

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

Tuesday, April 2, 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.

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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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2:23-18615 Paul Casteneda, Sr. and Dominique M. Casteneda

Chapter 7

#1.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: **Casteneda Revocable Trust dated May 16, 2014; Docket no. TRUSB2200181; ; Superior Court of California, County of San Bernardino**

MOVANTS: Patrick Casteneda, Martina Casteneda, Raymond Casteneda and Samuel Casteneda

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

A supporting memorandum of points and authorities would have been helpful here. This court has exclusive jurisdiction to determine what is, and is not, property of the estate; however, this court will not revisit final determinations made by the state court, if there are any. Court has no problem with granting relief from stay to permit movants to prosecute damage claims that may form the basis for movants' nondischargeability complaint or to seek sanctions for violation of state court orders, but are there other claims that should be resolved in this court as they affect the extent to which assets are, or are not, property of this bankruptcy estate? Hearing required.

Party Information

Debtor(s):

Paul Casteneda Sr.

Represented By
W. Derek May

Joint Debtor(s):

Dominique M. Casteneda

Represented By
W. Derek May

Movant(s):

Summer Shaw

Represented By

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**CONT... Paul Casteneda, Sr. and Dominique M. Casteneda
Summer M Shaw**

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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2:24-10968 Tina Michelle Johnson

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2021 Jeep Compass VIN : 3C4NJCBBXMT519424.**

MOVANT: Global federal credit union

Docket 11

Courtroom Deputy:

ZoomGov Appearance by:

3/29/24 - Karel Rocha

Tentative Ruling:

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

Party Information

Debtor(s):

Tina Michelle Johnson

Represented By
Marjorie S Archer

Movant(s):

Global federal credit union

Represented By
Karel Rocha

Trustee(s):

John P Pringle (TR)

Pro Se

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2:23-11291 Jae Paul Pak

Chapter 11

#100.00 Debtor's Notice of Motion and Motion to Avoid Lien Under 11 U.S.C. § 522(f)
Real Property

fr: 3-12-24

Docket 184

Courtroom Deputy:

ZoomGov Appearance by:

3/29/24 - Caroline Djang

Tentative Ruling:

Tentative Ruling for March 12, 2024:

Continue hearing to give debtor an opportunity to file sufficient evidence of fair market value of property. Debtor's declaration does not even include information about comparable sales upon which he bases his estimate and why his property would be worth less than surrounding properties.

Final Ruling for March 12, 2024:

Continue hearing to April 2, 2024 at 11:00 a.m. Movant should file and serve supplemental declaration re value of property not later than March 22, 2024.

Tentative Ruling for April 2, 2024:

Declaration does not explain why the subject property is inferior to the comps shown or provide any support for the conclusion that the property would have increased in value by \$200,000 or more within a month after the petition date. However, inasmuch as the debtor only owns one-half of the property, even if the value of the property were as high as the broker's price opinion shows, the lien would still impair the debtor's homestead exemption. Therefore, grant motion. Avoid lien in its entirety.

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Chapter 11

Debtor(s):

Jae Paul Pak

Represented By
Jeffrey I Golden
Beth Gaschen

Movant(s):

Jae Paul Pak

Represented By
Jeffrey I Golden
Beth Gaschen

Jae Paul Pak

Represented By
Jeffrey I Golden
Beth Gaschen

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:23-11291 Jae Paul Pak

Chapter 11

#101.00 Scheduling and Case Management Conference in a Chapter 11 Subchapter V Case

fr: 10-18-23; 10-26-23; 11-15-23; 12-13-23; 1-9-24; 2-14-24; 3-12-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

3/29/24 - Caroline Djang

3/29/24 - Todd S. Garan

Tentative Ruling:

Tentative Ruling for October 26, 2023:

The Court has a series of questions and comments concerning the form of the plan that will be discussed on the record at the time of hearing. Set deadline for filing amended plan and confirmation related deadlines.

Final Ruling for October 26, 2023:

Debtor should lodge an order setting the deadline for making 1111(b) elections, which will be two weeks after the debtor serves the plan and ballots. The notice of plan related deadlines should include a reference to this deadline. Parties are scheduled for another mediation session on November 2, 2023 and anticipate filing an amended plan with amended projections. Court continued hearing to November 15, 2023 at 2:00 p.m. and waived the requirement of a status report.

Tentative Ruling for November 15, 2023:

Court has entered order setting deadline for 1111(b) elections. Did parties

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Chapter 11

participate in another day of mediation on November 2, 2023? If so, what was the outcome? Hearing required.

12/12/23 -- Court approved stipulation continuing case status conference to January 9, 2024 at 2:00 p.m. Debtor shall file a further amended plan (if there are further amendments to make) not later than January 4, 2024. OFF CALENDAR FOR DECEMBER 13, 2023.

Tentative Ruling for January 9, 2024:

The parties report that mediation was unsuccessful and that there are no further mediations scheduled at this time.

Has the debtor filed a motion or an adversary proceeding seeking to avoid any of Rassman's liens? If not, why not? Can the plan be confirmed in its present form before the appeal is resolved? Hearing required.

Tentative Ruling for February 14, 2024:

Court has reviewed latest version of debtor's plan. This version contains a claim reserve, so it appears that the *amount* of Rassman's claim does not need to be resolved before confirmation, but inasmuch as the plan does not provide for the payment of interest and treats Rassman's claim as an unsecured claim, success in the debtor's efforts to avoid any liens that Rassman asserts appears to be a condition precedent to confirmation. Either the plan should so state or the court should not move forward with confirmation unless and until that has occurred.

Court has a number of small stylistic changes to propose with regard to the plan, but, more fundamentally, how much does the debtor intend to pay on account of unsecured claims? The plan neither promises a set dollar amount (or at least a minimum) monthly payment or a set percentage. How would the court ever determine whether the debtor is in compliance? The Class 4 treatment is vague, to say the least. It says, "From the funds remaining to be paid through the Plan [is this amount even disclosed anywhere?], Class 4 Claimants will be paid their pro rata share of those funds monthly over five years starting in year three (3) of the Plan." Huh? True, the subchapter V

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trustee is supposed to assist in determining the amount of the 50 percent of net income that the debtor's company will have to contribute, but that is not the entirety of the amounts to be paid to Class 4 creditors, is it? Doesn't the debtor intend to pay additional amounts from other sources?

Debtor is planning to reject the Porsche lease and sets a deadline for the filing of any rejection claim. Will there be one? Is an estimated amount of this claim included in the plan's estimates of general unsecured claims?

Final Ruling for February 14, 2024:

Debtor will be filing 522(f) motion. If that motion does not resolve issues, debtor will either create an alternate plan structure that can be confirmed whether lien is avoided or not or insert condition precedent to confirmation. Court continued hearing to March 12, 2024 at 10:00 a.m. Debtor may use this date as hearing date for 522(f) motion. Debtor should file amended plan by March 1, 2024.

Tentative Ruling for March 12, 2024:

Court has one or two comments on the form of the amended plan. Continue case status conference to date of continued hearing on 522(f) motion.

Final Ruling for March 12, 2024:

Continue case status conference to same date and time as continued hearing on motion to avoid lien.

