts or any issues concerning who actually controlled or managed the entity, the Court assumes that the dispute here is whether or not there was a change in "legal control." Assuming the court can disregard the fact that Robert L. Hartry's shares were transferred to a (presumably revocable) family trust somewhere before 2012, he nevertheless went from owning 80.4 percent of the shares to 45.4 percent as a result of the 2012 transactions. He therefore ceased to be a "majority" shareholder, but, after the 2012 transfers/sales there was no new majority shareholder. Is this "a change in the person who owns or controls the majority of the voting stock" of the debtor? This would appear to be a legal issue that can be resolved based on the facts outlined in the pretrial order, no?

Party Information

Debtor(s):

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

Movant(s):

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

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Chapter 11

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

fr: 9-7-22; 9-13-22; 12-14-22; 2-7-23; 6-13-23; 7-18-23; 8-15-23; 10-17-23;
12-5-23

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

12/4/23 - Vanessa Haberbush

12/4/23 - John Peterson

12/4/23 - Elan Levey

12/4/23 - Jolene Tanner

Tentative Ruling:

7/28/22 -- Court granted motion to set bar date, setting bar date of October 3, 2022. Notice of bar date must be served by August 5, 2022.

Tentative Ruling for September 7, 2022

Continue case status conference to September 13, 2022 at 10:30 a.m. to be heard concurrently with motion for continued use of cash collateral. No updated status report required. APPEARANCES WAIVED ON SEPTEMBER 7, 2022.

Tentative Ruling for September 13, 2022:

Has the debtor made any progress on the remaining compliance issues since its status report was filed? Has debtor filed an objection to the TTB's claim yet? If not, why not and when does debtor anticipate being in a position to file this objection? Hearing required.

Tentative Ruling for December 14, 2022:

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Has the debtor provided updated insurance declarations and proof of renewed licenses/certificates to the U.S. Trustee?

Were there any surprises in the claims filed prior to the October 3, 2022 bar date? Court is not inclined to set a deadline for the filing of objections to claims at this time. (Debtor has already filed an objection to the claim of the TTB.)

Continue case status conference to February 7, 2023 at 2:00 pm to coincide with continued hearing on objection to TTB claim. Waive requirement of updated status report for that status conference.

Tentative Ruling for February 7, 2023:

Court waived requirement of updated status report for this status conference, but how are the debtor's operations doing? Is the debtor currently in compliance with US Trustee requirements? Are there any significant developments that should be brought to the court's attention? Hearing required.

Tentative Ruling for June 13, 2023:

Continue case status conference to July 18, 2023 at 2:00 p.m. to coincide with continued status conference on claim objection. Debtor need not file updated status report for this status conference. APPEARANCES WAIVED ON JUNE 13, 2023.

Tentative Ruling for July 18, 2023:

Continue case status conference to August 15, 2023 at 2:00 p.m. to coincide with continued status conference on claim objection. Debtor need not file updated status report for this status conference. APPEARANCES WAIVED ON JULY 18, 2023.

Tentative Ruling for August 15, 2023:

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

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Continue case status conference to date of continued hearing on claim objection.

10/16/23 -- Court added language to parties' stipulation re continuance of hearing on claim objection continuing case status conference to December 5, 2023. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for December 5, 2023:

Revisit status of case after conclusion of hearing on claim objection.

Final Ruling for December 5, 2023:

Continue case status conference to January 30, 2024 at 2:00 p.m. Waive requirement of updated status report.

Tentative Ruling for January 30, 2024:

Revisit status of case after conclusion of hearing on claim objection.

Party Information

Debtor(s):

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard