

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

Tuesday, April 16, 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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2:23-10689 Juan Soto and Maria Esther Ruiz

Chapter 7

#1.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: **McCrutchin v. Soto and Ruiz; Docket no. 22STSC04104; Small Claims Court, Los Angeles .**

MOVANT: Anthony McCrutchin

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Notice originally served with motion did not advise parties in interest of response date. Corrected notice, which was served on April 5, 2024, told parties in interest that a response was due 14 days before the hearing. The hearing was set for April 16. 14 days before that is April 2, so a notice sent three days later telling parties in interest that the deadline to file a response has already passed is not helpful.

Moreover, debtor and US Trustee were not served. (Court noted the same problem with a relief from stay motion filed earlier in this case that was denied for failure to appeal on 2/27. The proof of service attached to this motion is dated November 14, 2023 and is the same proof of service used with prior motion.)

Does movant have insurance information with which to complete section 6(c) on page 7?

Continue hearing to give movant an opportunity to notice a hearing on the motion properly and to provide a new and accurate proof of service that includes service on the debtor, debtor's counsel, the trustee and the US Trustee.

Party Information

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CONT... Juan Soto and Maria Esther Ruiz

Chapter 7

Debtor(s):

Juan Soto

Represented By
D Justin Harelik

Joint Debtor(s):

Maria Esther Ruiz

Represented By
D Justin Harelik

Movant(s):

Anthony McCrutchin

Represented By
Shaun J Bauman

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:23-18631 Leonel Ramiro Ayestas

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **6100 Lankershim Blvd., North Hollywood, CA 91606 .**

MOVANT: Nozar, LLC

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Leonel Ramiro Ayestas

Represented By
Omar Zambrano

Movant(s):

Nozar, LLC

Represented By
Bruce R Menke

Trustee(s):

John P Pringle (TR)

Pro Se

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2:24-10211 Isaiah Lee Jenkins

Chapter 7

#3.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: **Samantha Webb vs. Isaiah Jenkins; Docket Number: 23-2-10871-5; Superior Court of Washington for Pierce County**

MOVANT: Samantha Webb

Docket 11

Courtroom Deputy:

ZoomGov Appearances by:

4/12/24 Mark J Markus

Tentative Ruling:

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

Party Information

Debtor(s):

Isaiah Lee Jenkins

Represented By
Michael D Luppi

Movant(s):

Samantha Webb

Represented By
Mark J Markus

Samantha Webb

Represented By
Mark J Markus

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:24-11335 Robert Adam Gordon

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: **7822 WELLSFORD AVENUE, WHITTIER, CA 90606**

MOVANT: Kinecta Federal Credit Union, and its successors and/or assignees

Docket 12

Courtroom Deputy:

ZoomGov Appearance by:

4/16/24 - Christina J. Khi

Tentative Ruling:

Deny request for relief under section 362(d)(1) due to existence of sizeable equity cushion, but grant motion under section 362(d)(2) (without waiver of Rule 4001(a)(3)) as debtor lacks equity in the property.

Party Information

Debtor(s):

Robert Adam Gordon

Represented By
Steven A Alpert

Movant(s):

Kinecta Federal Credit Union, and

Represented By
Nathan F Smith

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:24-11797 Joshua Keanu Bautista

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2022 BMW X3 sDrive30i Sport Utility 4D; VIN NO. 5UX43DP0XN9N00920

MOVANT: BMW Bank of North America

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Joshua Keanu Bautista

Represented By
Glenn Ward Calsada

Movant(s):

BMW Bank of North America

Represented By
Cheryl A Skigin

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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2:15-20351 CLARK WARREN BAKER

Chapter 7

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

#6.00 Order to Show Cause re: Contempt why Defendant Clark Baker should not be held in contempt for violations of the Court orders

fr: 1-31-23; 3-7-23; 3-14-23; 3-28-23; 6-13-23; 7-25-23; 9-26-23; 11-7-23; 1-9-24; 3-5-24

Docket 939

Courtroom Deputy:

ZoomGov Appearance by:

4/15/24 - Leslie Cohen

4/15/24 - Jessica Ponce

4/15/24 - Derek Linke

Tentative Ruling:

Tentative Ruling for January 31, 2023:

Discuss with plaintiff practical methods for achieving his objectives that do not require Baker's participation.

Final Ruling for January 31, 2023:

Continue hearing to March 7, 2023 at 10:00 a.m. Plaintiff should lodge proposed form of order by February 14, 2023. Parties should meet and confer. Any opposition by Baker to proposed form of order should be filed and served by February 28, 2023.

Directives contained in order should fall into two categories: (1) identify steps Baker must take to authorize Murtagh to obtain information/remove content by himself and order Baker to take those steps; and (2) set for very specific information that Baker is required to provide under penalty of perjury.

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Once Baker has answered these questions, plaintiff can depose Baker. If Court determines that Baker has failed to provide/disclose information that he had the ability to provide in response to these questions or that information provided was inaccurate, Court will refer Baker to District Court for sanctions for criminal contempt.

3/2/23 -- Court approved stipulation extending certain deadlines and continuing hearing to March 14, 2023. OFF CALENDAR FOR MARCH 7, 2023.

Tentative Ruling for March 14, 2023:

At request of parties, Court approved stipulation continuing hearing to **March 28, 2023** at 10:00 a.m. OFF CALENDAR FOR MARCH 14, 2023.