Tentative Ruling for April 2, 2024:

Court has now granted motion to avoid lien against debtor's interest in residence, but does court have to resolve adversary proceedings before plan in its current form may be confirmed? (Adv. No. 24-01011 is about to be resolved, but another adversary proceeding remains.) Hearing required.

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Chapter 11

Debtor(s):

Jae Paul Pak

Represented By
Jeffrey I Golden
Beth Gaschen

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:22-13785 Marine Wholesale & Warehouse Co.

Chapter 11

#102.00 Hearing re: Motion RE: Objection to Claim Number 5 by Claimant Alcohol Tobacco Tax & Trade Bureau (Phase I)

fr: 11-30-22; 2-7-23; 6-13-23; 7-18-23; 8-15-23; 10-17-23; 12-5-23; 1-30-24

Docket 90

Courtroom Deputy:

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.

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:

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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
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:

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Chapter 11

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 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

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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?

1/30/2024 -- Court modified and approved pretrial order during status conference and set the following dates:

1. Debtor's opening brief in relation to Phase I of the litigation of the Objection to Claim is due no later than February 27, 2024.
2. TTB's responsive brief in relation to Phase I of the litigation of the Objection to Claim is due no later than March 19, 2024.
3. Debtor's reply brief in relation to Phase I of the litigation of the Objection to Claim is due no later than March 26, 2024.
4. Court will conduct a hearing on Phase I of the litigation of the Objection to Claim will take place on April 2, 2024 at 11:00 a.m.
5. The parties shall meet and confer regarding the need for exhibits in relation to the above-reference briefing of Phase I of the litigation of the Obligation to Claim in light of the entered Pretrial Order [docket number 219].

NOTE: Parties agreed on record at January 30, 2024 pretrial conference that the court can resolve the Phase I issues with briefs and argument and that they have stipulated to all operative facts relevant to the determination of these issues.

Tentative Ruling for April 2, 2024:

1992 - On December 29, 1992, the shares of Debtor were held as follows:

Robert L. Hartry -- 804 shares, 80.4%
Robert H. Hartry -- 50 shares, 5%
Eric M. Hartry -- 146 shares, 14.6%.

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2012 - At a meeting of Debtor's Board of Directors held on December 15, 2012, the shares of Debtor were transferred and sold, resulting in the following share ownership:

Robert L. Hartry, as Trustee of the Robert L. Hartry and Margareta I. Hartry Living Trust for the Benefit of Robert L. Hartry and Margareta I. Hartry and their issue under instrument Dated November 16, 1981	-- 454 shares, 45.4%
Eric M. Hartry	-- 146 shares, 14.6%
Robert H. Hartry	-- 250 shares, 25%
Jerry Anderson	-- 150 shares, 15%.

§ 44.107 Change in stockholders of a corporation.

Where the issuance, sale, or transfer of the stock of a corporation, operating as an export warehouse proprietor, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate proprietor shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30-day period, and the proprietor shall dispose of all cigars, cigarettes, and cigarette papers and tubes on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 44.146 and 44.151, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action with respect to such application.

Neither the Internal Revenue Code's tobacco export warehouse provisions, nor the related TTB regulations, specifically define the phrase "a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation" as it appears in 27 C.F.R. § 44.107. However, TTB's website contains information under a drop-down tab entitled "Changes After Original Qualification - Permits Online":

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Marine Wholesale & Warehouse Co.

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Change in Control

A change in control can either be a change in legal or actual control within a business entity holding a permit as a manufacturer or importer of tobacco products or processed tobacco or as an export warehouse proprietor under the IRC. **A change in legal control occurs when there has been a change in the person who owns or controls the majority of voting stock in a corporate entity.** A change in actual control occurs when there is a change in the person who exercises managerial control over the operations of the business. Examples of changes in actual control include changes in partnership ownership interest, in LLC membership ownership, and in officers and directors of a corporation or other business entity.

Debtor argues that there was no change in legal or actual control because (1) members of the Hatry family still controlled 85 percent of the shares of the corporation and (2) debtor remained a subchapter S corp and, pursuant to subchapter S of the IRC, all shareholders from the same family are to be treated as a single shareholder for the purpose of determining whether the corporation has satisfied the subchapter S requirement that there be less than 100 shareholders. (Hatry family members that owned stock in debtor are sufficiently closely related to qualify as members of a family for this purpose per definitions in 26 U.S.C. section 1361(c).) Debtor also argues that the officers and employees of the debtor remained unchanged and their roles and responsibilities remained unchanged, so there was no change in actual control.

Debtor also notes that, pursuant to the bylaws of the corporation, a simple majority vote is required for matters requiring shareholder approval and that therefore that the change in ownership did not alter the votes needed to achieve a majority. This is not accurate, however. Pursuant to the bylaws, each shareholder is entitled to one vote for each share he or she owns and is entitled to aggregate his/her votes. Prior to the change, Robert L. Hatry, acting alone, held a majority of the shares and therefore did not need anyone else's vote to approve an action that was required to be approved by a majority vote. Following the transaction, other shareholders, acting together, could outvote him and, if everyone voted all of their shares, at least one other shareholder would need to vote with him in order to achieve a majority.

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Court agrees with the debtor that it does not appear that deference to the agency's views is warranted here under Auer v. Robbins, 519 U.S. 452 (1997) and Kisor v. Wilkie, 588 .S. ____, 139 S.Ct. 2400 (2019). The TTB does not actually have an authoritative or official interpretation of 27 C.F.R. section 44.107. The relevant regulations do not provide an official or uniform definition or any guidance as to the meaning of the phrase "change in the identity," "principal shareholders," or "control." Therefore, the court must interpret these phrases.

The debtor complains of the fact that, although Stacey Houston of the TTB learned about the change in ownership on November 16, 2015, no cease and desist letter was sent until March 31, 2017 and that, prior to the issuance of that letter, the TTB had only complained of a change of ownership, management or control giving rise to an automatic termination of the debtor's alcohol permits and not the debtor's tobacco permits or that the TTB was applying the standards set forth in sections 1.42 and 1.44 to its situation, rather than those of section 44.107. This argument is a bit difficult to follow. There is an email exchange earlier in March of 2017 that only refers to sections 1.42 and 1.44, but the March 31, 2017 cease and desist letter does cite section 44.107 and asserts that there has been an unreported change of control resulting in the loss of the tobacco permits under that section. (See Exhibit G of Compendium.) While it may be unclear when the TTB first decided that the provisions of section 44.107 had been triggered, it is clear that, by the time the March 31, 2017 cease and desist letter was drafted, the TTB was looking at the correct section and arguing that the type of change referenced in that section had occurred. And section 44.107 does provide for an automatic termination of the relevant permits if notice is not given within 30 days (subject to an extension if an application for a new permit is submitted within this 30-day period).

These facts, if relevant at all, do not have any bearing on the answer to the only issue the court will be adjudicating during Phase I -- "Whether the December 15, 2012 transfer of shares in the Debtor 'result[ed] in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation' within the meaning of 27 C.F.R. section 44.107." [See Pretrial Order, p. 8, at lines 13-15.] Whether the debtor can make an equitable argument of some kind based on any delay on the part of the TTB in raising the argument that its tobacco permits automatically terminated in 2012 based on the debtor's failure to give the required notice and apply for a new permit within 30 days after the transfer or based upon the

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TTB's failure to provide clearer guidance and definitions is a matter for a later phase of this litigation.

