

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

Wednesday, April 3, 2024

Hearing Room 1539

10:00 AM
2:00-00000

Chapter

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

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

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 of your appearance.** The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

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

Hearing conducted by ZOOMGov.

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

ZoomGov meeting number: 161 6109 0855

Password: 148508

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

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

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

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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11:00 AM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#1.00 Status Conference re Debtor's Objection to Claim of Buckingham Heights Lease LLC (Claim No. 6)

fr: 4-20-22; 4-27-22; 6-22-22; 7-27-22; 12-13-22; 4-18-23; 5-2-23; 6-13-23,
9-26-23; 11-7-23; 4-9-24; 1-31-24

Docket 138

***** VACATED *** REASON: RESCHEDULED TO 1PM TODAY**

Courtroom Deputy:

ZoomGov Appearance by:

1/30/24 - Paul Malingagio

1/30/24 - Michael Lauter

1/30/24 - Joshua Mester

Tentative Ruling:

Tentative Ruling for April 20, 2022:

Conduct hearing as status conference. Do the parties need to conduct discovery? Is this an appropriate matter to be sent to mediation? Hearing required.

Final Ruling for April 20, 2022:

Continue hearing to April 27, 2022 at 11:00 a.m. as a holding date to give the parties an opportunity lodge (slightly modified) order approving parties' stipulation re scheduling for resolving this claim objection.

Tentative Ruling for April 27, 2022:

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**CONT... Buckingham Heights Business Park (a California Lim Chapter 11
4/25/22 -- Court approved stipulated scheduling order with following dates:**

	Date
Complete Written Discovery	July 8
Complete Fact Discovery and Depos	July 15
Exchange Expert Reports	July 22
Exchange Rebuttal Expert Reports	August 12
Expert Depositions	August 22-26
All Expert Discovery Concluded	August 29
Summary Judgment Motions Filed	August 30
Objections to Summary Judgment Motions Filed	September 13
Replies in Support of Summary Judgment Motions Filed	September 20
Hearing on Summary Judgment Motions	September 27 at 2:00 p.m.
Joint Pre-Trial Statement Filed	October 11
Pre-Trial Hearing	October 25 at 2:00 p.m.
Trial	Debtor and Lessor to request trial dates at the ensuing status conference held on the Claim Objection

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CONT... Buckingham Heights Business Park (a California Lim Chapter 11

Continue status conference on claim objection to track with plan confirmation process.

Final Ruling for April 27, 2022:

Court will treat objection as an adversary proceeding for procedural purposes. Court continued hearing to June 22, 2022 at 11:00 a.m. and waived requirement that parties file joint status report. (Court advised that it would coordinate hearings with plan confirmation process.)

Tentative Ruling for June 22, 2022:

Court understands from a review of the debtor's case status report that it wants to negotiate a modification of the above schedule with the lender. Have the parties agreed on any changes to this schedule? Hearing required.

Final Ruling for June 22, 2022:

Court will treat matter as an adversary proceeding for procedural purposes. Continue hearing to July 27, 2022 at 11:00 a.m. Parties are to file and serve joint status report not later than July 13, 2022.

Tentative Ruling for July 27, 2022:

Court has reviewed joint status report, but it doesn't say much. Have parties succeeded in negotiating revised schedule? If not, how much time do the parties believe they require. As court has deemed this matter an adversary proceeding for procedural purposes, parties should use mandatory form for adversary joint status reports in the future. Hearing required.

7/29/22 -- Court approved stipulation with revised dates:

	Date
Complete Written Discovery	September 2
Complete Fact Discovery and Depos	September 16
Exchange Expert Reports	September 26

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CONT... **Buckingham Heights Business Park (a California Lim**

Chapter 11

Status Conference	October 25 at 2:00 p.m.
Exchange Rebuttal Expert Reports	November 11
Expert Depositions	November 28-December 2
All Expert Discovery Concluded	December 2
Joint Pre-Trial Statement and Trial Briefs Filed	December 5
Pre-Trial Hearing	December 13 at 2:00 p.m.
Trial	Debtor and Lessor to request trial dates at the ensuing status conference hearing held on the Claim Objection

4/4/23 -- Court approved stipulation setting these dates.

	Date
Complete Production of Documents and Responses to Interrogatories	April 4, 2023
Complete Fact Depositions	May 31, 2023
Status Conference and Last Day to Hear Discovery Motions	June 13, 2023, 2:00 p.m.
Ground Lessor Expert Report Exchanged	June 14, 2023
Debtor Rebuttal Report Exchanged	July 13, 2023
Ground Lessor Response to Debtor Expert Report Exchanged	July 24, 2023
Expert Depositions	August 1 – August 31, 2023
All Expert Discovery Concluded	August 31, 2023
Joint Pre-Trial Order Lodged ; Trial Briefs and Direct Testimony Declarations Filed	September 29, 2023

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Buckingham Heights Business Park (a California Lim

Chapter 11

Evidentiary Objections to Direct Testimony Declarations and Reply Declarations filed	October 6, 2023
Evidentiary Objections to Reply Declarations Filed	October 13, 2023
Pre-Trial Conference	October 17, 2023, 2:00 p.m.
Trial	October <u>24-25</u> , 2023, 10 a.m.

OFF CALENDAR. STATUS CONFERENCE CONTINUED TO JUNE 13, 2023 AT 2:00 P.M.

6/26/23 -- Court approved stipulation with following dates:

	Date
Ground Lessor Expert Report Exchanged	June 14, 2023
Debtor Rebuttal Report Exchanged	July 13, 2023
Ground Lessor Response to Debtor Expert Report Exchanged	July 24, 2023
Expert Depositions	August 1 – August 31, 2023
All Expert Discovery Concluded	August 31, 2023
Joint Pre-Trial Order Lodged	September 12, 2023
Pre-Trial Conference	September 26, 2023 at 2:00 p.m.
Trial Briefs and Direct Testimony Declarations Filed	September 29, 2023
Evidentiary Objections to Direct Testimony Declarations and Reply Declarations Filed	October 6, 2023

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CONT... **Buckingham Heights Business Park (a California Lim** **Chapter 11**

Evidentiary Objections to Reply Declarations Filed	October 13, 2023
Trial	October 25 at 10:00 a.m.

Tentative Ruling for September 26, 2023:

At request of the parties, continue pretrial conference to November 7, 2023 at 2:00 p.m. Parties should lodge proposed joint pretrial order not later than October 24, 2023, unless the court has approved a stipulation altering the above schedule by that date. APPEARANCES WAIVED on September 26, 2023.