Tentative Ruling for March 28, 2023:

Court has reviewed proposed form of order and objections thereto. Court notes, as defendant has pointed out, that there are no provisions in that order requiring Baker to execute any authorizations to permit plaintiff to take remedial action himself. Court has no objection to plaintiff's omission of such provisions, as they were intended for plaintiff's benefit. It might make more sense to have Baker execute authorizations after he has identified the accounts as to which authorizations are required.

Baker argues that these remedial steps are improper in light of the fact that the Court has not held Baker in contempt. Perhaps this was not expressly stated (and should have been), but the Court has added such a finding to the proposed form of order. Court agrees that the proposed order does not specify what counsel is looking for from counsel with the certification that the order requires and, depending on what was intended, this may not be appropriate. Court has remedied that problem with its revisions to the proposed form of order.

Court agrees that, now that judgment has been entered, this proceeding should focus on remedies for the debtor's violations of the injunction contained in the judgment. Court has modified the proposed form of order

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accordingly.

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Review entered order with parties and respond to any questions.

Final Ruling for March 28, 2023 (see written order, docket no. 975 and amendment/modification thereto, docket no. 977)

Baker held in contempt for willfully violating paragraphs 2, 5, 6, 7, 8, 9 and 13 of Injunction included in February 17, 2022 Default Judgment and Permanent Injunction (docket no. 867). To purge contempt, Baker must file and serve a declaration containing certain specified information. Baker's counsel must provide a certification in which she states under penalty of perjury that she does not know of any responsive information not already contained in Baker's declaration and has no reason to believe that any of the information contained in his declaration is inaccurate or incomplete. Within 30 days after Baker serves the Baker Declaration, he must appear for a deposition by plaintiff of up to 21 hours on the record. If Baker fails to purge his contempt in this manner, court will prepare a report and recommendation to the district court that he be held in criminal contempt and incarcerated for not less than one year. Within 30 days after completion of deposition, plaintiff may file and serve a supplemental brief re contempt sanctions. Defendant's response and objections if any must be filed and served within 7 days thereafter. Plaintiff's reply must be served and filed within 7 days after filing of defendant's response and objections. Court will conduct a continued hearing on June 6, 2023 at 2:00 p.m. to assess extent to which Baker has complied.

4/26/23 -- Court entered order continuing hearing to July 25, 2023 at 10:00 a.m. OFF CALENDAR FOR JUNE 13, 2023.

7/14/23 -- Court approved stipulation continuing hearing to September 26, 2023 at 10:00 a.m. (See order for additional dates.) OFF CALENDAR FOR JULY 25, 2023.

9/18/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 10:00 a.m. (See order for additional dates.) OFF CALENDAR FOR SEPTEMBER 26, 2023.

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10/2/23 -- Court approved stipulation continuing briefing deadlines to October 6, 2023 for defendant's response and October 11, 2023 for plaintiff's reply.

Tentative Ruling for November 7, 2023:

Rulings on Baker's Evidentiary Objections

All of the objections appear to relate to Murtagh's supplemental brief -- a memorandum of points and authorities -- not to any declaration that was filed. There is no such thing as an evidentiary objection to a memorandum of points and authorities. It is not evidence. Overrule in their entirety.

Tentative Ruling on the Merits:

The Court has a number of questions and comments after reviewing the parties' submissions. Baker reports that he has tried to transfer the URL jamesmurtaghmdtruth.com. Did this transfer eventually get accomplished? If not, what is the status of the transfer?

For each instance in the Baker compliance declarations where he says that there are no provisions in the court's order applicable to this online property, Baker needs to supplement his response with a declaration/certification that that online property has not been used to host, store, maintain or communicate about any content relating to Dr. Murtagh in any form, variation or misspelling, including the use of any moniker, such as "goon," "mo," "shakedowndoc," "baddoc," or "baddocjtm." The orders are broad enough to include any website, URL, or other online property that refers to Dr. Murtagh in any way, even if those properties are not identified by name.

What does the text that appears on page 6 at lines 23 through 28 of Baker's May 5, 2023 declaration [docket no. 990] mean? "A backup of jamesmurtaghmdtruth.com was transferred from Defendant sometime in 2015 or 2016 and was taken down before 2017. The lack of screenshots (one, compared to OMSHJ's 300+ and JamesMurtaghJMDTruth.com 29 times). Australian citizen John McNair facilitated that transfer to the unknown server owner." Who is John McNair? Why was he the one facilitating this transfer? Does Baker have contact information for him? How does Baker know that McNair did this?

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In the same declaration, on p. 152, at lines 22-28, why does Baker believe that this property was owned by Pardo? What steps did Baker take to determine when this file was deleted if it was not his?

Same questions with regard to the text on p. 155 at lines 19-26.