Admittedly, the action commenced by the debtor against the TTB on June 30, 2017 in the US District Court for the District of Columbia [Marine Wholesale & Warehouse Co. v. United States, 315 F. Supp. 3d 498 (D.C. 2018)], was dismissed for lack of subject matter jurisdiction, but in the section in which it concludes in the alternative that the debtor has failed to state a claim upon which relief can be granted, its analysis of the relevant facts is directly on point, well-reasoned and persuasive. The following are excerpts from that decision. (Emphasis added.)

In this case, MWW's amended complaint makes clear that, "[p]rior to December 15, 2012, Robert L. Hartry [was] the principal shareholder of MWW, holding 80.4% of the shares of the corporation," and that "[t]he remaining shares were owned 5% by Robert H. Hartry, son of Robert L. Hartry, and 14.6% by Eric M. Hartry, son of Robert L. Hartry." Am. Compl. ¶ 18. MWW then states that, "[o]n or about December 31, 2012, Mr. [Robert L.] Hartry transferred a percentage of MWW shares such that, after the transfer, the shareholdings were as follows: Robert L. Hartry, 45.4%; Robert H. Hartry, and Eric M. Hartry, his sons, 25% and 14.6%, respectively; and Mr. Jerry Anderson, 15%." Id. ¶ 20. MWW does not allege that it reported **this change—which changed Robert L. Hartry's ownership by nearly 40 percent, changed Robert H. Hartry's ownership by 20 percent, and added a new shareholder from outside the Hartry family—to the TTB. Thus, taking the facts stated in MWW's amended complaint as true, MWW's permits terminated by operation of law when this transfer, resulting in a change of control and a new owner, was made**, and accordingly no notice or opportunity for a hearing was required. See 27 U.S.C. § 204(e) (requiring "due notice and opportunity for hearing to the permittee" only for the revocation, suspension, or annulment of a permit but not for an automatic termination).

MWW nevertheless argues that " 'actual or legal control' of MMW [sic] has not been acquired by any other person as a result of the 2012 share transfer transaction" and that "[t]he Hartry family, required to be treated as a single shareholder of the Subchapter S corporation which holds the

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Marine Wholesale & Warehouse Co.

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permit, retained 85% of the shares of the company after the share transfer occurred." Pl.'s Opp'n at 11. MWW is an S-corporation and is correct that, under 26 U.S.C. § 1361(c)(1), "all members of a family"—which means "common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant," id. § 1361(c)(1)(B)(i) —shall be treated as one shareholder, id. § 1361(c)(1)(A)(ii). **The fact that MWW is an S-corporation, however, does not mean that the shareholder-counting rules applicable to S-corporations also apply throughout the United States Code. Rather, § 1361(c)(1) applies only "[f]or purposes of subsection (b)(1)(A)," which defines a "small business corporation" as a "domestic corporation" with no more than 100 shareholders. Id. § 1361(b)(1)(A). Thus, the requirement in § 1361(c)(1) that family members be treated as a single shareholder applies only to § 1361(b)(1)(A), and does not extend to other sections of Subchapter S, let alone to the rest of Title 26 and Title 27 of the U.S. Code.** Indeed, the D.C. Circuit has previously affirmed an order of the TTB's predecessor agency concluding that a transfer of shares from wife to husband "constitutes a change in the control and management of the business ... necessitating the issuance of a new basic permit under the Federal Alcohol Act." *United Distillers II*, 243 F.2d at 668 (internal quotation marks omitted; alteration in original).

Even assuming, as the plaintiff argues, that Subchapter S of the Internal Revenue Code applies to the provisions of the Internal Revenue Code and the FAAA at issue in this case, the plaintiff's argument fails. The plaintiff ignores the fact that Jerry Anderson—who is not a member of the Hartry family—acquired 15 percent of outstanding MWW shares as a result of the 2012 share transfer. See Am. Compl. ¶ 20. Thus, even treating the Hartry family as a single shareholder, MWW failed to notify the TTB of "a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation." 27 C.F.R. § 44.107

This Court agrees on both counts. The manner in which family members are to be counted for the purpose of determining whether an S Corp has more than 100 shareholders has no bearing on the determination of whether or not there has been a change of actual or legal control for the purpose of section 44.107. And the December

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2012 transaction did result in a change in the identity of the principal stockholders exercising legal control over the operations of the corporation. Therefore, this change should have been reported to the TTB.

And this should not come as news to the debtor. It had previously failed to report changes in ownership and had had its permits automatically terminated. It then applied for new permits and, in conjunction with those applications, reiterated its obligation to notify the TTB of changes in ownership. Notice should have been given here as well.

Discuss with parties how best to proceed with the balance of this litigation. Do the parties want an opportunity to return to mediation?

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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2:22-13785 Marine Wholesale & Warehouse Co.

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#103.00 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; 1-30-24

Docket 1

Courtroom Deputy:

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:

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.)

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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. 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:

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CONT... Marine Wholesale & Warehouse Co.

Chapter 11

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 April 2, 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

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2:23-13448 CenterPoint Radiation Oncology, LLC

Chapter 11

#104.00 Final Hearing re: Motion For Order: (I) Authorizing Interim Use Of Cash Collateral Pursuant To Section 363 Of The Bankruptcy Code; (II) Authorizing Adequate Protection; And (III) Setting A Final Hearing

fr: 6-9-23; 6-28-23; 7-25-23, 9-27-23; 10-4-23; 11-1-23; 11-2-23; 11-15-23; 12-20-23; 1-10-24; 1-31-24; 2-27-24

Docket 14

Courtroom Deputy:

ZoomGov Appearance by:

3/29/24 - Keith Owens

Tentative Ruling:

Tentative Ruling for June 9, 2023:

There is a problem with the notice of motion. Although it has the correct date and time for the hearings, it says on page 3 at line 2 that oppositions are due by noon on June 10, 2023.

Court has a number of questions. According to the Fritz declaration, McKesson has a first position lien on all assets of INC, but debtors aren't aware of any outstanding amounts due McKesson. Where did this lien come from? What did/does it secure?

According to the papers, the debtors jointly operate the radiology practice. One debtor is an LLC, with three members, one of whom is Dr. Morrell. The corporation is wholly-owned by Dr. Morrell. What is the distinction between the two entities? Why were two separate entities created? On the debtor's budget, certain expenses are attributed to INC and others are attributed to LLC. Why the distinction?

According to the Morrell declaration, the debtor has never "cash flowed,"

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CONT... **CenterPoint Radiation Oncology, LLC**

Chapter 11

which the Court assumes means has never generated positive cash flow. What is going to change in the future to make a reorganization possible? The debtor is a party to two executory contracts, a lease that the debtors claim is above market and another contract with service provider Varian that the debtors also describe as "unfavorable." Has either the landlord or Varian give the debtors any reason to think that either or both might be willing to renegotiate the terms of these agreements? Do the debtors have any viable options other than continuing to do business with these parties? In other words, is there a realistic prospect for reorganization in these cases?