10/25/23 -- Court approved revised scheduling order with following dates:

Expert Depositions	November 27, 2023-January 5, 2024
All Expert Discovery Concluded	January 5, 2024
Joint Pre Trial Order Lodged; Trial Briefs and Direct Testimony Declarations Filed	March 15, 2024
Evidentiary Objections to Direct Testimony Declarations and Reply Declarations filed	March 22, 2024
Evidentiary Objections to Reply Declarations	March 29, 2024
Pre-Trial Conference	April 9, 2024, 2:00 p.m.
Trial	April 23, 2024, 10:00 a.m.

OFF CALENDAR FOR NOVEMBER 7, 2023.

11/16/23 -- Parties have advised that they intend to request a continuance of the trial date on the claim objection for the sixth time. Court entered order vacating above dates and setting a status conference on the claim objection for January 31, 2024 at 11:00 a.m. OFF CALENDAR FOR APRIL 9, 2024.

Tentative Ruling for January 31, 2024:

What is the status of this matter? Have the parties now completed expert witness discovery? Hearing required.

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CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

Movant(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

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2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#2.00 Status Conference re: Confirmation Hearing for Debtor's Chapter 11 Plan Of Reorganization Dated December 14, 2022

fr: 2-22-23; 3-21-23; 4-27-23; 12-7-23; 1-31-24

Docket 259

***** VACATED *** REASON: RESCHEDULED TO 1PM TODAY**

Courtroom Deputy:

ZoomGov Appearance by:

1/29/24 - David Shevitz

1/30/24 - Paul Malingagio

1/30/24 - Michael Lauter

1/30/24 - Joshua Mester

Tentative Ruling:

Court agrees that the lessor's objections go to whether the plan may be confirmed and not to whether it contains adequate information. Nevertheless, the two clarifying changes that the debtor proposes to make to the plan are helpful and should be made.

The Court has additional comments and proposed changes to the language of the plan (and, where there are corresponding provisions) the disclosure statement that will be discussed on the record at the time of hearing on the disclosure statement.

3/7/23 -- At hearing held this date, Court continued confirmation hearing and case status conference to April 27, 2023 at 10:00 a.m. OFF CALENDAR FOR MARCH 21, 2023.

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CONT... Buckingham Heights Business Park (a California Lim Chapter 11

4/6/23 -- Court approved stipulation continuing confirmation hearing to December 7, 2023 at 10:00 a.m. OFF CALENDAR FOR APRIL 27, 2023.

11/16/2023 -- In light of a stipulation between the parties requesting an extended continuance of this date, court vacated confirmation hearing date and set case status conference date of January 31, 2024 at 11:00 a.m. OFF CALENDAR FOR DECEMBER 7, 2023.

Tentative Ruling for January 31, 2024:

Revisit status of plan after conclusion of status conference on claim objection.

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

Movant(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

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2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

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

fr. 10-13-21, 10-27-21, 11-3-21, 2-9-22; 4-27-22; 6-22-22; 9-14-22; 11-30-22;
2-22-23; 3-21-23; 4-27-23; 5-2-23; 6-13-23, 9-26-23; 11-7-23; 4-9-24; 1-31-24

Docket 1

***** VACATED *** REASON: RESCHEDULED TO 1PM TODAY**

Courtroom Deputy:

ZoomGov Appearance by:

1/29/24 - David Shevitz

1/30/24 - Paul Malingagio

1/30/24 - Michael Lauter

1/30/24 - Joshua Mester

Tentative Ruling:

10/13/21 -- At hearing held this date, Court continued case status conference to November 3, 2021 at 10:00 a.m. OFF CALENDAR FOR OCTOBER 27, 2021.

Tentative Ruling for November 3, 2021:

To date, has anyone expressed any interest in acquiring the debtor's interest under the groundlease? Does it make sense for the parties to participate in mediation in an effort to negotiate a mutually agreeable business resolution to their disputes? Hearing required.

Tentative Ruling for February 9, 2022:

Continue case status conference to date that could serve as date of hearing on disclosure statement if debtor files plan by April 6, 2022.

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Chapter 11

Tentative Ruling for April 27, 2022:

Continue case status conference to date of next status conference or other hearing on claim objection.

Tentative Ruling for June 22, 2022:

Set deadline for the debtor to accept a bid from a stalking horse and file a motion for authority to sell or a proposed plan that incorporates the sale. Continue case status conference for approximately 60 to 90 days.

6/27/22 -- Court signed scheduling order with following dates:

Cont'd case status conference -- September 14, 2022 at 11:00 a.m.
L/D for debtor to file sale motion or plan -- August 24, 2022
L/D to file status report (only required if debtor fails to comply with prior filing deadline) -- September 2, 2022.

Tentative Ruling for September 14, 2022:

At debtor's request, extend deadline for debtor to file either a plan or a sale motion to September 23, 2022. Continue case status conference to date that can serve as hearing on sale motion.

Final Ruling for September 14, 2022:

Continue case status conference to November 30, 2022 at 11:00 a.m. Set October 14, 2022 as last day for filing plan and disclosure statement. Disclosure statement may be set for hearing (if filed timely) on November 30, 2022 at 11:00 a.m. Waive requirement of updated status report.

Tentative Ruling for November 30, 2022:

If court sets continued hearing on disclosure statement, continue case status conference to date of continued hearing on disclosure statement. If court approves disclosure statement, continue case status conference to date of

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CONT... Buckingham Heights Business Park (a California Lim
confirmation hearing.

Chapter 11

CONTINUE TO MARCH 21, 2023 AT 10:00 A.M. TO BE HEARD
CONCURRENTLY WITH CONFIRMATION HEARING.

3/7/23 -- At hearing held this date, Court continued confirmation hearing and
case status conference to April 27, 2023 at 10:00 a.m. OFF CALENDAR
FOR MARCH 21, 2023.

Tentative Ruling for April 27, 2023:

Continue case status conference to May 2, 2023 at 2:00 p.m. to be heard
concurrently with other matters scheduled for that date. OFF CALENDAR
FOR APRIL 27, 2023.

Tentative Ruling for May 2, 2023:

Are there any new developments in this case that should be brought to the
court's attention at this time? Hearing required.

Tentative Ruling for June 13, 2023:

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

Final Ruling for June 13, 2023:

Continue case status conference to September 26, 2023 at 2:00 p.m. to be
heard concurrently with pretrial conference on claim objection.