Murtagh complains about Baker's claim that he destroyed information prior to the entry of the injunction rather than transferring it to Murtagh as required by the injunction and wants unrestricted access to Baker's Protonmail account(s) (which include the email that Baker claims to use to communicate with his attorney). Does the injunction require Baker to provide access to his Protonmail account? Does the interim order hold him in contempt for failing to provide this information? Paragraph 2 of the Injunction prohibits him from "registering, purchasing, owning, selling, or transferring (other than to Dr. Murtagh), administering, or maintaining online properties including websites, domain names, blogs, social-media accounts, apps or email accounts that mention or refer to James Murtagh, M.D.," or any version or misspelling, etc. But where does it say that he has to provide access to all of his emails, including his emails to counsel? And was this language really intended to preclude him from sending an email to his attorney asking about something related to the lawsuit by Dr. Murtagh against him or the judgment that has been entered against him? Is it appropriate to characterize Baker's keeping a copy of an email to or from his attorney concerning this litigation an "online property" that Baker is required to transfer to Murtagh or delete? (See paragraph 12(b) and 12(c) of the judgment, "Notwithstanding anything to the contrary, nothing in this Order shall be construed: (b) to apply to confidential attorney-client communications or protected attorney work product; (c) to require anyone to purge internal electronic or paper copies of litigation files.")

It is true that this Court previously found that Baker waived his attorney/client privilege by failing to respond to discovery requests in a timely manner, but was that waiver intended to operate prospectively even to communications between Baker and Ms. Ponce, such that Baker will never again have an attorney/client privilege with regard to this litigation? And where in the injunction or the contempt orders is any obligation to turnover financial information? True, plaintiff can conduct a judgment debtor examination, but

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that is not what this contested matter is about.

And Murtagh seems to say that the purpose of access to the Protonmail is to permit the plaintiff to remedy the effects of Baker's defamation, but the Court has already granted remedies -- a monetary award for monetary damages suffered and prospective injunctive relief to prevent/prohibit Baker from continuing to defame Murtagh. How does plaintiff's request square with the relief that was actually granted by the judgment?

Baker testified that he shredded 8, 9 or 10 boxes of written information concerning Dr. Murtagh, or caused them to be shredded. Where/how did he find the shredding company that he used? Did they come to Carol Dunn's house to pick up the documents and take them elsewhere for shredding or did the shredding occur at the house? Or did Baker bring the boxes to the shredder? Where was the company located? How did he make arrangements with them? By phone, by email? How much did they charge?

Baker testified in his declarations that he deleted everything relating to Dr. Murtagh from the OMSJ.org website before the declaration was filed. Court agrees that this testimony has been proven false, as evidenced by Exhibit E to the Linke declaration [docket no. 1013], which shows files relating to Dr. Murtagh still present on that website as of August 4, 2023. Court rejects Baker's testimony attempting to blame the continuing existence of these files on the CIA, NSA, CDC or Dr. Fauci as having been invented out of whole cloth. Have these files now been deleted?

Baker testifies at great length about files that he deleted on October 20, 2016 and the diligent search that he conducted on his computer on January 4, 2023. How does Baker know that he deleted these files on October 20, 2016? What specific documents, entries, etc. did he see that reflected this date? What steps did Baker take on January 4, 2023 as part of this "diligent search"?

If Baker has no duty to provide unfettered access to his Protonmail, court will not hold him in civil contempt for failing to do so and/or incarcerate him until he does this. And this Court cannot incarcerate Baker to punish him for contempt. The appropriate procedure is for this Court to issue a report and

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recommendation to the District Court recommending incarceration for criminal contempt, if that seems appropriate under the circumstances.

The biggest problems that the Court sees at this point with Baker's purported compliance with the injunction are the following:

1. Baker's false testimony about the deletion of the contents of the OMSJ.org website (both that the files were deleted, when they obviously weren't, and his theory that there was some kind of a government conspiracy that must have put these files back up on the internet);
2. Baker's implausible and unsupported testimony about having arranged for files to be shredded without keeping any records or documents whatsoever to demonstrate that he accomplished this destruction.
3. Baker's failure to copy plaintiff's counsel on any communications with anyone about his efforts to comply with the injunction.
4. On page 2 of docket no. 1027, Plaintiff's supplemental reply, plaintiff asserts that "Baker has recently resumed cyberstalking and harrassing Dr. Murtagh." To what is Murtagh referring? What does plaintiff claim that Baker is currently doing that constitutes cyberstalking or harrassment?

Hearing required.

12/21/23 -- Court granted defendant's motion to extend deadline to file supplemental declaration to December 28, 2023.

Tentative Ruling for January 9, 2024:

Court has reviewed Baker's latest declaration filed December 28, 2023. Missing from this declaration is any response to the questions posted on page 19 [correction: paragraph 19 on page 34] concerning the October 20, 2016 deletions and the January 4, 2023 "diligent search." Also missing from the declaration was the information that Baker was required to provide with regard to two websites as to which Baker had previously stated that the court order did not have any provisions for this particular website: Clarkbaker.org

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and OSMJ.org. Why were these omitted?

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Hearing required.

Final Ruling for January 9, 2024:

Baker reports that he owned both the domain names Clarkbaker.org and OSMJ.org, but that he never created a website for either, so they had no information about Dr. Murtagh.

Baker or Ponce needs to provide the missing information that I identified in tentative ruling, and the items that Mr. Linke identified at the hearing: (1) p. 18 -- more information about how these couple dozen emails were discovered; (2) OMSJ.org--despite saying that Baker had deleted everything, at his final deposition, there were still references to Murtagh on wsite -- things that he was specifically required to remove have been restored (p. 33); (3) Baker was supposed to copy Linke on written communications about removal, but Linke has never received copies of anything. See p. 28, ft. 3, reference to an email of April 2022 with McNair and p. 31, reference to emails to Carol Dunn about shredding. Also, the specificity of the Lloyd interaction suggests there must have been a writing. Again, Linke was not copied.

