

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

Tuesday, February 15, 2022

Hearing Room 1539

10:00 AM

2:00-00000

Chapter 0

#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. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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, "Telephonic Instructions."

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

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Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:21-16031 Howard Bressner

Chapter 7

Adv#: 2:21-01207 American Contractors Indemnity Company v. Bressner

#1.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), Complaint by American Contractors Indemnity Company against Howard Bressner

fr. 12-7-21, 12-14-21

Docket 1

***** VACATED *** REASON: 1/20/22 - ADV. DISMISSED**

Courtroom Deputy:

11/9/21 - Default entered against Howard Bressner

Tentative Ruling:

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

1/20/22 -- Court approved stipulation re dismissal. OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Howard Bressner

Represented By
Robert Ray Villanueva

Defendant(s):

Howard Bressner

Represented By
Andrew Edward Smyth
Stephen S Smyth

Plaintiff(s):

American Contractors Indemnity

Represented By
R Gibson Pagter Jr.

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:21-19516 The Jurassic Jump, LLC

Chapter 11

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 28656 & 28662 The Old Road, Building J, Valencia, CA 91355

MOVANT: OLD ROAD REALTY, LLC. A CA LIMITED LIABILITY COMPANY

Docket 42

Courtroom Deputy:

ZoomGov Appearances by:

2/14/22 - Susan Seflin

2/14/22 - James Selth

Tentative Ruling:

Deny motion. Debtor has made all post-petition payments due under the lease as modified by the parties' prepetition stipulation. Debtor should be given time contemplated by the Code to assume or reject lease. Motion for relief from stay is not really the right vehicle here. If lessor wants arrearages cured or lease terminated now, it should bring a motion to compel assumption or rejection, not a motion for relief from stay.

Party Information

Debtor(s):

The Jurassic Jump, LLC

Represented By
Daniel J Weintraub
James R Selth

Movant(s):

Old Road Realty, LLC, a California

Represented By
Marc Cohen

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CONT... The Jurassic Jump, LLC

Chapter 11

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:21-18572 Adli Law Group P.C.

Chapter 11

#3.00 Non-Debtor Defendants' Motion To Extend The Bankruptcy Stay, Or
Alternatively, Find Continuing Litigation As Violation Of The Stay

Docket 131

Courtroom Deputy:

ZoomGov Appearances by:

2/2/22 - Mark Horoupian

2/7/22 - Jenny Zhao

2/14/22 - Robin Offner

2/14/22 - Karen B. King

2/14/22 - Gerald N. Sims

2/14/22 - Lawrence Borys

Tentative Ruling:

Deny. Continuing to prosecute action against nondebtors, even if they are covered by the debtor's insurance policy or parties whom the debtor is obliged to indemnify, is not a violation of the automatic stay. What movant needs is an injunction under section 105 of the bankruptcy code, which might be appropriate as a substantive matter in light of the limited amount of insurance coverage available, but, as court has previously explained, court cannot and will not grant injunctive relief without an underlying adversary proceeding and a motion for a temporary restraining order or preliminary injunction in that adversary proceeding.

Notwithstanding the foregoing, if there is agreement among the parties as to

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CONT... Adli Law Group P.C.

Chapter 11

certain forms of relief that may be granted, court is prepared to enter orders granting these forms of relief based on the consent of the parties.

Party Information

Debtor(s):

Adli Law Group P.C.

Represented By
Dean G Rallis Jr
Anna Novruzyan
Kenneth N Russak

Movant(s):

Jonathan Landis

Represented By
Anna Novruzyan

Joshua Eichenstein

Represented By
Anna Novruzyan

Drew Sherman

Represented By
Anna Novruzyan

Dariusz Adli

Represented By
Anna Novruzyan

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:21-18572 Adli Law Group P.C.

Chapter 11

#3.10 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Civil action styled Hellings v. Bird, San Diego County Superior Court Case No. 37-2020-00044516-CU-BT-CTL

MOVANT: STEVEN AND THERESA HOLDINGS

fr. 2-8-22

Docket 120

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling from February 8, 2022:

Grant in part and deny in part. Court agrees with movant that, absent the entry of an injunction imposing a stay for the benefit of nondebtors, the automatic stay does not prevent movant (or any other tort claimant, for that matter) from proceeding against persons or parties other than the debtor itself, even if the nondebtors in question are the debtors employees.

However, with regard to the balance of the relief requested, even permitting movant to reduce its claim against the debtor to judgment and proceed against insurance proceeds raises issues for the administration of this bankruptcy estate. There are two different insurance policies for two different years, each of which has a policy limit of \$1,000,000 per incident and \$1,000,000 in the aggregate and both of which are wasting policies, in the sense that defense costs (even those paid to defend employees that the debtor is obliged to indemnify) will deplete the coverage available under the policies. It is for this reason that another tort claimant has opposed the motion as well as the debtor.

Whatever limited amount of insurance proceeds may be available should not

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Chapter 11

be paid solely to whichever claimant succeeds in winning the race to judgment. Discuss with the parties alternative mechanisms that might be employed to avoid this result.

Final Ruling from February 8, 2022:

Set hearing over to February 15, 2022 at 10:00 a.m. as holding date on form of order. Order will grant movant and other claimant with claim against one of the debtor's insurance policy relief from stay to the extent necessary to make a policy limits demand on insurance carrier and to engage in settlement negotiations with insurer. Order will also grant movant relief from stay to extent necessary to seek approval of settlements negotiated with any parties to state court action who are not the debtor, employees of the debtor or anyone covered by one of the debtor's insurance policies.

Tentative Ruling for February 15, 2022:

2/14/22 -- Court approved form of order. OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Adli Law Group P.C.

Represented By
Dean G Rallis Jr
Anna Novruzyan
Kenneth N Russak

Movant(s):

Steven and Theresa Hellings

Represented By
Gerald N Sims

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:22-10141 XiaoBing Chen

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 21611 E Sleepy Hollow, Walnut, CA 91789

MOVANT: XIAOBING CHEN

Docket 8

Courtroom Deputy:

ZoomGov Appearances by:

2/9/22 - Luat Cao

Tentative Ruling:

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

Party Information

Debtor(s):

XiaoBing Chen

Represented By
Kevin Tang

Movant(s):

Fengran Zhang

Pro Se

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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2:17-18256 Green-Light International, LLC

Chapter 7

Adv#: 2:19-01184 DYE v. de Gallegos et al

#200.00 Pretrial Conference re: 11 (Recovery of money/property - 542 turnover of property)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (13 (Recovery of money/property - 548 fraudulent transfer)), (13 (Recovery of money/property - 548 fraudulent transfer)) Complaint by Carolyn Dye against Jeffrey Norman Elliott, Max Charles Moore II, Christian de Gallegos

fr. 8-27-19, 11-19-19, 12-17-19, 2-11-20, 6-30-20, 9-15-20, 10-20-20, 2-23-21, 4-27-21, 6-15-21, 8-31-21, 11-30-21

Docket 1

***** VACATED *** REASON: CONT'D. TO 3/29/22 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for August 27, 2019:

Both parties have indicated a willingness to attend mediation. Discuss with parties the timing of mediation.