Tentative Ruling for September 26, 2023:

Continue case status conference to November 7, 2023 at 2:00 p.m. to be
heard concurrently with continued pretrial conference on claim objection.
Requirement of case status conference for November 7 conference is
waived. APPEARANCES WAIVED ON SEPTEMBER 26, 2023.

Tentative Ruling for November 7, 2023:

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CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

Continue case status conference to April 9, 2024 at 2:00 p.m. to be heard concurrently with pretrial conference on claim objection. Requirement of case status report for April 9, 2024 status conference is waived. APPEARANCES WAIVED ON NOVEMBER 7, 2023.

Tentative Ruling for January 31, 2024:

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

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

**United States Bankruptcy Court
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Wednesday, April 3, 2024

Hearing Room 1539

11:00 AM

2:23-12276 Ryan Magdi Girgis

Chapter 11

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

fr: 6-7-23; 7-20-23; 8-30-23; 10-17-23; 11-1-23; 11-29-23; 1-31-24

Docket 1

***** VACATED *** REASON: RESCHEDULED TO 1PM TODAY**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for June 7, 2023:

What was the state court lawsuit that led to the default judgment about? The status report refers to the complaint in that action as containing claims for breach of contract and fraud, but what kind of contract was it? What was the alleged fraud?

What kind of plan does the debtor think he will be able to propose with projected disposable income of \$76.57 per month? Does debtor anticipate that his income will increase beyond this amount in the future?

Hearing required.

Final Ruling for June 7, 2023:

Continue status conference to July 20, 2023 at 10:00 a.m. Court waived the requirement of a status report and instructed debtor to focus on filing plan, which is due by July 17, 2023.

Tentative Ruling for July 20, 2023:

The Court has a number of questions and concerns with regard to the form of the plan and the disclosures contained in the plan that will be discussed on the record at the time of the status conference.

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CONT... Ryan Magdi Girgis

Chapter 11

Final Ruling for July 20, 2023:

Debtor should file amended plan by August 21, 2023. Status conference continued to August 30, 2023 at 11:00 a.m. Requirement of updated status report waived.

Tentative Ruling for August 30, 2023:

The Court has a number of additional comments with regard to the form of the plan that will be discussed on the record at the time of the status conference.

9/13/23 -- Court approved stipulation continuing deadline to file amended plan from October 10, 2023 to October 24, 2023 and continuing hearing from October 17, 2023 at 10:30 a.m. to **November 1, 2023 at 11:00 a.m.** OFF CALENDAR FOR OCTOBER 17, 2023.

10/23/23 -- Court approved stipulation continuing deadline to file amended plan from October 24, 2023 at November 10, 2023 and continuing case status conference to **November 29, 2023 at 11:00 a.m.** OFF CALENDAR FOR NOVEMBER 1, 2023.

11/13/23 -- Court approved stipulation continuing deadline to file amended plan from November 10, 2023 to January 5, 2024 and continuing case status conference to **January 31, 2024 at 11:00 a.m.** OFF CALENDAR FOR NOVEMBER 29, 2023.

1/08/24 -- Court approved stipulation continuing deadline to file amended plan to March 15, 2024 and continuing case status conference to **April 3, 2024 at 11:00 a.m.** OFF CALENDAR FOR JANUARY 31, 2024.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By
David R Haberbush
Vanessa M Haberbush

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CONT... Ryan Magdi Girgis

Chapter 11

Movant(s):

Ryan Magdi Girgis

Represented By
David R Haberbush
Vanessa M Haberbush

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Wednesday, April 3, 2024

Hearing Room 1539

1:00 PM

2:21-15007 Pacific Theatres Exhibition Corp.

Chapter 7

#100.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Chapter 7 Trustees Motion For Entry Of An Order: (A) Approving Sale Of Estates Right, Title, And Interest In El Capitan General Partnership Interest, Free And Clear Of Liens, Claims, And Interests; And (B) Approving Overbid Procedures

Docket 307

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Overbid increments seem a bit large for a sale price in this range, but this may be moot unless others have expressed an interest in acquiring this interest. If the trustee has not heard from anyone else interested in this asset, grant motion and approve sale to Buena Vista Theatres, Inc.

Party Information

Debtor(s):

Pacific Theatres Exhibition Corp.

Represented By
Erin N Brady

Movant(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier
Ryan W Anderson

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier
Ryan W Anderson

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2:23-15188 BNA Textile Inc

Chapter 7

#101.00 Chapter 7 Trustee's Notice Of Motion And Motion For Order Compelling Turnover Of Estate Property And Documents

Docket 71

Courtroom Deputy:

ZoomGov Appearance by:

3/29/24 - Toan B. Chung

Tentative Ruling:

Grant motion. Enter an order compelling debtor's principal to relinquish possession of commercial building to the trustee and to deliver to the trustee all keys to the building, all access codes, current mortgage statements and proof of any insurance.

Party Information

Debtor(s):

BNA Textile Inc

Represented By
Ji Yoon Kim

Movant(s):

Roquemore, Pringle & Moore, Inc.

Represented By
Toan B Chung

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey L Sumpter
Toan B Chung

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Wednesday, April 3, 2024

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1:00 PM

2:21-15396 James Terrell Gover

Chapter 7

#102.00 Debtor's Motion For Contempt For Violation Of The Automatic Stay And Discharge Injunction

Docket 19

Courtroom Deputy:

ZoomGov Apperance by:

3/29/24 - Christina Snider

Tentative Ruling:

Rulings on SPS's Evidentiary Objections

(Numbers correspond to paragraphs of declaration to which SPS objects)

Debtor's Declaration

5. Overrule.
6. Sustain. Lack of foundation.
7. Sustain. Lack of foundation.
9. Overrule.
10. Overrule (but court notes that debtor is not qualified to give a legal opinion as to what SPS is entitled to do).
11. Sustain. Best evidence.
12. Sustain. Lack of foundation.
13. Overrule.
14. Overrule.
15. Sustain. Best evidence.
17. Overrule.
18. Sustain. Lack of foundation; lack of personal knowledge.
19. Overrule.
20. Overrule.

Angelo Declaration

6. Sustain. Lack of personal knowledge.
7. Sustain. Lack of foundation/personal knowledge.

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Chapter 7

8. Sustain. Lack of personal knowledge/foundation.
10. Sustain. Best evidence; lack of foundation/personal knowledge.
11. Sustain. Lack of personal knowledge.
12. Sustain. Best evidence.
13. Sustain. Lack of personal knowledge/foundation.
14. Overrule as to language prior to comma in first sentence. Sustain as to balance for lack of personal knowledge and best evidence.