Baker and Ponce should provide a supplemental declaration with the missing information and documents not later than February 13, 2024. Any response from Linke as to the adequacy of declaration should be served and filed not later than February 27, 2024. Hearing will be continued to March 5, 2024 at 10:00 a.m. In addition, within 3 business days after Linke gives Ponce a stipulation or consent form to sign authorizing the release of information to Murtagh by Network Solutions and Blue Host, Baker will deliver the signed consent(s) to Linke. Linke should lodge a proposed form of order (reviewed by Ponce) memorializing this.

2/14/24 -- Court approved stipulation continuing hearing to April 16, 2024 at 10:00 a.m. OFF CALENDAR FOR MARCH 5, 2024.

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Was a proposed form of order from the last hearing ever lodged? Has any progress been made toward accomplishing the things discussed at the January 9, 2024 hearing? (Order entered at parties' request contemplates that new deadlines will be set once order has been entered.) Hearing required.

Party Information

Debtor(s):

CLARK WARREN BAKER

Represented By
Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER

Represented By
Jessica Ponce I

Plaintiff(s):

James Murtagh

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

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

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

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

fr. 12-8-15, 2-9-16, 4-5-16, 5-10-16, 5-24-16, 5-31-16, 9-27-16, 11-15-16, 1-10-17, 3-14-17, 6-13-17, 6-27-17, 7-11-17, 10-31-17, 2-13-18, 3-13-18, 5-8-18, 6-27-18, 8-16-18, 9-27-18, 12-11-18, 1-8-19, 3-12-19, 4-2-19, 6-11-19, 7-30-19, 10-15-19, 11-19-19, 12-3-19, 3-31-20, 6-16-20, 7-21-20, 10-27-20, 11-10-20, 12-15-20, 1-12-21, 4-27-21, 8-17-21, 9-28-21, 1-25-22; 6-21-22; 8-16-22; 7-25-23 11-1-22; 12-13-22; 6-13-23; 9-26-23; 11-7-23; 1-9-24; 3-5-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

4/15/24 - Leslie Cohen

4/15/24 - Jessica Ponce

4/15/24 - Derek Linke

Tentative Ruling:

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

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

Tentative Ruling for May 31, 2016:

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

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6/2/16 -- Court signed scheduling order setting following dates:
Cont'd status conference -- September 27, 2016 at 2:00 p.m.
L/D to file joint status report -- September 13, 2016
Discovery cutoff -- September 30, 2016
L/D to lodge order appointing mediator -- June 17, 2016
Deadline to complete mediation -- September 27, 2016

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

Tentative Ruling for September 27, 2016:

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

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

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

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

Tentative Ruling for March 14, 2017:

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

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

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

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

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

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

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

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

Tentative Ruling for July 11, 2017:

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

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

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

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

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

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

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

Tentative Ruling for October 31, 2017:

In light of court's rulings in related matters, when does plaintiff anticipate that

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CONT... CLARK WARREN BAKER

Chapter 7

he will be ready for trial.

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

Tentative Ruling for March 13, 2018:

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

Tentative Ruling for June 27, 2018:

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

Tentative Ruling for August 16, 2018:

Revisit status of action after conclusion of hearing on OSC.

Tentative Ruling for September 27, 2018:

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

Tentative Ruling for December 11, 2018:

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

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

Tentative Ruling for January 8, 2019:

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CONT... CLARK WARREN BAKER

Chapter 7

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

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

Tentative Ruling for April 2, 2019:

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

Tentative Ruling for June 11, 2019:

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

Final Ruling for June 11, 2019:

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

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

Tentative Ruling for November 19, 2019:

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

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

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Tentative Ruling for December 3, 2019:

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

Final Ruling for December 3, 2019:

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

Tentative Ruling for March 31, 2020:

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

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

Tentative Ruling for June 16, 2020:

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

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

Tentative Ruling for July 21, 2020:

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CONT... CLARK WARREN BAKER

Chapter 7

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

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

Tentative Ruling for October 27, 2020:

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

Tentative Ruling for December 15, 2020:

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

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

Tentative Ruling for April 27, 2021:

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

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

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

Status report waived

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

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

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

Tentative Ruling for September 28, 2021:

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

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Chapter 7

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

Tentative Ruling for February 15, 2022:

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

Tentative Ruling for August 16, 2022:

Plaintiff has appealed this Court's July 11, 2022 order denying plaintiff's motion for sanctions as against Cohen and Steele. If this order is reversed on appeal, the motion is likely to be remanded. Other than that, is there anything left of this adversary proceeding? Should the matter be closed? (It can/will be reopened if and when there is a remand from the district court or the court of appeals.) Hearing required.

Final Ruling for August 16, 2022:

Continue status conference to November 1, 2022 at 2:00 p.m. Waive requirement of filing joint status report. If parties want the court to hear or resolve anything at that status conference, they should file papers not later than October 11, 2022. The court identified two open issues: (1) the status of materials in Broom's inventory -- what should become of these materials; and (2) plaintiff's concern that defendant is not in compliance with permanent injunction.