Tentative Ruling for November 19, 2019:

Parties report that they have scheduled a mediation for December 9, 2019 with Meredith Jury. Continue status conference to December 17, 2019 at 2:00 p.m. (Parties need not file a new status report prior to that status conference.) APPEARANCES WAIVED ON NOVEMBER 19, 2019.

Tentative Ruling for December 17, 2019:

Did the parties participate in a mediation before Meredith Jury? If so, was a settlement reached? Hearing required.

12/13/19 -- Court approved stipulation continuing hearing to February 11,

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CONT... Green-Light International, LLC

Chapter 7

2020 at 2:00 p.m. OFF CALENDAR FOR DECEMBER 17, 2019.

Tentative Ruling for February 11, 2020:

Set discovery cutoff for early June, 2020. Set final status conference for shortly before discovery cutoff.

4/22/20 -- Court approved scheduling order with the following dates:

Cont'd status conference -- June 30, 2020 at 2:00 p.m.

L/D to file joint status report -- June 16, 2020

Discovery cutoff -- July 31, 2020

Tentative Ruling for June 30, 2020:

Set discovery cutoff for late November, 2020. Set deadline for filing pretrial motions. Set final status conference for approximately 90 to 120 days.

6/30/20 -- Court signed scheduling order with following dates:

Discovery cutoff -- October 31, 2020

Cont'd status conference -- September 15, 2020 at 2

L/D to file joint status report -- September 1, 2020

L/D to exchange expert witness reports/designate experts -- November 16, 2020

L/D to complete expert discovery -- December 1, 2020

8/28/20 -- Court approved compromise between trustee and defendant Max Charles Moore III resolving all claims against him.

Tentative Ruling for September 15, 2020:

Continue status conference to October 20, 2020 at 2:00 p.m. to be heard concurrently with Trustee's motion for partial summary adjudication. Parties need not file new status report for that conference. OFF CALENDAR FOR SEPTEMBER 15, 2020.

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Chapter 7

Tentative Ruling for October 20, 2020:

Discuss with parties anticipated dates for filing revised motion for partial summary adjudication. Hearing required.

Tentative Ruling for February 23, 2021:

There is a court form for an attachment to the status report for additional parties. In the future, trustee should file a single, collective status report using the main form and the attachment for additional defendants.

Court notes that Jeffrey Elliott has demanded a jury trial. Assuming there is a right to a jury trial that has not been waived, this court will nevertheless handle all pretrial proceedings up through and including pretrial conference before the reference is withdrawn and the matter is returned to the district court for trial. Is there a dispute as to whether Mr. Elliott has a right to a jury trial?

Discuss with parties the timing of motion for summary judgment/partial summary adjudication and pretrial conference. Set deadline for filing pretrial motions.

4/13/21 -- Court approved stipulation modifying its prior scheduling order in the following respects:

L/D to complete discovery -- September 1, 2021

L/D to have pretrial motions heard -- October 1, 2021

L/D to designate experts and exchange expert reports -- October 31, 2021

L/D to complete expert witness discovery -- November 31, 2021.

Status conference continued to June 15, 2021 at 2:00 p.m.

OFF CALENDAR FOR APRIL 27, 2021.

Tentative Ruling for June 15, 2021:

Continue status conference to date closer to discovery cutoff -- August 31, 2021 at 2:00 p.m. Parties should file updated status report not later than

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CONT... Green-Light International, LLC

Chapter 7

August 17, 2021. APPEARANCES WAIVED ON JUNE 15, 2021.

Tentative Ruling for August 31, 2021:

Are the parties aware of LBR Form F7016-1.Status.Report.Attach? This should be used when there are more than two parties so that all parties may complete a single joint (or collective) status report form.

Is defendant Elliott requesting a further extension of the discovery cutoff? Court notes that Mr. Elliott has not consented to the entry of a final order by the bankruptcy court and demands a jury trial. Discuss mechanics of withdrawal with the parties. Hearing required.

9/3/21 -- Court approved stipulation modifying its prior scheduling order in the following respects:

L/D to complete discovery -- November 30, 2021
Status conference continued to November 30,2021 at 2:00 p.m.
L/D to file status report -- November 16, 2021

Tentative Ruling for November 30, 2021:

Discovery cutoff is today, but plaintiff reports that discovery will be completed by December 31, 2021. Does defendant consent to an extension of the discovery cutoff, or will plaintiff be moving for an extension? Hearing required.

12/6/2021 -- Court approved scheduling order setting following dates:

L/D to complete discovery -- December 31, 2021
L/D to lodge proposed joint pretrial order -- February 1,2022
Pretrial conference -- February 15, 2022 at 2:00 p.m.

1/4/22 -- Court approved compromise between trustee and defendant Jeffrey Elliott.

2/1/22 -- Court approved stipulation modifying deadlines:

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CONT... Green-Light International, LLC

Chapter 7

Cont'd discovery cutoff -- February 18, 2022
L/D to upload pretrial order -- March 7, 2022
Cont'd pretrial conference -- March 29, 2022 at 2:00 p.m.
OFF CALENDAR FOR FEBRUARY 15, 2022.

Party Information

Debtor(s):

Green-Light International, LLC

Represented By
David S Hagen

Defendant(s):

Christian de Gallegos

Represented By
Paul A Beck

Jeffrey Norman Elliott

Represented By
Jeffrey S Shinbrot

Max Charles Moore II

Represented By
Jonathan M. Saffer

Plaintiff(s):

CAROLYN A DYE

Represented By
Steven M Berman

Trustee(s):

Carolyn A Dye (TR)

Represented By
Steven M Berman

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2:18-22731 ERIN JEON

Chapter 7

Adv#: 2:20-01649 Gonzalez v. JEON et al

#201.00 Status Conference re: 14 (Recovery of money/property - other)), (13 (Recovery of money/property - 548 fraudulent transfer)) Complaint by Rosendo Gonzalez against ERIN JEON, Jong Kim, Richard Y Park, Carolyn Park, LION & ERIN CORPORATION, Mi-Kyung Kim, Jong Hwan Kim, Tae-Hyun Kim, Yong Hun Kim, Yoon Jeong Choi, Sung Sik Lim, Young Sook Kang, JSDB, Inc., Hyo Jin Japanese Restaurant, Inc.

fr. 12-15-20, 3-30-21, 6-29-21, 10-12-21, 10-14-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

12/16/20 -- Court approved scheduling order setting following dates:

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

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

L/D to lodge order appointing mediators -- January 5, 2021

Deadline to complete mediation -- March 30, 2021

1/15/21 -- Court approved order appointing mediators.

Tentative Ruling for March 30, 2021:

Where is the status report that should have been filed by March 16, 2021?
How long do the parties need to complete discovery? Hearing required.

4/2/21 -- Court approved stipulation dismissing defendant Sung Sik Lim only.

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CONT... ERIN JEON

Chapter 7

Tentative Ruling for June 29, 2021:

Where is the scheduling order that plaintiff was to lodge after the last status conference (setting discovery cutoff of October 29, 2021)? Where is the joint status report that should have been filed by June 15, 2021? Hearing required.