Tentative Ruling on Merits

Court is confused. If debtor no longer owns this property (and claims the property was already foreclosed upon), why does he care if he is receiving notices that there will be a foreclosure if he doesn't make payments? He should simply disregard the notices.

SPS is correct that, notwithstanding the debtor's discharge, a secured creditor may demand payment as a condition to not proceeding with a foreclosure of its collateral. SPS could do a better job of tailoring the forms that it uses once a borrower's personal liability has been discharged to reduce the amount of lanuage that sounds like an attempt to collect a discharged debt. However, the only threat contained in any of the writings sent to the debtor is that the lender will move forward with a foreclosure if the obligation isn't paid (and that the amount of the payment necessary to prevent the foreclosure will increase with the passage of time). SPS has the right to do this. Why did the debtor bother to do anything at all in an effort to stop these notices from coming? Were any attorneys' fees incurred reasonable and necessary?

Hearing required.

Party Information

Debtor(s):

James Terrell Gover

Represented By
Barry E Borowitz
Joseph Brian Angelo

Movant(s):

James Terrell Gover

Represented By

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CONT... James Terrell Gover

Chapter 7

Barry E Borowitz
Joseph Brian Angelo

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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Hearing Room 1539

1:00 PM

2:22-13464 Marek W Piatkowski Nazarro

Chapter 11

#103.00 Debtor's Motion for Order Dismissing Chapter 11 Case

Docket 141

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court agrees that dismissal won't void order approving sale, but are there other orders that the debtor wants to make sure will still be valid after the dismissal? Did debtor ever file missing MORs?

Hearing required.

Party Information

Debtor(s):

Marek W Piatkowski Nazarro

Represented By
Leonard Pena

Movant(s):

Marek W Piatkowski Nazarro

Represented By
Leonard Pena
Leonard Pena

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

Wednesday, April 3, 2024

Hearing Room 1539

1:00 PM

2:22-13464 Marek Piatkowski-Nazarro

Chapter 11

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

fr: 8-17-22; 11-30-22; 1-11-23; 5-3-23; 8-9-23; 10-4-23; 11-8-23; 1-10-24;
3-13-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

3/11/24 - David Shevitz

Tentative Ruling:

Why didn't the debtor file tax returns during the period from 2005 to 2021?

Set bar date and deadline for serving notice of bar date.

When does debtor anticipate being in a position to employ a broker and begin marketing his property?

Hearing required.

8/17/22 -- Court approved scheduling order setting following dates:

L/D to serve notice of bar date -- August 19, 2022

Bar date -- October 24, 2022

Cont'd status conference -- November 30, 2022 at 11:00 a.m.

L/D to file updated status report -- November 18, 2022.

Tentative Ruling for November 30, 2022:

Continue status conference as a holding date to anticipated date of hearing on sale motion.

Tentative Ruling for January 11, 2023:

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CONT... Marek Piatkowski-Nazarro

Chapter 11

Discuss with debtor next steps and timing once sale is consummated.

Tentative Ruling for May 3, 2023:

At debtor's request, continue case management conference to August 9, 2023 at 11:00 a.m. Debtor should file updated status report by July 28, 2023. APPEARANCES WAIVED ON MAY 3, 2023.

Tentative Ruling for August 9, 2023:

Where is updated status report that should have been filed by July 28, 2023? [Report was filed August 8, 2023.] Where does debtor intend to go with this case? Now that debtor's residence has been sold, is there any reason for the case to remain in chapter 11? Hearing required.

8/8/23 -- At debtor's request, continue case status conference to October 4, 2023 at 11:00 a.m. Debtor should file updated status report not later than September 25, 2023. APPEARANCES WAIVED ON AUGUST 9, 2023.

Tentative Ruling for October 4, 2023:

At debtor's request, continue status conference to November 8, 2023 at 11:00 a.m. Debtor can give the court any additional status updates orally at that conference. APPEARANCES WAIVED ON OCTOBER 4, 2023.

Tentative Ruling for November 8, 2023:

What is the status of this case? Has the debtor received a response from the IRS to his settlement proposal? Is there any reason for it to remain in chapter 11? Hearing required.

Final Ruling for November 8, 2023:

Litigation and settlement negotiations have been proceeding with taxing authorities

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CONT...

Marek Piatkowski-Nazarro

Chapter 11

re liens asserted against proceeds of house sale. Other claims total approximately \$1,600. Continue status conference to give debtor an opportunity to bring a surcharge motion and a motion to dismiss. Continue status conference to January 10, 2024 at 11:00 a.m. Court waived the requirement of a written status report.

Tentative Ruling for January 10, 2024:

The docket does not reflect the filing of either a surcharge motion or a motion to dismiss. What is the status of this matter? What, if anything, has transpired since the last status conference? Hearing required.

Final Ruling for January 10, 2024:

Tax judgment lien has been set aside. Parties are conducting discovery. Due to personal issues, debtor's counsel has not filed either a surcharge motion or a motion to dismiss. Continue case status conference to March 13, 2024 at 11:00 a.m. Debtor should file status report by March 1, 2024.

Tentative Ruling for March 13, 2024:

Debtor has not filed surcharge motion or motion to dismiss. Last MOR filed was for December. Debtor has not filed status report that was due March 1, 2024. Issue OSC re dismissal for failure to prosecute. Continue case status conference to date of hearing on OSC.

Final Ruling for March 13, 2024:

Continue case status conference to April 3, 2024 at 10:00 a.m. (Requirement that status report be filed is waived.)

Tentative Ruling for April 3, 2024:

If court grants motion to dismiss, take case status conference off calendar.

Party Information

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1:00 PM

CONT... Marek Piatkowski-Nazarro

Chapter 11

Debtor(s):

Marek Piatkowski-Nazarro

Represented By
Leonard Pena

Movant(s):

Marek Piatkowski-Nazarro

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1539

1:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

#105.00 Motion of Debtor and Debtor-in-possession for Order Authorizing Use of Cash Collateral to June 30, 2024

Docket 131

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court assumes that Exhibit B to the motion is the budget that is to be attached to the proposed order (Exhibit 1) as Exhibit A. Is this correct? Court notes that the budget reflects a shortfall of \$373.33 each month. How is the debtor covering this shortfall?