Tentative Ruling for November 1, 2022:

Continue hearing to December 13, 2022 at 2:00 p.m. to be heard concurrently with Natural Immunogenic's motion for order governing final disposition of data. OFF CALENDAR FOR NOVEMBER 1, 2022.

Tentative Ruling for December 13, 2022:

What, if anything, remains of this action, other than the pending appeal of this Court's order denying plaintiff's motion for attorneys' fees as against Messrs. Cohen and

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Chapter 7

Steele? Hearing required.

4/26/23 -- Court entered order continuing hearing to July 25, 2023 at 10:00 a.m. OFF CALENDAR FOR JUNE 13, 2023.

7/14/23 -- Court approved stipulation continuing hearing to September 26, 2023 at 10:00 a.m. (See order for additional dates.) OFF CALENDAR FOR JULY 25, 2023.

9/18/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 10:00 a.m. (See order for additional dates.) OFF CALENDAR FOR SEPTEMBER 26, 2023.

Tentative Ruling for January 9, 2024:

Revisit status of action after conclusion of hearing on matter no. 10.

2/14/24 -- Court approved stipulation continuing hearing to April 16, 2024 at 10:00 a.m. OFF CALENDAR FOR MARCH 5, 2024.

Tentative Ruling for April 16, 2024:

Revisit status of action after conclusion of hearing on matter no. 6.

Party Information

Debtor(s):

CLARK WARREN BAKER

Represented By
Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER

Represented By
Jessica Ponce I

Plaintiff(s):

James Murtagh

Represented By
David P Bleistein
Lisa Hiraide

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CONT... CLARK WARREN BAKER

Chapter 7

Derek Linke
Derek A Newman

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

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2:00 PM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

Adv#: 2:22-01217 Mastan, Chapter 7 Trustee v. Wang

#200.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)), (12 (Recovery of money/property - 547 preference)), (14 (Recovery of money/property - other) Complaint by Peter J. Mastan, Chapter 7 Trustee against Wei Warren Wang.

fr: 10-31-23; 3-5-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 6-11-24 AT 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Set deadline for filing pretrial motions. Discuss why parties don't want the matter sent to mediation.

11/6/23 -- Court approved scheduling order with following dates:

L/D to complete discovery -- December 29, 2023

L/D to file pretrial motions -- January 23, 2024

Cont'd status conference -- Marchj 5, 2024 at 2

L/D to file joint status report -- February 20, 2024 (unless motion for summary adjudication is file, in which case no status report is required)

L/D to select mediator -- November 30, 2023

L/D to complete mediation -- March 5, 2024.

12/1/23 -- Court approved order appointing mediators.

1/17/24 -- Court approved stipulation setting following dates:

Cont'd deadline to file pretrial motions -- February 23, 2024

L/D to file joint status report -- February 20, 2024; however, no status report will be required if motion for summary adjudication is filed prior to February 20, 2024

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CONT... Chineseinvestors.com, Inc.

Chapter 7

L/D to complete mediation -- March 5, 2024.

2/26/24 -- Court approved stipulation setting following dates:

Cont'd deadline to file pretrial motions -- March 31, 2024

L/D to file joint status report -- April 2, 2024; however, no status report will be required if motion for summary adjudication is filed prior to March 31, 2024

Cont'd status conference -- April 16, 2024 at 2:00 p.m.

OFF CALENDAR FOR MARCH 5, 2024.

3/20/24 -- Court approved stipulation extending the following dates:

L/D to file pretrial motions extended to May 24, 2024;

Status conference continued to June 11, 2024 at 2:00 p.m.

L/D to file joint status report extended to May 28, 2024, provided, however, that, if the parties have settled or filed a motion for summary adjudication prior to that date, a joint status report will not be required.

OFF CALENDAR FOR APRIL 16, 2024.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By

James Andrew Hinds Jr

Rachel M Sposato

Defendant(s):

Wei Warren Wang

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By

Lovee D Sarenas

Trustee(s):

Peter J Mastan (TR)

Represented By

Ashleigh A Danker

Lovee D Sarenas

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CONT...

Chineseinvestors.com, Inc.

Jonathan Serrano

Chapter 7

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2:00 PM

2:21-14449 Alex A. Khadavi

Chapter 7

Adv#: 2:22-01189 United States Trustee for the Central District of v. Khadavi

#201.00 Plaintiff's Notice of Motion and Motion (1) For Terminating Sanctions; or (2) to Extend the Discovery Cutoff for the Plaintiff Only to October 31, 2023

fr: 9-12-23; 10-17-23; 11-14-23; 12-19-23

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling from September 12, 2023:

Assuming defendant still has not produced the requested documents or appeared for a deposition, enter an order requiring the production of documents by a date certain and defendant's appearance at a deposition on or by a date certain and set continued hearing to assess defendant's compliance. If defendant has not provided the requested documents and appeared for his deposition, grant request that his answer be stricken and plaintiff permitted to proceed by way of default.

Final Ruling from September 12, 2023:

Defendant served supplemental response on August 25, 2023, 10 days after motion was filed. Defendant still has not agreed to a date for his deposition. Continue hearing to October 17, 2023 at 2:00 p.m. to assess whether defendant has sufficiently cooperated with discovery.

Tentative Ruling for October 17, 2023:

At plaintiff's request, continue both hearing on motion and status conference to November 14, 2023 at 2:00 p.m. Plaintiff should file updated status report not later than October 31, 2023. APPEARANCES WAIVED ON OCTOBER 17, 2023.