The debtors' projections show net losses for June and July, but small net profits (\$6,687 and \$16,755) for August and September, resulting from corresponding increases in revenue for these periods. Morrell has testified that business tends to be slower during the summer and the holidays. What is going to change that will cause the debtors' revenue to increase in August and September?

Hearing required.

Final Ruling for June 9, 2023 (see order, docket no. 34)

Authorize use of cash collateral through close of business on June 30, 2023 up to an aggregate of \$212,733 in accordance with the budget (plus a 10 percent variance), excluding certain prepetition expenses included in the budget and any insider compensation until the debtor has complied with insider compensation procedures (other than health benefits included in payment for all employees). Secured creditors shall have replacement liens on all assets other than avoiding power recoveries. Court set final hearing for June 28, 2023 at 11:00 a.m. Debtors shall file any supplement to the motion not later than June 16, 2023. Oppositions will be due by June 23, 2023. Replies may be presented orally at the hearing. Debtors shall give notice of the final hearing not later than June 16, 2023.

6/26/23 -- Court approved stipulation between the parties providing that June 28 hearing will be a status conference, increasing authorized use of cash collateral to include the \$6,000 per month that the debtors want to use to pay prepetition amounts due 3 critical vendors (staffing agencies) and extending

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the term of use of cash collateral through the close of business on July 28, 2023.

Tentative Ruling for June 28, 2023:

Once again, the debtors have served a misleading notice on parties in interest. Both the notice of the final hearing and the debtor's supplement to the motion inexplicably state that the final hearing will be on June **30**, rather than June 28, even though this date was not only stated orally at the June 9 hearing but was also included in the written order entered June 16. **Why does this keep happening? What steps will counsel take in the future to make sure that notices do not go out with the wrong dates, thereby misleading parties in interest?** (Court notes that there was an amended notice, but that did not go out until June 20, 2023, which gives parties in interest significantly less notice than the Court had originally contemplated.)

Hearing required.

7/19/23 -- Court approved stipulation extending use of cash collateral through the close of business on September 29, 2023 and continuing hearing to September 27, 2023 at 10:00 a.m. OFF CALENDAR FOR JULY 25, 2023.

Tentative Ruling for September 27, 2023:

(The most recent budget that the Court was able to locate runs through October of 2023.)

Unless someone has a rabbit that they intend to pull out of a hat, this case appears dead in the water. The only issue here appears to be how best to protect (or at least further) the interests of patients currently undergoing treatment. Authorize use of cash collateral solely to the extent necessary to do an orderly transition of patients and a shutdown of the debtor's operations. (On this record, the Court cannot compel First Citizen's Bank to agree to the use of its cash collateral for these purposes, but hopes that the bank will consent to the use of its cash collateral to the extent contemplated by this tentative ruling.)

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Tentative Ruling for October 4, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

10/11/23 -- Court approved stipulation continuing hearing to November 2, 2023 at 10:00 a.m. OFF CALENDAR FOR NOVEMBER 1, 2023.

Tentative Ruling for November 2, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

11/9/23 -- Court approved stipulation re continued use of cash collateral, among other things. Pursuant to that stipulation, continue hearing to December 20, 2023 at 10:00 a.m. OFF CALENDAR FOR NOVEMBER 15, 2023.

Tentative Ruling for December 20, 2023:

Pursuant to a prior stipulation between the parties that was approved by this Court, debtor has authority to use cash collateral through the close of business on December 31, 2023 and, provided certain payments were made, lessor was prohibited from locking the debtor out of its business premises until February 29, 2024. These accommodations were made to enable the debtor to pursue investment or sale opportunities.

What has transpired since the last hearing? What does the debtor intend to do with regard to use of cash collateral after December 31, 2023? Hearing required.

12/28/23 -- Court approved stipulation authorizing further use of case collateral through January 31, 2024.

Tentative Ruling for January 10, 2024:

Pursuant to a stipulation between the parties that was approved by this Court,

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

debtor has authority to use cash collateral through the close of business on January 31, 2024, and, provided certain payments are made, lessor was prohibited from locking the debtor out of its business premises until February 29, 2024. These accommodations were made to enable the debtor to pursue investment or sale opportunities.

What has transpired since the last hearing?

Tentative Ruling for January 31, 2024:

As of this date, the last order authorizing the use of cash collateral runs through January 31, 2024. What progress, if any, has been made since the last hearing?

2/27/24 -- Court approved stipulation authorizing use of cash collateral through February 29, 2024.

Tentative Ruling for February 27, 2024:

As of this date, the last order authorizing the use of cash collateral runs through February 29, 2024. What progress, if any, has been made since the last hearing?

Tentative Ruling for April 2, 2024:

Court entered order on March 20, 2024, extending use of cash collateral through May 31, 2024 and authorizing debtor to remain on premises through same date, provided monthly payments of \$45,000 are made.

What additional progress, if any, has been made since the last hearing?

Party Information

Debtor(s):

CenterPoint Radiation Oncology,

Represented By
Ron Bender

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

John-Patrick M Fritz

Movant(s):

CenterPoint Radiation Oncology,

Represented By

Ron Bender

John-Patrick M Fritz

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:23-13448 CenterPoint Radiation Oncology, LLC

Chapter 11

#105.00 Scheduling and Case Management Conference in a Chapter 11 Subchapter V Case

fr: 7-19-23; 8-9-23; 8-30-23, 10-5-23; 10-4-23; 11-1-23; 11-2-23; 11-15-23; 12-20-23; 1-10-24; 1-31-24; 2-27-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

3/29/24 - Keith Owens

Tentative Ruling:

Tentative Ruling from July 19, 2023:

Deadline for debtor to file plan is August 31, 2023. Continue case status conference to September 6, 2023 at 11:00 a.m. Court will review plan at that conference and discuss plan-related deadlines and procedures. Requests for additional disclosures/concerns with regard to content of plan can be discussed orally at the September 6 status conference.

Discuss with debtor status of negotiations with landlord.

Tentative Ruling for August 9, 2023:

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

Final Ruling for August 9, 2023:

US Trustee will lodge order appointing patient care ombudsman, as court should already have appointed one by this point in the case. (Entry of order is without prejudice to debtor's motion to have the PCO removed as unnecessary.)

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Chapter 11

Continue status conference to August 30, 2023 at 11:00 a.m.

Tentative Ruling for August 30, 2023:

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

9/27/23 -- Court advanced date of case status conference to October 4, 2023 at 11:00 a.m. OFF CALENDAR FOR OCTOBER 5, 2023.

Tentative Ruling for October 4, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

10/11/23 -- Court approved stipulation continuing hearing to November 2, 2023 at 10:00 a.m. OFF CALENDAR FOR NOVEMBER 1, 2023.

Tentative Ruling for November 2, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

Tentative Ruling for November 15, 2023:

Continue case status conference to December 20, 2023 at 10:00 a.m. to be heard concurrently with hearing on continued use of cash collateral.
APPEARANCES WAIVED ON NOVEMBER 15, 2023.

Tentative Ruling for April 2, 2024:

Revisit status of chapter 11 case after resolution of related matter on calendar.