Hearing required.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

Movant(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 3, 2024

Hearing Room 1539

1:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

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

fr: 6-7-23; 7-20-23; 8-30-23; 10-17-23; 11-1-23; 11-29-23; 1-31-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 7-3-24 AT 11AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for June 7, 2023:

What was the state court lawsuit that led to the default judgment about? The status report refers to the complaint in that action as containing claims for breach of contract and fraud, but what kind of contract was it? What was the alleged fraud?

What kind of plan does the debtor think he will be able to propose with projected disposable income of \$76.57 per month? Does debtor anticipate that his income will increase beyond this amount in the future?

Hearing required.

Final Ruling for June 7, 2023:

Continue status conference to July 20, 2023 at 10:00 a.m. Court waived the requirement of a status report and instructed debtor to focus on filing plan, which is due by July 17, 2023.

Tentative Ruling for July 20, 2023:

The Court has a number of questions and concerns with regard to the form of the plan and the disclosures contained in the plan that will be discussed on the record at the time of the status conference.

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CONT...

Ryan Magdi Girgis

Chapter 11

Final Ruling for July 20, 2023:

Debtor should file amended plan by August 21, 2023. Status conference continued to August 30, 2023 at 11:00 a.m. Requirement of updated status report waived.

Tentative Ruling for August 30, 2023:

The Court has a number of additional comments with regard to the form of the plan that will be discussed on the record at the time of the status conference.

9/13/23 -- Court approved stipulation continuing deadline to file amended plan from October 10, 2023 to October 24, 2023 and continuing hearing from October 17, 2023 at 10:30 a.m. to **November 1, 2023 at 11:00 a.m.** OFF CALENDAR FOR OCTOBER 17, 2023.

10/23/23 -- Court approved stipulation continuing deadline to file amended plan from October 24, 2023 at November 10, 2023 and continuing case status conference to **November 29, 2023 at 11:00 a.m.** OFF CALENDAR FOR NOVEMBER 1, 2023.

11/13/23 -- Court approved stipulation continuing deadline to file amended plan from November 10, 2023 to January 5, 2024 and continuing case status conference to **January 31, 2024 at 11:00 a.m.** OFF CALENDAR FOR NOVEMBER 29, 2023.

1/08/24 -- Court approved stipulation continuing deadline to file amended plan to March 15, 2024 and continuing case status conference to **April 3, 2024 at 11:00 a.m.** OFF CALENDAR FOR JANUARY 31, 2024.

3/14/24 -- Court approved stipulation continuing deadline to file amended plan to June 15, 2024 and continuing case status conference to **July 3, 2024 at 11:00 a.m.** OFF CALENDAR FOR APRIL 3, 2024.

Party Information

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CONT... Ryan Magdi Girgis

Chapter 11

Debtor(s):

Ryan Magdi Girgis

Represented By
David R Haberbush
Vanessa M Haberbush

Movant(s):

Ryan Magdi Girgis

Represented By
David R Haberbush
Vanessa M Haberbush

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 3, 2024

Hearing Room 1539

1:00 PM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#107.00 Status Conference re: Confirmation Hearing for Debtor's Chapter 11 Plan Of Reorganization Dated December 14, 2022

fr: 2-22-23; 3-21-23; 4-27-23; 12-7-23; 1-31-24

Docket 259

Courtroom Deputy:

ZoomGov Appearance by:

1/29/24 - David Shevitz

1/30/24 - Paul Malingagio

1/30/24 - Michael Lauter

1/30/24 - Joshua Mester

Tentative Ruling:

Court agrees that the lessor's objections go to whether the plan may be confirmed and not to whether it contains adequate information. Nevertheless, the two clarifying changes that the debtor proposes to make to the plan are helpful and should be made.

The Court has additional comments and proposed changes to the language of the plan (and, where there are corresponding provisions) the disclosure statement that will be discussed on the record at the time of hearing on the disclosure statement.

3/7/23 -- At hearing held this date, Court continued confirmation hearing and case status conference to April 27, 2023 at 10:00 a.m. OFF CALENDAR FOR MARCH 21, 2023.

4/6/23 -- Court approved stipulation continuing confirmation hearing to

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CONT... **Buckingham Heights Business Park (a California Lim** **Chapter 11**
December 7, 2023 at 10:00 a.m. OFF CALENDAR FOR APRIL 27, 2023.

11/16/2023 -- In light of a stipulation between the parties requesting an extended continuance of this date, court vacated confirmation hearing date and set case status conference date of January 31, 2024 at 11:00 a.m. OFF CALENDAR FOR DECEMBER 7, 2023.

Tentative Ruling for January 31, 2024:

Revisit status of plan after conclusion of status conference on claim objection.

Tentative Ruling for April 3, 2024:

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

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

Movant(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

**United States Bankruptcy Court
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1:00 PM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#108.00 Status Conference re Debtor's Objection to Claim of Buckingham Heights Lease LLC (Claim No. 6)

fr: 4-20-22; 4-27-22; 6-22-22; 7-27-22; 12-13-22; 4-18-23; 5-2-23; 6-13-23,
9-26-23; 11-7-23; 4-9-24; 1-31-24

Docket 138

Courtroom Deputy:

ZoomGov Appearance by:

1/30/24 - Paul Malingagio

1/30/24 - Michael Lauter

1/30/24 - Joshua Mester

Tentative Ruling:

Tentative Ruling for April 20, 2022:

Conduct hearing as status conference. Do the parties need to conduct discovery? Is this an appropriate matter to be sent to mediation? Hearing required.

Final Ruling for April 20, 2022:

Continue hearing to April 27, 2022 at 11:00 a.m. as a holding date to give the parties an opportunity lodge (slightly modified) order approving parties' stipulation re scheduling for resolving this claim objection.

Tentative Ruling for April 27, 2022:

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CONT... Buckingham Heights Business Park (a California Lim Chapter 11
4/25/22 -- Court approved stipulated scheduling order with following dates:

	Date
Complete Written Discovery	July 8
Complete Fact Discovery and Depos	July 15
Exchange Expert Reports	July 22
Exchange Rebuttal Expert Reports	August 12
Expert Depositions	August 22-26
All Expert Discovery Concluded	August 29
Summary Judgment Motions Filed	August 30
Objections to Summary Judgment Motions Filed	September 13
Replies in Support of Summary Judgment Motions Filed	September 20
Hearing on Summary Judgment Motions	September 27 at 2:00 p.m.
Joint Pre-Trial Statement Filed	October 11
Pre-Trial Hearing	October 25 at 2:00 p.m.
Trial	Debtor and Lessor to request trial dates at the ensuing status conference held on the Claim Objection

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CONT... Buckingham Heights Business Park (a California Lim Chapter 11

Continue status conference on claim objection to track with plan confirmation process.