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CONT... Alex A. Khadavi

Chapter 7

Tentative Ruling for November 14, 2023:

At plaintiff's request, continue both hearing on motion and status conference to December 19, 2023 at **10:00 a.m.** Plaintiff should file updated status report not later than December 11, 2023. APPEARANCES WAIVED ON NOVEMBER 14 2023.

Tentative Ruling for December 19, 2023:

At request of plaintiff, enter order continuing discovery cutoff to March 29, 2024 and continue status conference and hearing on motion for terminating sanctions to April 16, 2024 at 2:00 p.m. Court will prepare order. APPEARANCES WAIVED ON DECEMBER 19, 2023.

Tentative Ruling for April 16, 2024:

At request of plaintiff, continue hearings to July 2, 2024 at 2:00 p.m. Plaintiff should give notice to counsel for estate representative. APPEARANCES WAIVED ON APRIL 16, 2024.

Party Information

Debtor(s):

Alex A. Khadavi

Represented By
Jeffrey S Benice

Defendant(s):

Alex A. Khadavi

Represented By
Jeffrey S Benice
Kelly L Morrison

Movant(s):

United States Trustee for the Central

Represented By
Kelly L Morrison

Plaintiff(s):

United States Trustee for the Central

Represented By

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CONT... Alex A. Khadavi

Chapter 7

Kelly L Morrison

Trustee(s):

Jason M Rund (TR)

Represented By
Keith Patrick Banner

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2:21-14449 Alex A. Khadavi

Chapter 7

Adv#: 2:22-01189 United States Trustee for the Central District of v. Khadavi

#202.00 Status Conference re: 41 (Objection / revocation of discharge - 727(c),(d),(e)
Complaint by United States Trustee for the Central District of California, Region
16 against Alex A. Khadavi

fr: 1-10-23; 4-18-23; 5-2-23; 8-29-23; 9-12-23; 10-17-23; 11-14-23; 12-19-23

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Does the trustee envision filing any motions for summary judgment? Hearing required.

1/20/23 -- Court signed scheduling order setting following dates:

Cont'd status conference -- April 18, 2023 at 2:00

Court waived requirement of joint status report

Plaintiff will file and serve MSJ by March 7, 2023

Tentative Ruling for May 2, 2023:

Revisit status of action after conclusion of hearing on plaintiff's motion for summary judgment.

5/10/23 -- Court approved scheduling order setting following dates:

Discovery cutoff -- August 18, 2023

Cont'd status conference -- August 29, 2023 at 2:00 p.m.

L/D to file joint status report -- August 15, 2023

7/10/23 -- Court approved stipulation setting following dates:

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CONT...

Alex A. Khadavi

Chapter 7

Defendant's responses to plaintiff's interrogatories and requests for production of documents are now due July 14, 2023; Discovery cutoff is extended to September 1, 2023.

8/16/23 -- Court entered order extending discovery cutoff to October 31, 2023, setting a hearing on request for terminating sanctions for September 12, 2023 at 2:00 p.m. and continuing status conference to September 12, 2023 at 2:00 p.m. OFF CALENDAR FOR AUGUST 29, 2023.

Tentative Ruling for September 12, 2023:

Continue case status conference to date set for continued hearing on motion on calendar as number 203.

Tentative Ruling for October 17, 2023:

At plaintiff's request, continue both hearing on motion and status conference to November 14, 2023 at 2:00 p.m. Plaintiff should file updated status report not later than October 31, 2023. APPEARANCES WAIVED ON OCTOBER 17, 2023.

10/31/2023 -- Court approved stipulation continuing discovery cutoff to November 30, 2023.

Tentative Ruling for November 14, 2023:

At plaintiff's request, continue both hearing on motion and status conference to December 19, 2023 at **10:00 a.m.** Plaintiff should file updated status report not later than December 11, 2023. APPEARANCES WAIVED ON NOVEMBER 14 2023.

Tentative Ruling for December 19, 2023:

At request of plaintiff, enter order continuing discovery cutoff to March 29, 2024 and continue status conference and hearing on motion for terminating sanctions to April 16, 2024 at 2:00 p.m. Court will prepare order.

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CONT... **Alex A. Khadavi**

Chapter 7

APPEARANCES WAIVED ON DECEMBER 19, 2023.

Tentative Ruling for April 16, 2024:

At request of plaintiff, continue hearings to July 2, 2024 at 2:00 p.m. Plaintiff should give notice to counsel for estate representative. APPEARANCES WAIVED ON APRIL 16, 2024.