Final Ruling for June 29, 2021:

Set discovery cutoff of October 29, 2021. Continue status conference to October 12, 2021 at 2:00 p.m. (later continued by the Court to October 14, 2021 at 10:00 am). Parties should file updated status report not later than September 28, 2021. Court will enter order imposing sanctions of \$150 each on counsel for defendants for failing to appear at status conference and \$150 each on parties who have failed to make initial disclosures. Court will prepare scheduling order.

Tentative Ruling for October 14, 2021:

In status report, certain of the parties represent that they anticipate completing their discovery by April 1, 2022. Are the parties requesting an extension of the October 29, 2021 discovery cutoff?

11/29/21 -- Court approved scheduling order with following dates:
Cont'd status conference -- February 15, 2022 at 2:00 pm
Cont'd discovery cutoff -- April 29, 2022
L/D to file updated status report -- February 1, 2022

Tentative Ruling for February 15, 2022:

According to status report, defendant may file a summary judgment motion. Set deadline for filing pretrial motions and continue status conference to date that can serve as date of hearing on pretrial motions.

Are parties on track to complete discovery by April 29, 2022? Hearing required.

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CONT... ERIN JEON

Chapter 7

Debtor(s):

ERIN JEON

Represented By
Jaenam J Coe
Gilad Berkowitz

Defendant(s):

ERIN JEON

Represented By
Jaenam J Coe

Jong Kim

Represented By
Jaenam J Coe

Richard Y Park

Represented By
Jaenam J Coe

Carolyn Park

Represented By
Jaenam J Coe

LION & ERIN CORPORATION

Represented By
Jaenam J Coe

Yong Hun Kim

Represented By
Jaenam J Coe

Yoon Jeong Choi

Represented By
Todd A Fuson

Young Sook Kang

Represented By
Todd A Fuson

JSDB, Inc.

Represented By
Jaenam J Coe

Hyo Jin Japanese Restaurant, Inc.

Represented By
Todd A Fuson

DOES 1 through 30, inclusive

Pro Se

Joint Debtor(s):

Jong Kim

Represented By
Jaenam J Coe

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CONT... ERIN JEON

Chapter 7

Gilad Berkowitz

Plaintiff(s):

Rosendo Gonzalez

Represented By
Cameron H Totten
Jaenam J Coe
Todd A Fuson

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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2:20-10969 Sherrie Nicole Lockhart-Johnson

Chapter 7

Adv#: 2:20-01073 Willard v. Lockhart-Johnson et al

#202.00 Status Conference re: Notice of Appeal on BAP Number: CC 20-1161 - Ruling:
Vacated and Remanded back to the Bankruptcy Court

fr. 9-28-21

Docket 43

Courtroom Deputy:

12/28/21 - Amended Complaint filed.

1/3/22 - Another Summons issued.

ZoomGov Appearances by:

2/11/22 - Sherrie Lockhart-Johnson

2/14/22 - Sharlene Willard

Tentative Ruling:

Tentative Ruling from September 28, 2022:

BAP agreed that plaintiff failed to state a claim but reversed and remanded as to this court's decision to deny leave to amend. BAP did a better job than this court of divining what plaintiff was trying to say in her complaint. BAP believes that complaint might possibly be saved by an amendment alleging sufficient facts to support a claim that the obligation is a community obligation, that it would be excepted from the discharge in a hypothetical bankruptcy case commenced by the nondebtor spouse and that the community property discharge provisions of 523(a)(4) should not apply.

Enter new order granting motion to dismiss that grants leave to amend and sets deadline for filing and responding to amended complaint.

9/29/21 -- Court entered order granting motion to dismiss with leave to amend

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CONT... **Sherrie Nicole Lockhart-Johnson**
and setting following dates:

Chapter 7

L/D to file amended complaint -- December 31, 2021
L/D to file and serve response to complaint -- January 25, 2021
Cont'd status conference -- February 15, 2021 at 2:00 pm.
Parties are directed to mediate this dispute before Sevan Gorgonian on a pro bono basis.

10/12/21 -- Court entered order appointing Gorgonian as mediator.

Tentative Ruling for February 15, 2022:

Set deadline for completion of discovery of approximately 90 to 120 days.
Set continued status conference for approximately same time frame. (NOTE:
This is a core matter. The court has jurisdiction to enter final orders, with or
without the plaintiff's consent.)

Party Information

Debtor(s):

Sherrie Nicole Lockhart-Johnson	Represented By Michael Okayo
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Defendant(s):

Sherrie Nicole Lockhart-Johnson	Pro Se
Steve Todd Johnson	Pro Se

Plaintiff(s):

Sharlene Willard	Pro Se
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Trustee(s):

Sam S Leslie (TR)	Pro Se
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Chapter 0

Adv#: 2:21-01255 Moshkovich v. Golubchik et al

#203.00 Status Conference re: Notice of Removal by David Golubchik, Levene Neale
Bender Yoo & Brill LLP

Docket 1

Courtroom Deputy:

ZoomGov Appearances by:

2/14/22 - Allen L. Michel

Tentative Ruling:

Tentative Ruling for February 15, 2022:

Continue status conference to March 1, 2022 at 2:00 p.m. to be heard
concurrently with motion to dismiss. OFF CALENDAR FOR FEBRUARY 15,
2022.

Party Information

Defendant(s):

Does 1 - 50, Inclusive

Pro Se

David Golubchik

Represented By
Allen L Michel

Levene Neale Bender Yoo & Brill

Represented By
Allen L Michel

Plaintiff(s):

Gennady Moshkovich

Pro Se

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2:00 PM

2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:21-01197 QUONSET PARTNERS LLC et al v. Glenroy Coachella, LLC et al

#204.00 Status Conference re: 21 (Validity, priority or extent of lien or other interest in property)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) Complaint by Quonset Partners, LLC against Glenroy Coachella, LLC, City of Coachella, Richard A. Marshack

fr. 12-7-21

Docket 1

Courtroom Deputy:

12/22/21 - Another summons issued

ZoomGov Appearance by:

1/26/22 - Caroline Djang

2/14/22 - Marsha A. Houston

Tentative Ruling:

Docket reflects the issuance of summons, but not service of the summons. Have the summons and complaint been served? If not, why not? (Note: At this point, summons is stale. Plaintiff will need to request replacement summons if it was not served in a timely manner.)

1/24/22 -- Court approved stipulation continuing deadline to respond to complaint to February 2, 2022.

Tentative Ruling for February 15, 2022:

Continue status conference to March 8, 2022 at 2:00 p.m. to be heard concurrently with motion to dismiss. OFF CALENDAR FOR FEBRUARY 15, 2022.

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CONT... Glenroy Coachella, LLC

Chapter 7

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Glenroy Coachella, LLC

Pro Se

City of Coachella

Represented By
Caroline Djang

RICHARD A. MARSHACK

Pro Se

All persons unknown, claiming any

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

QUONSET PARTNERS LLC

Represented By
David R. Welch
Aluyah I Imoisili

THE COACHELLA

Represented By
Aluyah I Imoisili
David R. Welch

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

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

Tuesday, February 15, 2022

Hearing Room 1539

2:00 PM

2:21-15623 Diane F. Ashbee

Chapter 7

Adv#: 2:21-01200 Albertini et al v. ASHBEE

#205.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) 68 (Dischargeability - 523(a)(6), willful and malicious injury)) Complaint by Dante Albertini, Peru Fashions, S.A.C., a Peruvian entity, Delfonas Investments, a Panamanian entity against Diane Ford Ashbee

fr. 12-7-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

2/14/22 - Jacob Ohlemeyer

2/14/22 - Minh Luong

Tentative Ruling:

Docket reflects the issuance of summons, but not service of the summons. Have the summons and complaint been served? If not, why not? (Note: At this point, summons is stale. Plaintiff will need to request replacement summons if it was not served in a timely manner.)