Final Ruling for April 27, 2022:

Court will treat objection as an adversary proceeding for procedural purposes. Court continued hearing to June 22, 2022 at 11:00 a.m. and waived requirement that parties file joint status report. (Court advised that it would coordinate hearings with plan confirmation process.)

Tentative Ruling for June 22, 2022:

Court understands from a review of the debtor's case status report that it wants to negotiate a modification of the above schedule with the lender. Have the parties agreed on any changes to this schedule? Hearing required.

Final Ruling for June 22, 2022:

Court will treat matter as an adversary proceeding for procedural purposes. Continue hearing to July 27, 2022 at 11:00 a.m. Parties are to file and serve joint status report not later than July 13, 2022.

Tentative Ruling for July 27, 2022:

Court has reviewed joint status report, but it doesn't say much. Have parties succeeded in negotiating revised schedule? If not, how much time do the parties believe they require. As court has deemed this matter an adversary proceeding for procedural purposes, parties should use mandatory form for adversary joint status reports in the future. Hearing required.

7/29/22 -- Court approved stipulation with revised dates:

	Date
Complete Written Discovery	September 2
Complete Fact Discovery and Depos	September 16
Exchange Expert Reports	September 26

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CONT...

Buckingham Heights Business Park (a California Lim

Chapter 11

Status Conference	October 25 at 2:00 p.m.
Exchange Rebuttal Expert Reports	November 11
Expert Depositions	November 28-December 2
All Expert Discovery Concluded	December 2
Joint Pre-Trial Statement and Trial Briefs Filed	December 5
Pre-Trial Hearing	December 13 at 2:00 p.m.
Trial	Debtor and Lessor to request trial dates at the ensuing status conference hearing held on the Claim Objection

4/4/23 -- Court approved stipulation setting these dates.

	Date
Complete Production of Documents and Responses to Interrogatories	April 4, 2023
Complete Fact Depositions	May 31, 2023
Status Conference and Last Day to Hear Discovery Motions	June 13, 2023, 2:00 p.m.
Ground Lessor Expert Report Exchanged	June 14, 2023
Debtor Rebuttal Report Exchanged	July 13, 2023
Ground Lessor Response to Debtor Expert Report Exchanged	July 24, 2023
Expert Depositions	August 1 – August 31, 2023
All Expert Discovery Concluded	August 31, 2023
Joint Pre-Trial Order Lodged ; Trial Briefs and Direct Testimony Declarations Filed	September 29, 2023

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CONT...

Buckingham Heights Business Park (a California Lim

Chapter 11

Evidentiary Objections to Direct Testimony Declarations and Reply Declarations filed	October 6, 2023
Evidentiary Objections to Reply Declarations Filed	October 13, 2023
Pre-Trial Conference	October 17, 2023, 2:00 p.m.
Trial	October <u>24-25</u> , 2023, 10 a.m.

OFF CALENDAR. STATUS CONFERENCE CONTINUED TO JUNE 13, 2023 AT 2:00 P.M.

6/26/23 -- Court approved stipulation with following dates:

	Date
Ground Lessor Expert Report Exchanged	June 14, 2023
Debtor Rebuttal Report Exchanged	July 13, 2023
Ground Lessor Response to Debtor Expert Report Exchanged	July 24, 2023
Expert Depositions	August 1 – August 31, 2023
All Expert Discovery Concluded	August 31, 2023
Joint Pre-Trial Order Lodged	September 12, 2023
Pre-Trial Conference	September 26, 2023 at 2:00 p.m.
Trial Briefs and Direct Testimony Declarations Filed	September 29, 2023
Evidentiary Objections to Direct Testimony Declarations and Reply Declarations Filed	October 6, 2023

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CONT... **Buckingham Heights Business Park (a California Lim** **Chapter 11**

Evidentiary Objections to Reply Declarations Filed	October 13, 2023
Trial	October 25 at 10:00 a.m.

Tentative Ruling for September 26, 2023:

At request of the parties, continue pretrial conference to November 7, 2023 at 2:00 p.m. Parties should lodge proposed joint pretrial order not later than October 24, 2023, unless the court has approved a stipulation altering the above schedule by that date. APPEARANCES WAIVED on September 26, 2023.

10/25/23 -- Court approved revised scheduling order with following dates:

Expert Depositions	November 27, 2023-January 5, 2024
All Expert Discovery Concluded	January 5, 2024
Joint Pre Trial Order Lodged; Trial Briefs and Direct Testimony Declarations Filed	March 15, 2024
Evidentiary Objections to Direct Testimony Declarations and Reply Declarations filed	March 22, 2024
Evidentiary Objections to Reply Declarations	March 29, 2024
Pre-Trial Conference	April 9, 2024, 2:00 p.m.
Trial	April 23, 2024, 10:00 a.m.

OFF CALENDAR FOR NOVEMBER 7, 2023.

11/16/23 -- Parties have advised that they intend to request a continuance of the trial date on the claim objection for the sixth time. Court entered order vacating above dates and setting a status conference on the claim objection for January 31, 2024 at 11:00 a.m. OFF CALENDAR FOR APRIL 9, 2024.

Tentative Ruling for January 31, 2024:

What is the status of this matter? Have the parties now completed expert

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CONT... Buckingham Heights Business Park (a California Lim
witness discovery? Hearing required.

Chapter 11

Tentative Ruling for April 3, 2024:

Have the parties made any progress in mediation? Are settlement negotiations ongoing? Hearing required.

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

Movant(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

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1:00 PM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

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

fr. 10-13-21, 10-27-21, 11-3-21, 2-9-22; 4-27-22; 6-22-22; 9-14-22; 11-30-22;
2-22-23; 3-21-23; 4-27-23; 5-2-23; 6-13-23, 9-26-23; 11-7-23; 4-9-24; 1-31-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

1/29/24 - David Shevitz

1/30/24 - Paul Malingagio

1/30/24 - Michael Lauter

1/30/24 - Joshua Mester

Tentative Ruling:

10/13/21 -- At hearing held this date, Court continued case status conference to November 3, 2021 at 10:00 a.m. OFF CALENDAR FOR OCTOBER 27, 2021.