Party Information

Debtor(s):

CenterPoint Radiation Oncology,

Represented By
Ron Bender

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

John-Patrick M Fritz

Movant(s):

CenterPoint Radiation Oncology,

Represented By

Ron Bender

John-Patrick M Fritz

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:00 PM

2:23-14446 Shayna Engle

Chapter 7

Adv#: 2:24-01009 Engle v. AMERICAN EDUCATION SERVICES et al

#200.00 Status Conference re: 63 (Dischargeability - 523(a)(8), student loan) Complaint by Shayna Engle against AMERICAN EDUCATION SERVICES, PNC Bank, Discover Student Loans, Navient Corporation, Temple University, United States Department Of Education

Docket 2

***** VACATED *** REASON: CONTINUED TO 4-30-24 AT 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

2/23/24 -- Court approved stipulation continuing DOE's deadline to respond to complaint to March 19, 2024 and continuing status conference to April 30, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 2, 2024.

Party Information

Debtor(s):

Shayna Engle

Represented By
Zev Shechtman

Defendant(s):

AMERICAN EDUCATION

Pro Se

PNC Bank

Pro Se

Discover Student Loans

Pro Se

Navient Corporation

Pro Se

Temple University

Pro Se

United States Department Of

Pro Se

Plaintiff(s):

Shayna Engle

Represented By
Zev Shechtman

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CONT... Shayna Engle

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:00 PM

2:23-16748 Hongjun Zhang

Chapter 7

Adv#: 2:24-01017 Chalmers-Walnut, LLC v. Zhang

#201.00 Status Conference re: 68 (Dischargeability - 523(a)(6), willful and malicious injury) Complaint by Chalmers-Walnut, LLC against Hongjun Zhang

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Defendant has defaulted. Plaintiff requests in unilateral status report that status conference be continued 30 to 60 days while parties attempt to negotiate a consensual resolution of this action. Continue status conference approximately 90 days. Plaintiff should file and serve a motion for default judgment not less than 21 days prior to the date of the continued status conference if the parties have been unable to resolve this matter consensually by then.

Party Information

Debtor(s):

Hongjun Zhang

Represented By
Sam X J Wu

Defendant(s):

Hongun Zhang

Pro Se

Plaintiff(s):

Chalmers-Walnut, LLC

Represented By
Lewis R Landau

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:00 PM

2:21-17932 Soames Lane Trust

Chapter 11

Adv#: 2:22-01111 Soames Lane Trust et al v. Curtis dba Fast Solutions

#202.00 Status Conference re: 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Soames Lane Trust, Colin Nix against Grant Curtis dba Fast Solutions

fr: 7-26-22; 9-6-22; 1-10-23; 2-28-23; 5-9-23; 7-11-23; 9-13-23, 10-3-23; 11-15-23; 1-31-24

Docket 1

Courtroom Deputy:

Tentative Ruling:

Parties have both requested mediation. Continue status conference approximately 90 to 120 days and order parties to complete mediation prior to date of continued status conference.

9/19/22 -- Court approved scheduling order with following dates:

Cont'd status conference -- January 10, 2023 at 2:00 p.m.

L/D to file joint status report -- December 27, 2022

L/D to lodge order appointing mediators -- September 19, 2022

L/D to complete mediation -- January 10, 2022

9/23/22 -- Court approved order appointing mediators.

Tentative Ruling for January 10, 2023:

Set discovery cutoff for mid-2023. Schedule continued status conference for approximately 90 to 120 days.

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CONT... Soames Lane Trust

Chapter 11

1/9/23 -- Court approved stipulation continuing status conference to February 28, 2022 at 2:00 p.m. OFF CALENDAR FOR JANUARY 10, 2023.

Tentative Ruling for February 28, 2023:

Why is any of this still in bankruptcy court? Unless and until the state court avoids the foreclosure sale, the debtor no longer owns the real property that is its only asset. The plaintiff in this action, who is not the debtor, seeks to avoid a default judgment entered in another state as to which as sister state judgment was entered in California. This action arises entirely under nonbankruptcy law. There is no longer any need for an automatic stay or anything to which that stay would apply. Is this even an appropriate forum for the resolution of any disputes that may exist between Mr. Nix and parties asserting claims against the debtor? Hearing required.

Final Ruling for February 28, 2023:

Continue status conference to May 9, 2023 at 2:00 p.m. Parties should file joint status report by April 25, 2023. (Court's notes reflect that the parties had held off on conducting discovery to see the outcome of the state court litigation and that plaintiff may decide to dismiss this action in its entirety.)

Tentative Ruling for May 9, 2023:

According to the parties' status report, they agreed to settle this matter on April 24, 2023. What is the structure of the proposed settlement? Hearing required.

Final Ruling for May 9, 2023:

Parties still reporting that a settlement in principle has been reached. Continue status conference to July 11, 2023 at 2:00 p.m. Requirement of an updated status report for that conference is waived.

Tentative Ruling for July 11, 2023:

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CONT...

Soames Lane Trust

Chapter 11

Has debtor been able to determine whether or not it will be necessary to seek approval of the proposed compromise or whether the parties will seek to dismiss case at this juncture instead? Hearing required.

Final Ruling for July 11, 2023:

Continue hearing to September 13, 2023 at 10:00 a.m. Status report waived. Parties have exchanged versions of settlement agreement. Once form of agreement finalized, debtor will file motion to approve compromise.

Tentative Ruling for September 13, 2023:

Has settlement agreement been executed? Will debtor be filing 9019 motion? Hearing required.

Tentative Ruling for November 15, 2023:

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

Final Ruling for November 15, 2023:

There is a fully-signed settlement agreement between Curtis and the debtor. Counsel is "halfway through" preparing 9019 motion. Will submit it on negative notice and then prepare a motion to dismiss. Continue status conference to January 31, 2024 at 10:00 a.m. Court waived the requirement of a status report for that conference.

Tentative Ruling for January 30, 2024:

For some reason, motion for approval of compromise did not get filed until January 10, 2024. Deadline for filing opposition to motion ran on January 24, 2024. Court has a few questions/comments with regard to motion. Hearing required.

Final Ruling for January 30, 2024:

Debtor filed motion to dismiss underlying bankruptcy case on January 29,

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CONT... Soames Lane Trust

Chapter 11

2024. Debtor intends to pay claims as they are resolved. Parties discussed compromise motion. Motion will be granted/settlement approved, subject to two conditions: debtor needs to file a copy of the settlement agreement; and order should clarify that debtor is not authorized to borrow from principal to make settlement payment. (Principal is free to contribute funds.) Debtor will upload revised order approving compromise. (Court entered order on February 2, 2024.) Continue status conference to April 2, 2024 at 2:00 p.m. to give the Court an opportunity to act on debtor's motion to dismiss.

Tentative Ruling for April 2, 2024:

Court has approved the settlement of this adversary proceeding. Has settlement payment been made? If not, why not?

Docket reflects filing of motion to dismiss on January 29, 2024, utilizing "notice and an opportunity for hearing" procedures. Oppositions were due 14 days after service. Proof of service reflects that service occurred on January 29, 2024. No oppositions are reflected on the docket. Why hasn't the debtor filed a notice of nonopposition and lodged an order granting the motion? Is there some reason that the debtor does not want to proceed with dismissal at this time? Hearing required.