12/9/21 -- Court entered scheduling order setting deadline of December 21, 2021 for defendant to serve and file response to complaint.

Tentative Ruling for February 15, 2022:

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

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Los Angeles
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2:00 PM

CONT... Diane F. Ashbee

Chapter 7

Party Information

Debtor(s):

Diane F. Ashbee

Represented By
Michael E Plotkin

Defendant(s):

DIANE FORD ASHBEE

Represented By
Michael E Plotkin

Plaintiff(s):

Dante Albertini

Represented By
Minh Hieu Luong

PERU FASHIONS, S.A.C., a

Represented By
Minh Hieu Luong

DELFONAS INVESTMENTS, a

Represented By
Minh Hieu Luong

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Tuesday, February 15, 2022

Hearing Room 1539

2:00 PM

2:21-15623 Diane F. Ashbee

Chapter 7

Adv#: 2:21-01202 Albertini et al v. ASHBEE

#206.00 Status Conference re: 41 (Objection/Revocation of Discharge - 727 (c), (d), (e));
Complaint by Dante Albertini, Peru Fashions, S.A.C., a Peruvian entity, Delfonas
Investments, a Panamanian entity against Diane Ford Ashbee

fr. 12-7-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

2/14/22 - Jacob Ohlemeyer

2/14/22 - Minh Luong

Tentative Ruling:

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

Party Information

Debtor(s):

Diane F. Ashbee

Represented By
Michael E Plotkin

Defendant(s):

DIANE FORD ASHBEE

Represented By
Michael E Plotkin

Plaintiff(s):

Dante Albertini

Represented By
Minh Hieu Luong

PERU FASHIONS, S.A.C., a

Represented By

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CONT...

Diane F. Ashbee

Chapter 7

Minh Hieu Luong

DELFONAS INVESTMENTS, a

Represented By
Minh Hieu Luong

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 15, 2022

Hearing Room 1539

2:00 PM

2:20-11846 Deco Enterprises, Inc.

Chapter 11

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

#207.00 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

Docket 1

***** VACATED *** REASON: CONT'D. TO 4/5/22 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

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.

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?

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CONT... Deco Enterprises, Inc.

Chapter 11

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.

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

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

Tentative Ruling for March 30, 2021:

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2:00 PM

CONT... Deco Enterprises, Inc.

Chapter 11

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
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

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CONT... Deco Enterprises, Inc.

Chapter 11

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.

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

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

Tuesday, February 15, 2022

Hearing Room 1539

2:00 PM

2:19-20332 West Coast Distribution, Inc.

Chapter 11

Adv#: 2:21-01240 Faith v. Elbasri et al

#208.00 Motion of Jilali Elbasri to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can be Granted

Docket 15

Courtroom Deputy:

ZoomGov Appearances by:

2/9/22 - David Goodrich

Tentative Ruling:

Deny motion to dismiss and set deadline for defendant to file answer to complaint.

Trustee sought, and obtained, an extension of the deadline imposed by section 546 for the filing of avoiding power claims and there is nothing in the plan that can be read as allowing Elbasri's claim because no action or objection was filed prior to confirmation. It was always the court's intention, as evidenced by the express language of the plan, for there to be a separate order allowing (or disallowing) Elbasri's claim before it would be paid from the proceeds of the sale after litigation (or negotiation) had resolved any issues as to the validity/priority/enforceability of Elbasri's claims. Recall that the Court did not permit Elbasri to credit bid at the sale precisely because of the existence of bona fide disputes as to the validity of his claims.

There is some caselaw for the proposition that, on appropriate facts, where creditors have been lulled into thinking that their claims have been allowed, it may be appropriate to estop a reorganized debtor from objecting to claims after confirmation, but none of these cases would support such a theory on these facts. There is no basis whatsoever on these facts for Elbasri to have believed that it was anyone's intention to treat his claims as allowed without litigation as to their merits -- hence the language of the plan specifically requiring a separate subsequent order allowing the claims before any payment would be made on their account.

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CONT... West Coast Distribution, Inc.

Chapter 11

Elbasri is mistaken that breach of fiduciary duty and negligence claims belong to creditors. Breach of fiduciary claims, whether based on willful misconduct or negligence, are claims for injury *to the debtor*. Outside of bankruptcy, creditors may be permitted to bring these claims *derivatively* because the corporation, controlled by the parties who breached their fiduciary duties, is unlikely to do so. By definition, a derivative claim is one that can and should be prosecuted by the corporation, not by its creditors. The trustee has standing to bring these claims on behalf of the estate.

Note: Court rejects argument that it was inappropriate for Elbasri to bring a motion to dismiss. Court wanted these disputes resolved through an adversary proceeding, but court did not mean to prohibit anyone from bringing any of the types of motions that one can bring in an adversary proceeding.

Party Information

Debtor(s):

West Coast Distribution, Inc.

Represented By

Ron Bender

Lindsey L Smith

Merhab, Robinson & Clakson, Law

Defendant(s):

Jilali Elbasri

Represented By

David B Shemano

P.J. Group, Inc.

Pro Se

Infinitif Auto Sales, Inc.

Pro Se

Jeb & Associates, LLC

Pro Se

Me You One, Co., LTD., LLC

Pro Se

Customized, Inc.

Pro Se

Movant(s):

Jilali Elbasri

Represented By

David B Shemano

**United States Bankruptcy Court
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CONT... West Coast Distribution, Inc.

Chapter 11

David B Shemano

Plaintiff(s):

Jeremy W. Faith

Represented By
David M Goodrich
Sonja Hourany

**United States Bankruptcy Court
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Tuesday, February 15, 2022

Hearing Room 1539

2:00 PM

2:15-20351 CLARK WARREN BAKER

Chapter 7

Adv#: 2:15-01535 Murtagh v. BAKER et al

#209.00 Plaintiff's Motion for Default Judgment under 7055-1

fr. 8-17-21(holding date), 9-28-21, 1-25-22

Docket 776

Courtroom Deputy:

ZoomGov Appearances by:

2/14/22 - J'aime Williams Kerper

2/14/22 - Leslie A. Cohen

2/14/22 - Jessica Ponce

2/14/22 - Derek Linke

Tentative Ruling:

Tentative Ruling for August 17, 2021:

The only timely objection is that of Clark Baker, but that objection is not well-founded. The only argument advanced in that objection is that the amount of damages requested in the motion exceeds the amount requested in the complaint filed in state court, but that has no bearing on anything. As the objection itself notes in a footnote, the complaint that commenced this adversary proceeding did not specify a damage amount, and the court's findings of fact in this adversary proceeding were not in any way based on anything that transpired in the state court action. The defendant answered

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CONT... CLARK WARREN BAKER

Chapter 7

the complaint in this action and only had his answer stricken as a sanction for misconduct. Any argument that may be framed based on a defendant's reliance upon the amount of damages specified in a complaint as to his maximum exposure in a lawsuit has nothing to do with his potential exposure in a different lawsuit in which he did not decide to default.

