

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

Wednesday, April 10, 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

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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 -

2:23-16872 Joan Bauer

Chapter 11

#1.00 Motion to Allow Informal Proof of Claim or in the Alternative for Leave to File Proof of Claim After Bar Date

Docket 122

Courtroom Deputy:

ZoomGov Appearance by:

3/20/24 - Leonard Welsh

4/7/24 - J. Jackson Waste

4/8/24 - Leslie Cohen

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Tentative Ruling:

Deny both forms of relief sought in the motion. In order to constitute a sufficient informal proof of claim, a document must state an explicit demand showing the nature and amount of the claim against the estate and the document must evidence an intent to hold the debtor liable. The substance of the motion for relief from stay (which did not identify any basis for holding this debtor liable for any amounts due under the contracts that gave rise to movant's claim) did not satisfy these requirements, and movant has not provided a sufficient explanation for its failure to file a timely proof of claim. Movant attended the case management conference (the notice of and status report for which contained language that the movant claims led to its confusion) at which the Court expressly cleared up any confusion as to what the bar date was. The Court's tentative ruling for the November 29, 2023 case management conference -- which the court read into the record at the time of hearing -- noted that, because this is a subchapter V case, the court had already set a claims filing deadline, namely, December 28, 2023. Overland was represented by counsel at that hearing. Movant could not have been confused by any statement in a scheduling order about the prospect of the court's setting a different bar date because the parties discussed at the case management conference held several days before the bar date that, because this is a subchapter V case, a bar date had already been set and noticed, and Overland received a copy of that notice of bar date. This was not merely a passing comment. The court commented on the language in the debtor's status report proposing a different bar date, and explained that this was unnecessary and that a bar date of December 28, 2023 had already been set.

To determine whether movant has established "excusable neglect," court should consider 4 factors: (1) the danger of prejudice to the nonmoving party, (2) the length of the delay and its potential effect on judicial proceedings, (3) the reason for the delay, including whether it was within the reasonable control of the movant; and (4) whether the moving party's conduct was in good faith. The debtor has already proposed a plan in reliance on the fact that it would not need to address a sizeable claim by Overland. Confirming a plan that makes distributions on account of such a claim would substantially reduce distributions available to other creditors and may require the debtor to

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CONT... **Joan Bauer**

Chapter 11

entirely rethink its plan structure. Existing negotiations and consensual arrangements reached with other creditors may need to be revised and renegotiated at substantial expense to the estate (further reducing available distributions). With regard to delay, why did Overland wait until March to bring this motion? Overland knew that the bar date had passed. The debtor filed a plan that made no mention of its claim. Why the delay? Although only a few months have passed, this is a subchapter V case, the whole point of which is to move promptly toward confirmation. Dealing with a new, late-filed claim would substantially slow down the debtor's progress toward reorganization. And why did the movant fail to file a proof of claim by the bar date? How could Overland have been confused? It received written and oral notice of the bar date and could not have genuinely believed that there is sufficient information in its motion for relief from stay to proceed against the nondebtors to constitute an informal proof of claim against the debtor at the time it filed this motion. Its motion for relief from stay (to proceed only against nondebtors) did not even explain the basis for any contention that the debtor had liability with regard to these claims.

Deny motion for failure to demonstrate either excusable neglect or that Overland's motion for relief from stay should be treated as an informal proof of claim.

Party Information

Debtor(s):

Joan Bauer

Represented By
Leslie A Cohen

Movant(s):

Overland Stockyards

Represented By
Leonard K Welsh

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

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2:23-16872 Joan Bauer

Chapter 11

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

fr: 11-29-23; 1-10-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

3/20/24 - Leonard Welsh

4/7/24 - J. Jackson Waste

4/8/24 - Leslie Cohen

4/8/24 - David S. Shevitz

4/8/24- Arturo Cisneros

Tentative Ruling:

Tentative Ruling for November 29, 2023:

This is a subchapter V case, so court has already set deadlines for filing claims. (General filing deadline is December 28, 2023; governmental filing deadline is April 16, 2024.) Debtor's status report proposes bar dates that had passed by the time this case was filed.

Debtor says that she will be able to propose a plan by mid-2024, but her deadline to file a plan is currently January 24, 2024. Court can/will only extend this deadline if debtor files a motion on or before that date in which she demonstrates that her need for an extension is due to circumstances for which she should not justly be held accountable.

How does the debtor foresee these two bankruptcies interacting with the

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receivership proceedings? She has not put the cattle company or the meat company into bankruptcy. Why not?

Hearing required.