Party Information

Debtor(s):

Soames Lane Trust

Represented By
Paul A Beck

Defendant(s):

Grant Curtis dba Fast Solutions

Pro Se

Plaintiff(s):

Soames Lane Trust

Represented By
Paul A Beck

Colin Nix

Represented By
Paul A Beck

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2:00 PM

2:23-11291 Jae Paul Pak

Chapter 11

Adv#: 2:24-01011 Pak v. Rassman

#203.00 Status Conference re: 14 (Recovery of money/property - other) Complaint by
Jae Paul Pak against William Rassman

Docket 1

Courtroom Deputy:

2/29/24 - Notice That Clerk Has Entered Default Against Defendant

Tentative Ruling:

On March 15, 2024, court rejected order granting default judgment motion on grounds it was lodged too early. Entry was also made on the docket requesting that a date, time and place be set for a hearing. (Court does not customarily permit motions for default judgment to be set on negative notice.) Movant did not notice a hearing or relodge an order.

Court has reviewed the motion and it relief appears warranted, but the form of the order previously lodged is problematic. Movant should lodge an order that does not merely say that judgment is granted for plaintiff on the theories set forth in the complaint. Order should actually describe the relief that is being granted, which, here, is the avoidance of the ORAP lien as a preferential transfer.

Party Information

Debtor(s):

Jae Paul Pak

Represented By
Jeffrey I Golden
Beth Gaschen

Defendant(s):

William Rassman

Pro Se

Plaintiff(s):

Jae Paul Pak

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Sheri Bluebond, Presiding
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Tuesday, April 2, 2024

Hearing Room 1539

2:00 PM

CONT... Jae Paul Pak

Beth Gaschen

Chapter 11

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 2, 2024

Hearing Room 1539

2:00 PM

2:21-14900 Norberto Fidel Reyes, III

Chapter 7

Adv#: 2:21-01186 Brown et al v. Reyes, III

#204.00 Plaintiffs' Motion for Summary Judgment

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion. Enter judgment in favor of plaintiffs finding that judgment attached to Fifth Amended Complaint as Exhibit 12 (entered July 9, 2015 in LASC Case No. BC 529997) and all amounts due thereunder are excepted from the debtor's discharge in this bankruptcy case under bankruptcy code section 523(a)(6).

Party Information

Debtor(s):

Norberto Fidel Reyes III Pro Se

Defendant(s):

Norberto Fidel Reyes III Pro Se

Movant(s):

Richard W Brown Pro Se

Diane Y Brown Pro Se

Plaintiff(s):

Richard W Brown Pro Se

Diane Y Brown Pro Se

Trustee(s):

John P Pringle (TR) Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, April 2, 2024

Hearing Room 1539

2:00 PM

2:21-14900 Norberto Fidel Reyes, III

Chapter 7

Adv#: 2:21-01186 Brown et al v. Reyes, III

#205.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)), (41 (Objection / revocation of discharge - 727(c),(d),(e))), (14 (Recovery of money/property - other)) Complaint by Diane Y Brown , Richard W Brown against Norberto Fidel Reyes III.

fr. 11-30-21; 4-5-22; 5-3-22; 5-10-22; 6-22-22; 10-11-22; 1-31-23; 2-7-23; 4-18-23; 5-2-23; 8-29-23, 1-9-24

Docket 3

Courtroom Deputy:

12/6/22 - Fifth Amended Complaint Filed

Tentative Ruling:

Tentative Ruling for November 30, 2021:

Set deadline for plaintiffs to file amended complaint. Continue status conference to date that can be used for a hearing on any motion to dismiss that may be filed with regard to the amended complaint.

Final Ruling for November 30, 2021:

Continue status conference to April 5, 2022 at 2:00 p.m. Joint status report should be filed not later than March 22, 2022. (Court ordered plaintiff to file third amended complaint not later than February 15, 2022.)

Plaintiffs filed amended complaint on February 14, 2022. Response to complaint was due March 21, 2022. Docket does not reflect filing of response. Set deadline for plaintiff to file request for entry of default and motion for entry of default judgment. Continue status conference to coincide with hearing on default judgment motion.

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CONT... Norberto Fidel Reyes, III

Chapter 7

(Note: Plaintiff used wrong form for status report -- the form used was an attachment to be used when there are more than two parties to a complaint, not the actual form itself.)

Tentative Ruling for June 22, 2022:

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

Tentative Ruling for October 11, 2022:

Revisit status of action after conclusion of hearing on motion to dismiss.

Tentative Ruling for January 31, 2023:

Continue status conference to February 7, 2023 at 2:00 p.m. to be heard concurrently with motion to dismiss. OFF CALENDAR FOR JANUARY 31, 2023.

Tentative Ruling for February 7, 2023:

Revisit status of action after conclusion of hearing on motion to dismiss.

2/8/23 -- Court signed order granting motion to dismiss without leave to amend first claim for relief. Motion denied with regard to balance of claims. Defendant must file and serve answer to complaint (excluding paragraphs 56 through 59) not later than March 6, 2023.

Tentative Ruling for May 2, 2023:

Court received plaintiff's unilateral status report. Court ordered parties to file joint status report. What efforts have plaintiff's made to get defendant to cooperate in filing a joint status report or to meet and confer in compliance with LBR 7026-1? Hearing required.

5/8/23 -- Court approved scheduling order setting following dates:

Discovery cutoff -- August 31, 2023

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CONT... Norberto Fidel Reyes, III

Chapter 7

Cont'd status conference -- August 29, 2023 at 2:00 p.m.
L/D to file joint status report -- August 14, 2023.

Tentative Ruling for August 29, 2023:

Defendant checked the box saying he does not consent to this court's entry of final orders, but this is a 523 action, which is a core matter in which this court can enter final orders without the defendant's consent.

Set deadline for filing of pretrial motions, including discovery motions.
Continue status conference to anticipated date of hearing on pretrial motions.
Relieve plaintiff of obligation to prepare joint motion as required by local rules.

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

Extended discovery cutoff -- January 12, 2024
L/D to file pretrial motions -- January 19, 2024
L/D to file joint status report -- December 26, 2023
Cont'd status conference -- January 9, 2024 at 2:00 p.m.

Tentative Ruling for January 9, 2024:

Court has already set January 19, 2024 as last day to file pretrial motions, which includes motions to compel discovery and motions to be relieved from deemed admissions, as well as motions for summary judgment. Do the parties anticipate filing any pretrial motions? Hearing required.

1/10/24 -- Court extended deadline to file pretrial motions to February 12, 2024.

Tentative Ruling for April 2, 2024:

Take status conference off calendar due to grant of summary judgment motion.

Party Information

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CONT... Norberto Fidel Reyes, III

Chapter 7

Debtor(s):

Norberto Fidel Reyes III Pro Se

Defendant(s):

Norberto Fidel Reyes III Pro Se

Plaintiff(s):

Richard W Brown Pro Se

Diane Y Brown Pro Se

Trustee(s):

John P Pringle (TR) Pro Se

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2:00 PM

2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:22-01045 U.S. Real Estate Credit Holdings III-A, LP v. Al Miller & Sons Roofing Co.,

#206.00 Motion For Summary Judgment Claimants/Defendants Mascorro Concrete Construction (Claim No. 29-1) And Temalpakh, Inc DbA The Works Floor & Walls (Claim No. 31-1) Notice Of Motion And Joint Motion For Summary Judgment

fr: 9-27-22; 11-15-22; 12-13-22; 2-14-23; 3-14-23; 5-16-23; 6-6-23; 7-11-23; 8-15-23, 10-3-23; 11-7-23; 1-9-24; 2-13-24

Docket 44

Courtroom Deputy:

Tentative Ruling:

9/8/22 -- Court approved stipulation continuing hearing to November 15, 2022 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 27, 2022.