With regard to NIC's opposition, it is late-filed and far beyond the scope of anything that NIC may argue in this action. NIC is not a defendant and was only brought in in connection with its assertion of privilege with regard to documents sought through discovery. The court will not entertain any arguments that NIC may wish to advance as to the breadth or propriety of the injunction generally. Moreover, NIC itself states on page 7, at lines 9 through 11 of its opposition, "Other than in the *NIC v. NTG* lawsuit, NIC has no intention (and has never) published content about or concerning Dr. Murtagh." The Court is willing to have NIC explain in concrete and specific detail what NIC has published with regard to Dr. Murtagh and why so that the court may determine whether this content should or should not fall within the scope of the proposed injunction.

The court rejects NIC's request for an order concerning the future of data turned over to Mr. Broom. There are numerous orders governing how that data should be handled and none of that is relevant to the resolution of this motion.

The court also rejects plaintiff's request for issuance of an OSC concerning the payment of fees and costs by NIC. If plaintiff would like to recover fees and costs from NIC, he should commence a separate proceeding against it in an appropriate forum, but the Court will not issue such an order in this proceeding.

With regard to the merits of this motion, the court has already made all of the factual findings necessary to support a judgment under section 523(a)(6) for willful and malicious injury to plaintiff by defendant Baker. Baker embarked upon and has continued for years a campaign to inflict injury on Dr. Murtagh, with the express purpose of, among other things, ruining him professionally. There could not be a clearer example of willful and malicious injury warranting an exception to discharge under section 523(a)(6). The only issue is the

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CONT... CLARK WARREN BAKER

Chapter 7

amount of damage that the plaintiff has suffered. Plaintiff has provided sufficient evidence and expert testimony to support his request for a compensatory damage award of \$10,342,525. In addition, both the state court sanction award of \$60,000 and this court's sanction award of \$133,319.71 should be excepted from discharge under section 523(a)(6) as well in light of the nature of the conduct for which Baker was sanctioned. Hearing required as to propriety of request for punitive damages of \$20,000,000. How did plaintiff arrive at this figure?

With regard to plaintiff's request for injunctive relief, court agrees that, absent injunctive relief, Baker will continue to engage in the same harmful conduct and will continue to inflict damage upon plaintiff in the same manner. Subject to the issue noted above with regard to *NIC v. NTG*, include in judgment injunctive relief requested by plaintiff.

Final Ruling for August 17, 2021:

Motion granted insofar as plaintiff requests that compensatory damage award of \$10,342,525, state court sanction award of \$60,000 and this court's sanction award of \$133,319.71 be excepted from discharge under section 523(a)(6). Court set forth on record necessary revisions to form of permanent injunction. Plaintiff should file supplemental brief on punitive damages not later than August 30, 2021. Defendant may file and serve opposition not later than September 10, 2021. Plaintiff should upload revised injunction and file redlined version showing changes. Court will, if possible, resolve issue on papers, but set holding date of September 28, 2021 at 2:00 p.m. (Status conference continued to same date and time.)

Tentative Ruling for September 28, 2021:

State court procedures (which are not applicable here) enable defendant to request bifurcation of liability and compensatory damages issues from punitive damage issues or to request protective order to defer discovery (or admission of evidence) concerning financial condition to avoid prejudice at trial. Plaintiff's brief does not discuss whether comparable procedures apply in federal court, but defendant never requested bifurcation of these issues.

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CONT... CLARK WARREN BAKER

Chapter 7

Defendant refused to respond to initial round of discovery concerning his financial condition on grounds of relevance, but did not seek protective order or bifurcation, and plaintiff's brief does not discuss whether the court ever adjudicated the merits of the debtor's relevancy objections or ordered the production of financial documents in response to these discovery requests.

Defendant notes that there was a later round of discovery concerning the defendant's financial condition that both parties have characterized as being "post-judgment." (No judgment had been entered, so this characterization is not quite accurate. Court assumes that parties are referring to discovery taken after court struck defendant's answer and authorized plaintiff to proceed by way of default.) The defendant's responses to this set of discovery included another round of objections and several instances in which defendant responded, without waiving the objections, that the requested documents do not exist.

However, with regard to tax returns, defendant refused to produce the requested documents on privilege grounds, and, with regard to bank statements and financial statements, defendant responded that there are no documents other than the defendant's bankruptcy documents and the documents that were already produced in connection with the defendant's deposition. Neither side has told the court what, if any, documents were produced by the defendant in connection with the defendant's deposition.

Did the plaintiff ever seek an order compelling the production of the defendant's tax returns? Did the debtor ever seek a protective order concerning the production of his tax returns? The cases cited by the plaintiff for the proposition that defendant should be estopped from challenging the amount of punitive damages requested based on defendant's failure to produce financial records were instances in which a court had ordered the defendant to produce the documents and the defendant had failed to do so.

On the issue of the discoverability of income tax returns, "public policy favors the nondisclosure of income tax returns." EEOC v. Princeton Healthcare Sys., 2012 U.S. Dist. LEXIS 65115 (Civil Action No. 10-4126), *61 (D.N.J. 2012)(Quoting Jackson v. Unisys, Inc., 2009 U.S. Dist. LEXIS 121716, *4-5 (E.D.Pa. 2010). See also De Masi v.

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CONT...

CLARK WARREN BAKER

Chapter 7

Weiss, 669 F.2d 114, 119 (3d Cir. 1982) ("[P]rivate individuals have legitimate expectations of privacy regarding the precise amount of their incomes."). In deciding a motion to compel income tax returns, the Court is required to consider two important competing interests: The tax payer's expectation of privacy and the liberal discovery policy embodied in and contemplated by Federal Rule of Civil Procedure 26. De Masi, supra, 669 F.2d at 119; EEOC, supra, 2012 U.S. Dist. LEXIS 65115 at *61. Thus, courts apply a two-part test when balancing these two interests; first, the court determines the relevance of the tax returns to the litigation; if the returns are found to be relevant, the court then determines whether there is a compelling need for the tax returns due to the sought after information being otherwise unavailable. Id.; Farmers & Merchants Nat'l Bank v. San Clemente Fin. Group Sec., 174 F.R.D. 572, 585 (D.N.J. 1997). It is the party that is objecting to producing the information that bears the burden of proving that the information is otherwise available. EEOC, supra, 2012 U.S. Dist. LEXIS 651152 at *62. Consequently, even where a plaintiff's income tax returns contain relevant financial information, they may still be protected from disclosure based on the policy favoring non-disclosure of income tax returns if the relevant information is available via other less invasive reliable sources. Farmers & Merchants Nat. Bank, 174 F.R.D at 585.

Robinson v. Horizon Blue Cross-Blue Shield, Civil Action No. 2:12-CV-02981-ES-JAD, 2013 U.S. Dist. LEXIS 180325, at *7-9 (D.N.J. Dec. 23, 2013).