Tentative Ruling for November 3, 2021:

To date, has anyone expressed any interest in acquiring the debtor's interest under the groundlease? Does it make sense for the parties to participate in mediation in an effort to negotiate a mutually agreeable business resolution to their disputes? Hearing required.

Tentative Ruling for February 9, 2022:

Continue case status conference to date that could serve as date of hearing on disclosure statement if debtor files plan by April 6, 2022.

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CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

Tentative Ruling for April 27, 2022:

Continue case status conference to date of next status conference or other hearing on claim objection.

Tentative Ruling for June 22, 2022:

Set deadline for the debtor to accept a bid from a stalking horse and file a motion for authority to sell or a proposed plan that incorporates the sale. Continue case status conference for approximately 60 to 90 days.

6/27/22 -- Court signed scheduling order with following dates:

Cont'd case status conference -- September 14, 2022 at 11:00 a.m.
L/D for debtor to file sale motion or plan -- August 24, 2022
L/D to file status report (only required if debtor fails to comply with prior filing deadline) -- September 2, 2022.

Tentative Ruling for September 14, 2022:

At debtor's request, extend deadline for debtor to file either a plan or a sale motion to September 23, 2022. Continue case status conference to date that can serve as hearing on sale motion.

Final Ruling for September 14, 2022:

Continue case status conference to November 30, 2022 at 11:00 a.m. Set October 14, 2022 as last day for filing plan and disclosure statement. Disclosure statement may be set for hearing (if filed timely) on November 30, 2022 at 11:00 a.m. Waive requirement of updated status report.

Tentative Ruling for November 30, 2022:

If court sets continued hearing on disclosure statement, continue case status conference to date of continued hearing on disclosure statement. If court approves disclosure statement, continue case status conference to date of confirmation hearing.

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CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

CONTINUE TO MARCH 21, 2023 AT 10:00 A.M. TO BE HEARD
CONCURRENTLY WITH CONFIRMATION HEARING.

3/7/23 -- At hearing held this date, Court continued confirmation hearing and
case status conference to April 27, 2023 at 10:00 a.m. OFF CALENDAR
FOR MARCH 21, 2023.

Tentative Ruling for April 27, 2023:

Continue case status conference to May 2, 2023 at 2:00 p.m. to be heard
concurrently with other matters scheduled for that date. OFF CALENDAR
FOR APRIL 27, 2023.

Tentative Ruling for May 2, 2023:

Are there any new developments in this case that should be brought to the
court's attention at this time? Hearing required.

Tentative Ruling for June 13, 2023:

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

Final Ruling for June 13, 2023:

Continue case status conference to September 26, 2023 at 2:00 p.m. to be
heard concurrently with pretrial conference on claim objection.

Tentative Ruling for September 26, 2023:

Continue case status conference to November 7, 2023 at 2:00 p.m. to be
heard concurrently with continued pretrial conference on claim objection.
Requirement of case status conference for November 7 conference is
waived. APPEARANCES WAIVED ON SEPTEMBER 26, 2023.

Tentative Ruling for November 7, 2023:

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CONT... Buckingham Heights Business Park (a California Lim Chapter 11

Continue case status conference to April 9, 2024 at 2:00 p.m. to be heard concurrently with pretrial conference on claim objection. Requirement of case status report for April 9, 2024 status conference is waived. APPEARANCES WAIVED ON NOVEMBER 7, 2023.

Tentative Ruling for January 31, 2024:

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

Tentative Ruling for April 3, 2024:

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

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

**United States Bankruptcy Court
Central District of California
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Hearing Room 1539

1:00 PM

2:23-12116 Pomona Valley Home Care, Inc.

Chapter 11

#110.00 Confirmation Hearing re [100] Debtor's Third Amended Chapter 11 Plan of Reorganization

fr: 11-2-23; 12-20-23; 2-14-24

Docket 100

Courtroom Deputy:

ZoomGov Appearance by:

2/12/24 - Susan Seflin

2/12/24 - David Shevitz

Tentative Ruling:

Tentative Ruling for November 2, 2023 on Second Amended Plan:

The plan creates the following classes of claims:

Classes 1(a), 1(b) and 1(c), which are the debtor's secured car loans. These classes are unimpaired, as debtor intends to simply continue to pay on the car loans in accordance with their terms.

Class 2 is the class of priority unsecured claims, which the debtor believes does not contain any claims.

Class 3(a) is the class of general unsecured claims, which will receive payment in full over a period of 5 years, although payments will not start until administrative expenses have been paid. Payment is to come from the debtor's operations and the debtor's president has agreed to a temporary reduction in his compensation to enable the payments to pay Class 3(a) in full.

Class 3(b) is the claim of Sharine Forbes, which the plan reports was filed in the amount of \$0. The plan provides that "Class 3b will be paid \$0.00 per the

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CONT... **Pomona Valley Home Care, Inc.**

Chapter 11

Proof of Claim filed." The Court does not believe that the debtor is acting in good faith by offering to treat Ms. Forbes' claim in this manner. Although the creditor has not filed an objection to the plan, the Court notes that both the plan and the notice of deadlines were served on the creditor at the incorrect address. The Court verified that the creditor's website and the proof of claim identify the correct street address for Ms. Forbes' counsel, the Kisob Law Firm, as 3680 Wilshire Blvd., the plan and the notice of deadlines were mailed to the firm at 3650 Wilshire Blvd. -- and both of the proofs of service attached to these documents appear to have had this digit altered. The font is larger for the digit "5." A similar enlargement appears on some of the other addresses, including the address for the US Trustee (which appears to be the wrong address, although the US Trustee receives electronic notice). The creditor's attorney is not among the parties listed as receiving electronic notice.

Although the proof of claim shows a dollar amount of zero, the debtor cannot genuinely believe that the creditor intended to assert a claim of zero dollars. The proof of claim attached a copy of the prepetition complaint that is the reason, according to the historical discussion in the plan, that the debtor filed bankruptcy in the first place. The parties had agreed to a settlement of the action on the eve of bankruptcy, but the debtor then refused to sign the agreement and filed bankruptcy instead. The state court action is still pending. It appears that the debtor has attempted to get away with paying this creditor nothing and treating her claim as having been discharged, all without providing adequate notice to her counsel of its intended course of action. The most natural reading of the proof of claim is that the claimant intended to assert an unliquidated claim. Debtor has not filed an objection to the claim.

Discuss with the debtor various appropriate ways to address this situation. Confirmation of the plan in its current form is not one of them.