10/14/22 -- Court approved stipulation continuing hearing to December 13, 2022 at 2:00 p.m. OFF CALENDAR FOR NOVEMBER 15, 2022.

11/28/22 -- Court approved stipulation continuing hearing to February 14, 2023 at 2:00 p.m. OFF CALENDAR FOR DECEMBER 13, 2022.

1/25/23 -- Court approved stipulation continuing hearing to MARCH 14, 2023 at 2:00 p.m. OFF CALENDAR FOR FEBRUARY 14, 2023.

Tentative Ruling for March 14, 2023:

Plaintiff has reported that parties do not intend to proceed to hearing on this motion at the present time. What is the status of this matter and how do the parties recommend that the Court proceed at this time?

Final Ruling for March 14, 2023:

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CONT... Glenroy Coachella, LLC

Chapter 7

Continue hearing to May 16, 2023 at 2:00 p.m. Parties do not anticipate needing to proceed to hearing on motion for summary judgment.

Tentative Ruling for May 16, 2023:

What, if any, additional progress has been made toward resolution of this action? Hearing required.

Tentative Ruling for June 6, 2023:

Continue status conference to date scheduled for new motion for summary judgment -- July 11, 2023 at 2:00 p.m.

Tentative Ruling for July 11, 2023:

What, if any, additional progress has been made since June 6, 2023? Hearing required.

Tentative Ruling for August 15, 2023:

Court has been advised that parties would like to treat this matter as a status conference and will be requesting brief continuance of hearing.

Final Ruling for August 15, 2023:

Parties are still exchanging information and negotiating. Continue hearing to October 3, 2023 at 2:00 p.m.

Tentative Ruling for October 3, 2023:

At request of parties, continue hearing to November 7, 2023 at 2:00 p.m.
APPEARANCES WAIVED ON OCTOBER 3, 2023.

Tentative Ruling for November 7, 2023:

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CONT... Glenroy Coachella, LLC

Chapter 7

What is the status of this matter? Are the parties still exchanging information and negotiating or do they want to move forward with this motion? Hearing required.

Final Ruling for November 7, 2023:

Continue hearing to January 9, 2024 at 2:00 p.m. Movant reports that it intends to proceed with merits of motion as against defendant Temalpakh.

Tentative Ruling for January 9, 2023:

In its original preliminary opposition to the motion with regard to Temalpakh, USREICH argued that, based on the documentation provided in support of the motion, a genuine issue exists as to whether some or all of the work for which the movant seeks payment was performed on real property known as "Building B," which is an adjacent property not part of the real property owned by USRECH for and therefore not a claim for which USRECH could be held liable. The only evidence provided on this issue was an unsupported conclusory allegation that the movant is not seeking payment for any work done on Building B, yet this appears inconsistent with supporting exhibits provided. The court has continued the hearing on this motion repeatedly to give the parties an opportunity to exchange information in support of their respective positions. Has any additional documentation of the kind requested by USRECH been provided? Hearing required.

(Parties report that they have reached a consensual resolution with regard to Temalpakh's claim.)

Tentative Ruling for February 13, 2024:

Parties previously reported that this matter had been resolved with regard to Temalpakh. Is this no longer correct? (There is no 9019 motion on the docket in the main case.) If the matter has not been resolved, are the parties now seeking a resolution of this motion from the Court? (The only thing new on the docket since the court posted its last tentative ruling is the notice of continuance.) Hearing required.

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CONT... Glenroy Coachella, LLC

Chapter 7

Final Ruling for February 13, 2024:

Parties reported that they are working on form of settlement agreement.
Continue hearing to April 2, 2024 at 2:00 p.m. to give parties an opportunity to document their settlement.

Tentative Ruling for April 2, 2024:

What, if any, progress has been made with regard to this action since the February 13, 2024 status conference? Hearing required. (Court approved stipulation re release of funds from escrow to Temalpakh on April 1, 2024.)

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Al Miller & Sons Roofing Co., Inc.

Represented By
Thomas J Polis

Apple J. Plumbing

Represented By
Thomas J Polis

Desert Palms Electric, Inc.

Represented By
Thomas J Polis

Mascorro Concrete Construction,

Represented By
Thomas J Polis

Tandem West Glass, Inc.

Represented By
Thomas J Polis

Temalpakh, Inc. dba The Works

Represented By
Thomas J Polis

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CONT... Glenroy Coachella, LLC

Chapter 7

Movant(s):

Mascorro Concrete Construction,

Represented By
Thomas J Polis

Temalpakh, Inc. dba The Works

Represented By
Thomas J Polis

Mascorro Concrete Construction,

Represented By
Thomas J Polis

Temalpakh, Inc. dba The Works

Represented By
Thomas J Polis

Plaintiff(s):

U.S. Real Estate Credit Holdings III-

Represented By
Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:22-01045 U.S. Real Estate Credit Holdings III-A, LP v. Al Miller & Sons Roofing Co.,

#207.00 Motion For Summary Judgment Claimants/Defendants All Phase Drywall & Development, (Claim No. 52-1) Blair Air, Inc. (Claim No. 17-1) And La Hacienda Nursery And Landscape, Inc. (Claim No. 24-2)

fr: 7-11-23; 8-15-23, 10-3-23; 11-7-23; 1-9-24; 2-13-24

Docket 101

Courtroom Deputy:

Tentative Ruling:

6/22/23 -- Court approved stipulation continuing hearing to August 15, 2023 at 2:00 p.m. OFF CALENDAR FOR JULY 11, 2023. NO APPEARANCE REQUIRED.

Tentative Ruling for August 15, 2023:

Court has been advised that parties would like to treat this matter as a status conference and will be requesting brief continuance of hearing.

Final Ruling for August 15, 2023:

Parties are still exchanging information and negotiating. Continue hearing to October 3, 2023 at 2:00 p.m.

Tentative Ruling for October 3, 2023:

At request of parties, continue hearing to November 7, 2023 at 2:00 p.m.
APPEARANCES WAIVED ON OCTOBER 3, 2023.

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CONT... Glenroy Coachella, LLC

Chapter 7

Tentative Ruling for November 7, 2023:

What is the status of this matter? Are the parties still exchanging information and negotiating or do they want to move forward with this motion? Hearing required.

Final Ruling for November 7, 2023:

Continue hearing to January 9, 2024 at 2:00 p.m. Movant reports that it intends to proceed with merits of motion as against defendants All Phase Drywall and La Hacienda.