Defendant cannot seriously contend that the relevant information is available via another less invasive reliable source. There is a dearth of other available documentation, according to defendant's own responses to the discovery requests. Accordingly, enter order requiring defendant to produce his tax returns for a period of three years prior to the bankruptcy and all years since the bankruptcy filing and bank statements, including brokerage statements, for the same period (except to the extent that these documents have already been produced to the plaintiff). (Based on debtor's responses to the interrogatories and document production requests, it does not appear that debtor has any documents concerning his financial condition other than these documents.) If defendant fails to produce these documents within the time

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CONT... CLARK WARREN BAKER

Chapter 7

period specified by the order, court will treat debtor as being estopped to challenge the plaintiff's request for \$20 million in punitive damages. If he does produce the requested documents, court will evaluate the plaintiff's request in light of the content of these documents.

1/10/22 -- Court approved stipulation continuing hearing to February 15, 2022 at 2:00 p.m. (See order for additional dates.) OFF CALENDAR FOR JANUARY 25, 2022.

2/2/22 -- Court approved stipulation modifying briefing schedule. Plaintiff has until February 3, 2022 to file and serve supplemental papers under paragraph 4 of the November Order. Defendant will have until February 9, 2022 to file and serve a response, if any. Plaintiff will have until February 11, 2022 to file and serve a reply.

Final Ruling for September 28, 2021:

(See order entered November 8, 2021.) Court ordered defendant to produce information and documentation relating to his financial condition within 60 days from the entry of the order and established a briefing schedule for a continued hearing on plaintiff's motion that was originally scheduled for, but subsequently continued by stipulation to, February 15, 2022 at 2:00 p.m.

Tentative Ruling for February 15, 2022:

Baker argues that this court's order did not require him to obtain the missing records from his financial institutions. This is incorrect and this Court finds that Baker is in control of all records that he could have obtained from his current (and former) financial institutions. "The phrase 'possession, custody or control' is in the disjunctive and only one of the numerated requirements need be met." Cumis Ins. Society, Inc. v. South-Coast Bank, 610 F. Supp. 193, 196 (N.D. Ind. 1985). Actual possession of the requested documents is not required. A party may be ordered to produce a document in the possession of a non-party entity if that party has a legal right to obtain the document or has control over the entity who is in possession of the document. Buckley v. Vidal, 50 F.R.D. 271, 274 (S.D.N.Y. 1970).

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Chapter 7

The term "control" includes the legal right of the producing party to obtain documents from other sources upon demand. Biben v. Card, 119 F.R.D. 421, 425 (W.D. Mo. 1987) (citing Searock v. Stripling, 736 F.2d 650, 653 (11th Cir. 1984)); see also Resolution Trust Corp. v. Deloitte & Touche, 145 F.R.D. 108, 110 (D. Colo. 1992) (holding that party with right to obtain regulatory agency documents upon demand has "control" of such material within the meaning of Fed. R. Civ. Proc. 34); Biben v. Card, 119 F.R.D. at 425 (ordering party to obtain documents from regulatory agency in response to discovery request).

Soto v. City of Concord, 162 F.R.D. 603, 619-20 (N.D. Cal. 1995).

A review of the debtor's responses to the court-ordered discovery and his deposition testimony reveals that Baker made no effort to obtain documents and information responsive to the document production request other than looking through what was available on his computer and what he could remember. He made no effort to obtain documents from third parties that were under his control and offered no meaningful excuse for this failure.

Baker is correct that ability to pay is ordinarily the key issue in assessing punitive damages, but plaintiff has cited numerous authorities for the proposition that, when a party fails to provide requested information concerning his financial condition, he can be estopped from arguing that he lacks the ability to pay. Court is prepared to assume that the documents that have not been provided, such as records concerning bitcoin accounts, etrade accounts, bank statements, etc. show a net worth far in excess of what Baker is willing to disclose.

Grant plaintiff's request for an award of punitive damages equal to twice the amount of the compensatory damage award.

Party Information

Debtor(s):

CLARK WARREN BAKER

Represented By
Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER

Represented By

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CONT... CLARK WARREN BAKER

Chapter 7

Jessica Ponce I

Movant(s):

James Murtagh

Represented By
David P Bleistein
Lisa Hiraide
Derek Linke
Derek A Newman

James Murtagh

Represented By
David P Bleistein
Lisa Hiraide
Michael J Conway
Douglas M Neistat

Plaintiff(s):

James Murtagh

Represented By
David P Bleistein
Lisa Hiraide
Derek Linke
Derek A Newman

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

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2:00 PM

2:15-20351 CLARK WARREN BAKER

Chapter 7

Adv#: 2:15-01535 Murtagh v. BAKER et al

#210.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny) (68 (Dischargeability - 523(a)(6), willful and malicious injury)) Complaint by James Murtagh against Clark Warren Baker

fr. 12-8-15, 2-9-16, 4-5-16, 5-10-16, 5-24-16, 5-31-16, 9-27-16, 11-15-16, 1-10-17, 3-14-17, 6-13-17, 6-27-17, 7-11-17, 10-31-17, 2-13-18, 3-13-18, 5-8-18, 6-27-18, 8-16-18, 9-27-18, 12-11-18, 1-8-19, 3-12-19, 4-2-19, 6-11-19, 7-30-19, 10-15-19, 11-19-19, 12-3-19, 3-31-20, 6-16-20, 7-21-20, 10-27-20, 11-10-20, 12-15-20, 1-12-21, 4-27-21, 8-17-21, 9-28-21, 1-25-22

Docket 1

Courtroom Deputy:

ZoomGov Appearances by:

2/14/22 - J'aime Williams Kerper

2/14/22 - Leslie A. Cohen

2/14/22 - Jessica Ponce

Tentative Ruling:

Defendant's counsel should not handwrite documents to be filed with the Court. His writing is illegible.

Continue status conference to May 10, 2016 at 2:00 p.m. to be heard concurrently with related matters that will be on calendar for that date. OFF CALENDAR. NO APPEARANCE REQUIRED.

Tentative Ruling for May 31, 2016:

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

6/2/16 -- Court signed scheduling order setting following dates:

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

Tuesday, February 15, 2022

Hearing Room 1539

2:00 PM

CONT... CLARK WARREN BAKER

Chapter 7

Cont'd status conference -- September 27, 2016 at 2:00 p.m.
L/D to file joint status report -- September 13, 2016
Discovery cutoff -- September 30, 2016
L/D to lodge order appointing mediator -- June 17, 2016
Deadline to complete mediation -- September 27, 2016

7/6/16 -- court approved order appointing mediators.

Tentative Ruling for September 27, 2016:

Plaintiff has filed a notice of inability to prepare joint status report. Where is the declaration required by LBR 7016-1(a)(3) that must be included whenever a party submits a unilateral status report? Why haven't the parties used the mandatory status report form required by LBR 7016-1(a)(2)? When counsel for plaintiff provided a draft status report that did not comply with the Local Bankruptcy Rules, why didn't counsel for the defendant file a unilateral report in compliance with LBR 7016-1(a)(3)?

Impose sanctions of \$150 on counsel for each of the parties. Counsel for the plaintiff is urged to download a current version of the Court's local rules, as he is apparently relying on an outdated version of the rules. He should refer to the Court's website.