Party Information

Debtor(s):

Alex A. Khadavi

Pro Se

Defendant(s):

Alex A. Khadavi

Pro Se

Plaintiff(s):

United States Trustee for the Central

Represented By
Kelly L Morrison

Trustee(s):

Jason M Rund (TR)

Represented By
Keith Patrick Banner

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2:00 PM

2:23-10779 Silva Chamanian

Chapter 7

Adv#: 2:23-01510 Overland Partners Sepulveda, LLC v. Chamanian

#203.00 Motion to Dismiss Adversary Proceeding for Failure to State a Claim Upon Which Relief Can be Granted

Docket 10

Courtroom Deputy:

ZoomGov Appearance by:

4/10/24 - Michael G. Spector

4/15/24 - Marcus Tiggs

4/15/24 - Sam Leslie

Tentative Ruling:

Court agrees with plaintiff that, under Husky, 578 U.S. 355 (2016), a fraudulent transfer can constitute actual fraud. Whatever liability the debtor may have to the creditor *by virtue of having made these fraudulent transfers* can be nondischargeable. (Note: the amount of the nondischargeable claim would not be the original debt, it would be the damages attributable to the fraudulent transfers, which could not exceed the amount of the actual debt.) However, in Husky, there was a Texas statute under which a shareholder may have liability for the corporation's debts. The lower courts had not reached the issue of whether or not the debtor was liable to the creditor for the corporation's debts because they had dismissed the complaint for failure to allege a false representation. It was this error of law that led the Supreme Court to reverse and remand. Husky discusses the fact that the *transferee* could end up liable to the creditor for having received a fraudulent transfer. The Court specifically does not reach the question of whether the debtor/transferor in that case would have liability to the creditor, and it remains the case that the debt that the creditor is trying to enforce in the 523 action has to have been obtained by/as a result of the fraudulent transfer scheme. (See note 3.) In other words, to state a claim under this theory on these facts, the plaintiff/creditor needs to establish that the debtor has liability

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CONT... Silva Chamanian

Chapter 7

arising out of or resulting from the fraudulent transfer. Overland's complaint does not do that.

In the alternative, if there is no theory under California law under which the transferor of a fraudulent transfer ends up with liability for that transfer, the creditor may want to plead this claim under section 523(a)(6). The willful and malicious injury could be transferring away valuable assets while knowing full well that the transfers would injure the creditor by making its debt uncollectible and, in fact, having intended this result.

Therefore, with regard to first claim for relief -- grant motion with leave to amend.

With regard to second claim for relief, court is confused by the allegations. What exactly is the creditor complaining about here? There is no contention that the debtor's husband was in fact a member of the LLC, so perhaps the representation that the debtor was the sole member of the LLC was accurate? If the problem is that the debtor was actually letting her (non-member) spouse call the shots and run the business, then there needs to be an allegation that the debtor actually represented that this would not be the case or that no one other than she was running the business. Or if the problem is that it turns out she was the "alter ego" of her husband, was there ever a representation that she wasn't the alter ego of her husband? Or any other representation that would be tantamount to this? There is nothing nefarious or fraudulent about someone owning an LLC and having someone else run it or have meaningful or significant input into how the business is run. Did she ever tell the plaintiff that her husband had nothing to do with the business and that she was the only one managing the business or making business decisions? If creditor thinks it can plead this count in a way that will make sense and actually allege a false representation that the debtor knew was false made with intent to induce the creditor's reliance and on which the creditor justifiably relied, grant motion with leave to amend. Otherwise, grant motion without leave to amend with regard to this claim for relief.

Party Information

Debtor(s):

Silva Chamanian

Represented By

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CONT... Silva Chamanian

Chapter 7

Juliet Y. Oh
David L. Neale

Defendant(s):

Silva Chamanian

Represented By
Michael G Spector

Movant(s):

Silva Chamanian

Represented By
Michael G Spector

Plaintiff(s):

Overland Partners Sepulveda, LLC

Represented By
Marcus G Tiggs

Trustee(s):

Sam S Leslie (TR)

Represented By
Nancy H Zamora

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2:00 PM

2:22-14832 Karyn Anne Silver

Chapter 11

Adv#: 2:23-01133 Silver v. Silver

#204.00 Motion to Dismiss Complaint for Lack of Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(B)(1) and Failure to State a Claim upon which Relief May be Granted Pursuant to 12(B)(6)

fr: 6-27-23; 8-29-23; 10-31-23; 12-19-23; 2-13-24

Docket 10

***** VACATED *** REASON: CONTINUED TO 6-20-24 AT 11AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

6/22/23 -- Court approved stipulation continuing hearing to August 29, 2023 at 2:00 p.m. OFF CALENDAR FOR JUNE 27, 2023.

8/16/23 -- Court approved stipulation continuing hearing to October 31, 2023 at 2:00 p.m. OFF CALENDAR FOR AUGUST 29, 2023.

10/25/23 -- Court approved stipulation continuing hearing to December 19, 2023 at 2:00 p.m. See order for additional provisions. OFF CALENDAR FOR OCTOBER 31, 2023.

12/12/23 -- Court approved stipulation continuing hearing to February 13, 2024 at 2:00 p.m. See order for additional provisions. OFF CALENDAR FOR DECEMBER 19, 2023.

2/7/24 -- Court approved stipulation continuing hearing to April 16, 2024 at 2:00 p.m. See order for additional provisions. OFF CALENDAR FOR FEBRUARY 13, 2024.

4/3/24 -- Court approved stipulation continuing hearing to jUNE 20, 2024 at 11:00 a.m. See order for additional provisions. OFF CALENDAR FOR APRIL 16, 2024.