Final Ruling for November 29, 2023:

Debtor's objective is to reach an overall global settlement together with related entities. Court continued status conference to January 10, 2024 at 11:00 a.m. as a holding date. Debtor need not file a written status report prior to the January 10 conference.

Tentative Ruling for April 10, 2024:

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

Party Information

Debtor(s):

Joan Bauer

Represented By
Leslie A Cohen

Movant(s):

Joan Bauer

Represented By
Leslie A Cohen
Leslie A Cohen
Leslie A Cohen

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

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2:21-13731 Jamie John Barnett

Chapter 7

#200.00 Trustee's Final Report and Applications for Compensation

Docket 87

***** VACATED *** REASON: APPROVED. APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Approve trustee's final report in full. APPEARANCES WAIVED. TRUSTEE IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE.

Party Information

Debtor(s):

Jamie John Barnett

Represented By
Omar Gastelum
Daren M Schlecter

Trustee(s):

Timothy Yoo (TR)

Represented By
Carmela Pagay
Jeffrey L Sumpter

2:21-19191 Elizabeth Diaz

Chapter 7

#201.00 Trustee's Final Report and Applications for Compensation

Docket 43

***** VACATED *** REASON: APPROVED. APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Approve trustee's final report in full. APPEARANCES WAIVED. TRUSTEE

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CONT... Elizabeth Diaz Chapter 7
IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE.

Party Information

Debtor(s):

Elizabeth Diaz

Represented By
Hale Andrew Antico

Trustee(s):

David M Goodrich (TR)

Pro Se

2:22-13761 Alexander Sihith Keo Chapter 7

#202.00 Trustee's Final Report and Applications for Compensation

Docket 112

*** VACATED *** REASON: APPROVED. APPEARANCES WAIVED.

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Approve trustee's final report in full. APPEARANCES WAIVED. TRUSTEE IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE.

Party Information

Debtor(s):

Alexander Sihith Keo

Represented By
Andy C Warshaw

Trustee(s):

Timothy Yoo (TR)

Represented By
Carmela Pagay
Jeffrey L Sumpter

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2:22-15282 Ozumo Ocean Avenue LLC

Chapter 7

#203.00 Trustee's Final Report and Applications for Compensation

Docket 47

*** VACATED *** REASON: APPROVED. APPEARANCES WAIVED.

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Approve trustee's final report in full. APPEARANCES WAIVED. TRUSTEE IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE.

Party Information

Debtor(s):

Ozumo Ocean Avenue LLC

Represented By
Charles Shamash

Trustee(s):

Elissa Miller (TR)

Pro Se

2:23-11492 Cesar R Chemicals Inc.

Chapter 7

#204.00 Trustee's Final Report and Applications for Compensation

Docket 27

*** VACATED *** REASON: APPROVED. APPEARANCES WAIVED.

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Approve trustee's final report in full. APPEARANCES WAIVED. TRUSTEE IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE.

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CONT... Cesar R Chemicals Inc. Chapter 7

Party Information

Debtor(s):

Cesar R Chemicals Inc.

Represented By
Daniel King

Trustee(s):

Jason M Rund (TR)

Pro Se

2:21-15685 Laurence Alen Freidin Chapter 7

#205.00 Application for Compensation of Final Fees and/or Expenses (11 U.S.C. § 330 for Joe Fortier, Other Professional, Period: 8/15/2023 to 9/2/2023, **Fee: \$9,605.00, Expenses: \$470.17.**

Docket 255

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant application. Allow on a final basis fees of \$9,605 and costs of \$470.17. Ratify payments made to date and authorize payment of remaining balance due on pro rata basis from available funds. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO LODGE ORDER(S) GRANTING APPLICATION(S) ON TERMS CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Laurence Alen Freidin

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
David M Goodrich

2:22-10132 Phenomenon Marketing & Entertainment, LLC

Chapter 11

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CONT... **Phenomenon Marketing & Entertainment, LLC** Chapter 11

#206.00 Application for Compensation for Morrison & Foerster, LLC, Special Counsel,
Period: 10/17/2023 to 2/11/2024, **Fee: \$9219.10, Expenses: \$0.**

Docket 497

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant application. Allow on a final basis fees of \$122,035.43 and no costs. Ratify payments made to date and authorize payment of remaining balance due (\$82,035.43) on a pro rata basis from available funds. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO LODGE ORDER(S) GRANTING APPLICATION(S) ON TERMS CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Phenomenon Marketing &

Represented By
Michael Jay Berger

Movant(s):

Morrison & Foerster, LLC

Represented By
Adam A Lewis

Morrison & Foerster, LLC

Represented By
Adam A Lewis

Trustee(s):

Susan K Seflin (TR)

Pro Se