As a result, although there is a great deal of alleged information contained in plaintiff's filing, none of it is evidence and it does not address the issues that are supposed to be included in the status report.

Set continued status conference in approximately 30 to 45 days. Parties are to file the required joint status report form not less than two weeks prior to the continued status conference.

Tentative Ruling for March 14, 2017:

Revisit status of action after conclusion of hearing on matter no.101.

3/25/17 -- Court signed scheduling order setting following dates:

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CONT... CLARK WARREN BAKER

Chapter 7

Cont'd status conference -- June 13, 2017 at 2:00 p.m.

L/D to file joint status report -- May 30, 2017

L/D to designate experts and exchange reports -- May 15, 2017

L/D to exchange responsive reports -- June 12, 2017

5/26/17 -- Court granted motion to extend June 12 deadline to June 19 and continued status conference to June 27, 2017 at 2:00 p.m. OFF CALENDAR FOR JUNE 13, 2017.

6/12/17 -- Court approved stipulation continuing hearing to July 11, 2017 at 2:00 p.m. OFF CALENDAR FOR JUNE 27, 2017.

Tentative Ruling for July 11, 2017:

Parties were to exchange expert witness reports. They did not need to file them. On May 16, 2017, Court reopened discovery for a period of 60 days from that date to permit the parties to conduct additional discovery related to the website www.baddocjrm.com. Are the parties on track to complete that discovery by July 15?

Set deadline for the completion of expert discovery. Has all other discovery been completed?

Set pretrial conference and deadline for lodging joint pretrial order. Discuss with parties form of proposed pretrial order.

8/15/17 -- Court approved scheduling order setting following dates:

L/D to complete expert discovery -- September 15, 2017

Cont'd status conference -- October 31, 2017 at 2:00 p.m.

L/D to file joint status report -- October 17, 2017

Tentative Ruling for October 31, 2017:

In light of court's rulings in related matters, when does plaintiff anticipate that he will be ready for trial.

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CONT... CLARK WARREN BAKER

Chapter 7

2/6/18 -- Court approved stipulation continuing hearing to March 13, 2018 at 2:00 p.m. OFF CALENDAR FOR FEBRUARY 13, 2018.

Tentative Ruling for March 13, 2018:

Continue status conference to March 20, 2018 at 2:00 p.m. to be heard concurrently with motion on calendar for that date and time. Where is status report that should have been filed two weeks before status conference?
APPEARANCES WAIVED ON MARCH 13, 2018.

Tentative Ruling for June 27, 2018:

Continue status conference to date of hearing on OSC (August 16, 2018 at 10:00 a.m.)

Tentative Ruling for August 16, 2018:

Revisit status of action after conclusion of hearing on OSC.

Tentative Ruling for September 27, 2018:

Continue status conference to a date after neutral expert should have filed his initial status report.

Tentative Ruling for December 11, 2018:

Revisit status of action after conclusion of hearing on matter no. 209.

12/10/18 -- Court approved stipulation continuing hearing to January 8, 2019 at 2:00 p.m. OFF CALENDAR FOR DECEMBER 11, 2018. NO APPEARANCE REQUIRED.

Tentative Ruling for January 8, 2019:

Revisit status of action after conclusion of hearing on matter no. 209.

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CONT... CLARK WARREN BAKER

Chapter 7

3/6/19 -- Court continued hearing to April 2, 2019 at 10:00 a.m. to be heard concurrently with related matters on calendar for that date and time.

Tentative Ruling for April 2, 2019:

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

Tentative Ruling for June 11, 2019:

For reasons set forth in tentative ruling for matter no. 7, strike Baker's answer to complaint and enter judgment for plaintiff and take status conference off calendar. Plaintiff should lodge proposed form of judgment.

Final Ruling for June 11, 2019:

Court held that it would be more appropriate for plaintiff to file a motion for default judgment once Baker's answer has been stricken than for the court to grant summary judgment summarily. Court extended deadline for plaintiff to file motion for default judgment to December 2, 2019.

What is the status of this matter? What progress has been made with regard to the turnover of records from the neutral expert to the plaintiff? Hearing required.

Tentative Ruling for November 19, 2019:

What is the status of this matter? What progress has been made with regard to the turnover of records from the neutral expert to the plaintiff?

11/18/19 -- At plaintiff's request, Court continued status conference to December 3, 2019 at 10:30 a.m. to be heard concurrently with other matters set for hearing at that date and time. OFF CALENDAR. NO APPEARANCE REQUIRED.

Tentative Ruling for December 3, 2019:

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CONT...

CLARK WARREN BAKER

Chapter 7

Continue status conference to date that can be used for hearing on motion for default judgment (which must be filed by March 20, 2020).

Final Ruling for December 3, 2019:

Continue status conference to March 31, 2020 at 2:00 p.m. Plaintiff should file and serve a unilateral status report not later than March 17, 2020.

Tentative Ruling for March 31, 2020:

Where is the status report that plaintiff should have filed by March 17? Why hasn't counsel for plaintiff filed stipulation with Mr. Broom or lodged order resolving motion for turnover? Hearing required.

Status report filed on March 27, 2020. Court received copy on March 30, 2020. It now appears that plaintiff has abandoned any attempts to obtain information from Mr. Broom and plans to file yet another motion that he believes will enable him to maintain the information that he desires. Has that motion been filed and, if so, when is it set for hearing? Court still needs the order that plaintiff was to lodge in connection with turnover motion. Court will not want to rule on that motion until it has memorialized in an order its prior ruling on the latest turnover motion.

Tentative Ruling for June 16, 2020:

Revisit status of action after conclusion of related matter on calendar. Discuss with parties plaintiff's request for a further extension of deadline to file motion for default judgment.

7/2/20 -- Court approved scheduling order setting continued status conference for July 21, 2020 at 2:00 p.m., requiring parties to file joint status report by July 7, 2020 and extending the deadline for plaintiff to file a default judgment motion to July 31, 2020.

Tentative Ruling for July 21, 2020:

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

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CONT... CLARK WARREN BAKER

Chapter 7

8/4/20 -- Court approved scheduling order extending deadline to file default judgment motion to October 30, 2020.

Tentative Ruling for October 27, 2020:

Continue status conference to date of hearing on one or more of the motions that plaintiff plans to file.

Tentative Ruling for December 15, 2020:

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

1/12/21 -- At hearing held this date, Court continued status conference to April 27, 2021 at 2:00 p.m. OFF CALENDAR FOR MARCH 2, 2021.

Tentative Ruling for April 27, 2021:

Discuss with parties the prospect of extending the discovery cutoff and continuing the deadline for the filing of a motion for default judgment.

5/3/21 -- Court signed scheduling order setting following dates:

Cont'd status conference August 17, 2021 at 2:00 p.m.

Status report waived

L/D to complete discovery -- July 6, 2021

L/D to file motion for default judgment -- July 27, 2021

L/D to have motion for default judgment heard -- August 17, 2021 at 2:00

Tentative Ruling for September 28, 2021:

Continue status conference to date of continued hearing on motion for default judgment.