Tentative Ruling for January 9, 2024:

In its original preliminary opposition to the motion with regard to All Phase and La Hacienda, USREICH argued that the motion was insufficient because it did not contain any invoices, payment history or other salient information to support its contention that it actually provided \$436,871.54 of labor and materials for which it has not been paid. USRECH made a similar argument with regard to the \$148,717.74 of labor and materials that La Hacienda claims to have provided. The court has continued the hearing on this motion repeatedly to give the parties an opportunity to exchange information in support of their respective positions. Has any additional documentation of the kind requested by USRECH been provided? Hearing required.

(Parties report that they have reached a consensual resolution with regard to both claims.)

Tentative Ruling for February 13, 2024:

Parties previously reported that this matter had been resolved with regard to both remaining claims. Is this no longer correct? (There is no 9019 motion on the docket in the main case.) If the matter has not been resolved, are the parties now seeking a resolution of this motion from the Court? (The only thing new on the docket since the court posted its last tentative ruling is the

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CONT... **Glenroy Coachella, LLC**
notice of continuance.) Hearing required.

Chapter 7

Final Ruling for February 13, 2024:

Continue hearing to April 2, 2024 at 2:00 p.m.

Tentative Ruling for April 2, 2024:

What, if any, progress has been made with regard to this action since the February 13, 2024 status conference? Hearing required.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Al Miller & Sons Roofing Co., Inc.

Represented By
Thomas J Polis

Apple J. Plumbing

Represented By
Thomas J Polis

Desert Palms Electric, Inc.

Represented By
Thomas J Polis

Mascorro Concrete Construction,

Represented By
Thomas J Polis

Tandem West Glass, Inc.

Represented By
Thomas J Polis

Temalpakh, Inc. dba The Works

Represented By
Thomas J Polis

La Hacienda Nursery &

Represented By
Thomas J Polis

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CONT... **Glenroy Coachella, LLC**
All Phase Drywall & Development

Represented By
Thomas J Polis

Chapter 7

Blair Hearing & Air

Represented By
Thomas J Polis

Movant(s):

La Hacienda Nursery &

Represented By
Thomas J Polis

All Phase Drywall & Development

Represented By
Thomas J Polis

Blair Hearing & Air

Represented By
Thomas J Polis

Plaintiff(s):

U.S. Real Estate Credit Holdings III-

Represented By
Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays
Leonard M Shulman

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:22-01045 U.S. Real Estate Credit Holdings III-A, LP v. Al Miller & Sons Roofing Co.,

#208.00 Status Conference re: 21 (Validity, priority or extent of lien or other interest in property) Complaint by U.S. Real Estate Credit Holdings III-A, LP against Al Miller & Sons Roofing Co., Inc., Apple J. Plumbing, Desert Palms Electric, Inc., Mascorro Concrete Construction, Inc., Tandem West Glass, Inc., Temalpakh, Inc. dba The Works Floor & Wall. (21 (Validity, priority or extent of lien or other interest in property)

fr: 3-29-22; 6-14-22; 9-13-22; 11-15-22; 12-13-22; 2-14-23; 5-16-23; 7-11-23; 8-15-23, 10-3-23; 11-7-23; 1-9-24; 2-13-24

Docket 1

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling from March 29, 2022:

Where is the parties' joint status report? How long do the parties anticipate that they will need to conduct discovery? Have the parties met and conferred and exchanged the information required by FRBP 7026? Is this an appropriate matter to be sent to an early mediation?

Hearing required.

NOTE: Court received notice of errata saying that parties filed status report in wrong adversary proceeding. Should the court set discovery cutoff at this juncture or should the court merely continue the status conference to give the parties more time to engage in negotiations? Hearing required.

Tentative Ruling for June 14, 2022:

Court previously approved a distribution from the escrow fund to Miller. Has

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CONT... Glenroy Coachella, LLC

Chapter 7

this adversary proceeding now been fully resolved or are the parties still documenting the settlement? Hearing required.

9/8/22 -- Court approved stipulation continuing status conference to November 15, 2022 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 13, 2022.

10/14/22 -- Court approved stipulation continuing hearing to December 13, 2022 at 2:00 p.m. OFF CALENDAR FOR NOVEMBER 15, 2022.

11/28/22 -- Court approved stipulation continuing hearing to February 14, 2023 at 2:00 p.m. OFF CALENDAR FOR DECEMBER 13, 2022.

1/25/23 -- Court approved stipulation continuing hearing to MARCH 14, 2023 at 2:00 p.m. OFF CALENDAR FOR FEBRUARY 14, 2023.

Tentative Ruling for March 14, 2023:

What is the status of this matter and how do the parties recommend that the Court proceed at this time?

Final Ruling for March 14, 2023:

Continue hearing to May 16, 2023 at 2:00 p.m.

Tentative Ruling for July 11, 2023:

What, if any, additional progress has been made toward resolution of this action? Hearing required. (Continue status conference to August 15, 2023 at 2:00 p.m. to be heard with related matter.)

7/13/23 -- Court approved stipulation releasing funds to Apple J and Ferguson.

Tentative Ruling for August 15, 2023:

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CONT... Glenroy Coachella, LLC

Chapter 7

Continue status conference to coincide with date and time of continued hearings on related matters.

Final Ruling for August 15, 2023:

Parties are still exchanging information and negotiating. Continue hearing to October 3, 2023 at 2:00 p.m.

Tentative Ruling for October 3, 2023:

At request of parties, continue hearing to November 7, 2023 at 2:00 p.m.
APPEARANCES WAIVED ON OCTOBER 3, 2023.

Tentative Ruling for November 7, 2023:

What is the status of this matter? Are the parties still exchanging information and negotiating or do they want to move forward with motion for summary judgment? Hearing required.

Tentative Ruling for April 2, 2024:

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

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Al Miller & Sons Roofing Co., Inc. Pro Se

Apple J. Plumbing Pro Se

Desert Palms Electric, Inc. Pro Se

Mascorro Concrete Construction, Pro Se

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CONT... Glenroy Coachella, LLC

Chapter 7

Tandem West Glass, Inc.

Pro Se

Temalpakh, Inc. dba The Works

Pro Se

Movant(s):

U.S. Real Estate Credit Holdings III-

Represented By
Christopher O Rivas

Plaintiff(s):

U.S. Real Estate Credit Holdings III-

Represented By
Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
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Hearing Room 1539

2:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

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

#209.00 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; 1-23-24

Docket 5

***** VACATED *** REASON: CONTINUED TO 7-2-24 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.

3/14/24 -- Court approved stipulation continuing hearing to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 2, 2024.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

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CONT... Ryan Magdi Girgis

Chapter 11

Defendant(s):

Ryan Magdi Girgis

Represented By
Lane K Bogard

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

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

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23; 1-23-24

Docket 8

***** VACATED *** REASON: CONTINUED TO 7-2-24 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.

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

Tuesday, April 2, 2024

Hearing Room 1539

2:00 PM

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.

3/14/24 -- Court approved stipulation continuing hearing to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 2, 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

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

Tuesday, April 2, 2024

Hearing Room 1539

2:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

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

#211.00 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; 1-23-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 7-2-24 AT 2PM**

Courtroom Deputy:

ZoomGov Appearance by:

11/6/23 - Vanessa Haberbusch

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.

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

Tuesday, April 2, 2024

Hearing Room 1539

2:00 PM

CONT... **Ryan Magdi Girgis**

Chapter 11

Party Information

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