Final Ruling for November 2, 2023:

Debtor's counsel discovered problem with service list. All of the 8s became 5s. Debtor's counsel reports that he reached out to client this morning and debtor's principal had settled with Forbes. Counsel believes that president

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

Wednesday, April 3, 2024

Hearing Room 1539

1:00 PM

CONT...

Pomona Valley Home Care, Inc.

Chapter 11

himself will be making a payment and that Forbes does not intend to proceed against bankruptcy estate. Debtor will file amended plan by November 10, 2023 with description about settlement and serve plan/ballots/notice of deadlines by November 13, 2023. Notice should advise creditors that, due to service issues/problems with service addresses on last version of plan, court has extended deadline to vote on or object to plan to December 11, but that there is no need to vote again if creditor is satisfied with its prior vote. Objections will be due by December 11, 2023. Replies, supplemental declaration re ballots, declaration re settlement agreement should be filed and served by December 14, 2023. Confirmation hearing continued to December 20, 2023 at 11:00 a.m.

Tentative Ruling for December 20, 2023:

Deny confirmation of plan in its present form. Court agrees with limited objections by the US Trustee (as to need to clarify how much compensation of president will be reduced and how there will be sufficient funds to pay class 3 claims of \$87,926.56 in full), and plan treatment still does not work for the Forbes claim. She disputes that there has been a settlement and has filed an amended proof of claim for \$173,000.

Creditor Forbes seems to be seeking an estimation of her claim but has not filed a motion seeking this relief. In the interim, the debtor has various options for the treatment of this claim that will be discussed on the record at the time of hearing.

Final Ruling for December 20, 2024:

Debtor will revise plan to address US Trustee's concerns. Forbes does not agree that she has waived any claims against the estate and asserts that she would not have agreed to release the individual defendant for the amount to be paid by him if she had not preserved claims against debtor. Discussions are ongoing and debtor's counsel hopes to be able to come to a consensual resolution. Continue confirmation hearing to February 14, 2024 at 11:00 a.m. Debtor should set hearing on objection to Forbes' claim for same date and time.

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Chapter 11

Tentative Ruling for February 14, 2024:

Revisit status of confirmation after conclusion of related matters on calendar.
(Last version of plan on file is docket no. 100, filed November 10, 2023.)

Final Ruling for February 14, 2024:

Continue hearing to April 3, 2024 at 1:00 p.m. Debtor should file and serve
an amended version of the plan not later than March 22, 2024.

Tentative Ruling for April 3, 2024:

Debtor did not file an amended plan after February 14, 2024 hearing. Revisit
status of confirmation efforts after conclusion of hearing on claim objection
(matter no. 111). It seems unlikely that debtor will succeed in having the
Forbes claim disallowed in any kind of summary manner, if at all. Debtor
should revise plan in such a way as to make it confirmable even if Forbes'
claim is eventually allowed in full if it wants to remain in chapter 11.

Party Information

Debtor(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure

Movant(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

Wednesday, April 3, 2024

Hearing Room 1539

1:00 PM

2:23-12116 Pomona Valley Home Care, Inc.

Chapter 11

#111.00 Motion Objecting to The Proof Of Claim re: Claim No. 7

fr: 2-14-24

Docket 109

Courtroom Deputy:

ZoomGov Appearance by:

2/12/24 - Susan Seflin

Tentative Ruling:

Tentative Ruling for February 14, 2024:

Overrule objection. Court agrees that, at least in certain contexts, the debtor can be considered a "person," but the debtor is **not** a person "who was formerly employed by Pomona." The debtor is Pomona, not an employee (or former employee) of Pomona. The debtor was not a part to the settlement agreement, the agreement is an integrated agreement and there is nothing in the language of the agreement to support the debtor's contention that the agreement should be read as releasing the claimant's claims against the debtor too. The agreement could certainly have been drafted in such a way as to include a release of claims as against Pomona itself, but it wasn't.

NOTE: Court has reviewed the debtor's reply brief. If Mr. Ahmed meant for the release to include the debtor, he should have insisted that the releases be drafted to include the debtor. He did not. The additional language "NO OTHER ACTIONS" doesn't change this result. The clause provides that the parties will not prosecute any other action or proceeding *against any party*. This doesn't mean against any other person. The word "party" in this context refers to the parties **to the agreement**. And, as noted above, the debtor was not a party to the agreement.

Final Ruling for February 14, 2024:

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CONT... Pomona Valley Home Care, Inc.

Chapter 11

Overrule objection that claim has been released as against debtor pursuant to settlement agreement with principal (without prejudice to other bases for objection). Debtor should file and serve any supplemental objections by February 28, 2024. Claimant should file and serve any response not later than March 20, 2024. Court will prepare order to this effect. Continue hearing on balance of relief to April 3, 2024 at 1:00 p.m.

Tentative Ruling for April 3, 2024:

Debtor's supplemental memorandum does not discuss section 6(b) of the contract and the steps that must occur before "cause" within the meaning of the contract can be said to exist. What is the debtor's position with regard to this issue?

Hearing required.

Party Information

Debtor(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure

Movant(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 3, 2024

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2:23-12116 Pomona Valley Home Care, Inc.

Chapter 11

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

fr: 5-24-23; 7-19-23; 8-30-23; 11-2-23; 12-20-23; 2-14-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

2/12/24 - Susan Seflin

2/12/24 - David Shevitz

Tentative Ruling:

Tentative Ruling for July 19, 2023:

The Court has a number of questions and concerns with regard to the form of the plan and the disclosures contained in the plan that will be discussed on the record at the time of the status conference.

Final Ruling for July 19, 2023:

Continue status conference to August 30, 2023 at 11:00 a.m. Requirement of updated status report waived. Debtor should file amended plan not later than August 16, 2023. (Debtor should circulate draft of amended plan and revised financial information in Excel not later than noon on August 11, 2023 and information insider compensation broken down by category with explanatory notes). (Debtor had not provided proof of closure of bank accounts and license with California Department of Public Health appears to have expired in April.)

Tentative Ruling for August 30, 2023:

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CONT... Pomona Valley Home Care, Inc. Chapter 11

The Court has a few additional comments/corrections on the form of the plan that will be discussed on the record at the time of the status conference. (The Court also has a few questions concerning the reports filed by the PCO.)

Tentative Ruling for February 14, 2024:

Revisit status of case after conclusion of hearing on plan confirmation.

Party Information

Debtor(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure

Movant(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Susan K Seflin (TR)

Pro Se