1/10/22 -- Court approved stipulation continuing status conference to February 15, 2022 at 2:00 p.m. (See order for additional dates.) OFF

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CONT... CLARK WARREN BAKER
CALENDAR FOR JANUARY 25, 2022.

Chapter 7

Tentative Ruling for February 15, 2022:

Revisit status of adversary proceeding after conclusion of hearing on motion
for default judgment.

Party Information

Debtor(s):

CLARK WARREN BAKER

Represented By
Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER

Represented By
Jessica Ponce I

Plaintiff(s):

James Murtagh

Represented By
David P Bleistein
Lisa Hiraide
Derek Linke
Derek A Newman

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01142 Southwest Guaranty Investors, Ltd. v. Slotkin

#211.00 Plaintiff's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment

Docket 36

***** VACATED *** REASON: CONT'D. TO 3/15/22 @ 2PM**

Courtroom Deputy:

2/8/22 - Notice of continued hearing filed. Hearing continued to MARCH 15, 2022 @ 2PM

Tentative Ruling:

OFF CALENDAR. CONTINUED TO MARCH 15, 2022 AT 2:00 P.M.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen
Jon H Freis

Defendant(s):

Mark Abbey Slotkin

Represented By
Jon H Freis

Movant(s):

Southwest Guaranty Investors, Ltd.

Represented By
Hamid R Rafatjoo

Plaintiff(s):

Southwest Guaranty Investors, Ltd.

Represented By
Hamid R Rafatjoo

Trustee(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol

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CONT...

Mark Abbey Slotkin

Jessica Wellington

Chapter 7

**United States Bankruptcy Court
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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01142 Southwest Guaranty Investors, Ltd. v. Slotkin

#212.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (41 (Objection / revocation of discharge - 727(c),(d),(e))) Complaint by Southwest Guaranty Investors, Ltd. against Mark Abbey Slotkin

fr. 8-25-20, 12-1-20, 4-6-21, 4-27-21, 6-29-21, 11-16-21, 11-18-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Set discovery cutoff and continue status conference for approximately three to four months.

8/28/20 -- Court signed scheduling order setting discovery cutoff for February 26, 2021.

Tentative Ruling for December 1, 2020:

Are parties requesting extension of February discovery cutoff? Hearing required.

12/4/20 -- Court approved scheduling order setting following dates:

Status conference continued to April 6, 2021 at 2:00 p.m.

L/D to file joint status report -- March 23, 2021

Discovery cutoff extended to July 30, 2021.

Tentative Ruling for April 6, 2021:

What, if any, progress has been made in this action since the last status conference? Has any discovery been conducted? Hearing required.

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CONT... Mark Abbey Slotkin

Chapter 7

Tentative Ruling for April 27, 2021:

Court continued status conference to this date so that dates can be coordinated with status conferences in trustee's adversary proceeding. Continue status conference to date set for continued status conference in trustee's adversary proceeding.

Tentative Ruling for June 29, 2021:

Plaintiff filed a unilateral status report. Where is the declaration that must accompany a unilateral status report pursuant to LBR 7016-1(a)(3)? Hearing required.

7/2/21 -- Court approved scheduling order setting discovery cutoff of November 16, 2021.

Tentative Ruling for November 18, 2021:

Plaintiff reports that discovery has been completed. (Discovery cutoff was November 16, 2021.) Defendant represents that he needs an additional six months. Is plaintiff willing to stipulate to an extension of the discovery cutoff? If not, set deadline for defendant to bring a motion for such an extension.

Hearing required.

11/22/21 -- Court approved scheduling order setting deadline of December 20, 2021 for defendant to file motion to extend discovery cutoff.

Tentative Ruling for February 15, 2022:

Continue status conference to March 15, 2022 at 2:00 p.m. to be heard concurrently with motion for summary judgment.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By

**United States Bankruptcy Court
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CONT... Mark Abbey Slotkin

Chapter 7

Leslie A Cohen
Jon H Freis

Defendant(s):

Mark Abbey Slotkin

Represented By
Jon H Freis

Plaintiff(s):

Southwest Guaranty Investors, Ltd.

Represented By
Hamid R Rafatjoo

Trustee(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol
Jessica Wellington

**United States Bankruptcy Court
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2:00 PM

2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01672 Miller v. SLOTKIN DEFECTIVE TRUST OF DECEMBER 14, 2012 et al

#213.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)) Complaint by Elissa Miller against Slotkin Defective Trust of December 14, 2012, Slotkin Defective Trust of April 12, 2010, Intentionally Defective Slotkin Family Children's Trust Dated January 1, 1997, Savannah Slotkin, Loren Marken as Trustee of Slotkin Defective Trust of December 14, 2012, Loren Marken as Trustee of Slotkin Defective Trust of April 12, 2010, Loren Marken as Trustee of the Intentionally Defective Slotkin Family Children's Trust dated January 1, 1997, To Be Named Trustee of Slotkin Defective Trust of April 12, 2010, To Be Named Trustee of Slotkin Defective Trust of December 14, 2012, To Be Named Trustee of Intentionally Defective Slotkin Family Children's Trust Dated January 1, 1997, Robert Mayman, 17841 Palora Manor LLC, 14257 Chandler Manor LLC, 748 Detroit Manor LLC, Mark Abbey Slotkin

fr. 1-26-21, 4-27-21, 6-29-21, 8-26-21, 9-8-21, 11-16-21, 11-18-21

Docket 1

Courtroom Deputy:

ZoomGov Appearances by:

2/9/22 - Robin Sokol

Tentative Ruling:

Set discovery cutoff of June 30, 2022. Set continued status conference for June 14, 2022 at 2:00 p.m. Parties should file joint status report not later than May 31, 2022. APPEARANCES WAIVED ON FEBRUARY 15, 2022. Trustee should upload scheduling order consistent with tentative ruling.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen
Jon H Freis

**United States Bankruptcy Court
Central District of California
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CONT... Mark Abbey Slotkin

Chapter 7

Defendant(s):

MARK ABBEY SLOTKIN	Represented By Jon H Freis
748 DETROIT MANOR LLC	Represented By Jon H Freis
14257 CHANDLER MANOR LLC	Represented By Jon H Freis
17841 PALORA MANOR LLC	Represented By Jon H Freis
Robert Mayman	Represented By Jon H Freis
TO BE NAMED TRUSTEE OF	Represented By Jon H Freis
TO BE NAMED TRUSTEE OF	Represented By Jon H Freis
TO BE NAMED TRUSTEE OF	Represented By Jon H Freis
LOREN MARKEN AS TRUSTEE	Represented By Jon H Freis
LOREN MARKEN AS TRUSTEE	Represented By Jon H Freis
LOREN MARKEN AS TRUSTEE	Represented By Jon H Freis
SAVANNAH SLOTKIN	Represented By Jon H Freis
INTENTIONALLY DEFECTIVE	Represented By Jon H Freis
SLOTKIN DEFECTIVE TRUST OF	Represented By Jon H Freis

**United States Bankruptcy Court
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Los Angeles
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CONT... **Mark Abbey Slotkin**
SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

Chapter 7

Plaintiff(s):

Elissa Miller

Represented By
Robyn B Sokol

Trustee(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol
Jessica Wellington