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CONT... Karyn Anne Silver

Chapter 11

Debtor(s):

Karyn Anne Silver

Represented By
Stella A Havkin

Defendant(s):

Joel Silver

Represented By
Vanessa M Haberbusch

Movant(s):

Joel Silver

Represented By
Vanessa M Haberbusch

Joel Silver

Represented By
Vanessa M Haberbusch

Plaintiff(s):

Karyn Anne Silver

Represented By
Stella A Havkin

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2:22-14832 Karyn Anne Silver

Chapter 11

Adv#: 2:23-01133 Silver v. Silver

#205.00 Status Conference re: 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)),(11 (Recovery of money/property - 542 turnover of property)),(11 (Recovery of money/property - 542 turnover of property)),(72 (Injunctive relief - other) Complaint by Karyn Anne Silver against Joel Silver.

fr: 6-27-23; 8-29-23; 10-31-23; 12-19-23; 2-13-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 6-20-24 AT 11AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

6/22/23 -- Court added language to stipulation continuing hearing on motion to dismiss to include continuance of status conference to August 29, 2023 at 2:00 p.m. as well. OFF CALENDAR FOR JUNE 27, 2023.

8/16/23 -- Court approved stipulation continuing hearing to October 31, 2023 at 2:00 p.m. OFF CALENDAR FOR AUGUST 29, 2023.

10/25/23 -- Court approved stipulation continuing hearing to December 19, 2023 at 2:00 p.m. See order for additional provisions. OFF CALENDAR FOR OCTOBER 31, 2023.

12/12/23 -- Court approved stipulation continuing hearing to February 13, 2024 at 2:00 p.m. See order for additional provisions. OFF CALENDAR FOR DECEMBER 19, 2023.

2/7/24 -- Court approved stipulation continuing hearing to April 16, 2024 at 2:00 p.m. See order for additional provisions. OFF CALENDAR FOR FEBRUARY 13, 2024.

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

Tuesday, April 16, 2024

Hearing Room 1539

2:00 PM

CONT... **Karyn Anne Silver**

Chapter 11

4/3/24 -- Court approved stipulation continuing hearing to jUNE 20, 2024 at 11:00 a.m. See order for additional provisions. OFF CALENDAR FOR APRIL 16, 2024.

Party Information

Debtor(s):

Karyn Anne Silver

Represented By
Stella A Havkin

Defendant(s):

Joel Silver

Represented By
Vanessa M Haberbusch

Plaintiff(s):

Karyn Anne Silver

Represented By
Stella A Havkin

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

Tuesday, April 16, 2024

Hearing Room 1539

2:00 PM

2:21-10826 Kfir Gavrieli

Chapter 11

Adv#: 2:21-01034 Gavrieli et al v. Gavrieli et al

#206.00 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)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) Complaint by Dikla Gavrieli, Dikla Gavrieli, derivatively on behalf of Gavrieli Brands, LLC d/b/a Tiefs by Gavrieli, a California limited liability company, Dean Unatin against Kfir Gavrieli, Gavrieli Brands LLC.

fr. 3-31-21, 4-27-21, 6-8-21, 6-29-21, 8-10-21; 9-14-21, 9-28-21, 11-2-21, 11-30-21, 12-14-21, 1-4-22; 3-16-22; 5-25-22; 8-2-22; 12-6-22; 3-28-23; 5-9-23; 8-8-23; 8-10-23; 12-12-23; 1-10-24; 3-19-24

Docket 1

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

Courtroom Deputy:

Tentative Ruling:

3/31/21 -- At hearing held this date, Court continued status conference and hearing on motion to dismiss to; June 8, 2021 at 10:00 a.m. OFF CALENDAR FOR APRIL 27, 2021.

5/26/21 -- Court approved stipulation resolving motion to dismiss original complaint. Amended complaint to be filed not later than May 24, 2021. Any hearing on motion to dismiss that complaint will be held June 29, 2021 at 10:00 a.m. Status conference continued to June 29, 2021 at 10:00 a.m.. OFF CALENDAR FOR JUNE 8, 2021.

6/16/21 -- Court approved stipulation continuing hearing to August 10, 2021 at 2:00 p.m. See order for additional dates. APPEARANCES WAIVED ON JUNE 29, 2021.

7/13/21 -- Court approved stipulation continuing hearing to September 14,

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CONT...

Kfir Gavrieli

Chapter 11

2021 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON AUGUST 10, 2021.

8/27/21 -- Court approved stipulation continuing hearing to September 28, 2021 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON SEPTEMBER 14, 2021.

9/20/21 -- Court approved stipulation continuing hearing to November 2, 2021 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON SEPTEMBER 28, 2021.

10/19/21 -- Court approved stipulation continuing hearing to November 30, 2021 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON NOVEMBER 2, 2021.

11/22/21 -- Court approved stipulation continuing hearing to December 14, 2021 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON NOVEMBER 30, 2021.

12/8/21 -- Court approved stipulation continuing hearing to January 4, 2022 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON DECEMBER 14, 2021.

Tentative Ruling for January 4, 2022:

Parties included a waiver of the requirement to file a joint status report in their last stipulation, which the court for some reason approved. What is the status of this matter? Hearing required.

Tentative Ruling for March 16, 2022:

Court denied trustee's request that a status conference be held on this date on his motion to dismiss in that this status conference was already on calendar for March 16, 2022. Discuss with the parties at this status conference whether and when to set a hearing for the court to resolve the merits of this motion.

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CONT... Kfir Gavrieli

Chapter 11

Tentative Ruling for May 25, 2022:

At status conference held March 16, 2022, court continued this hearing to May 25, 2022 at 10:00 a.m. and waived the requirement of a status report. After conclusion of related matters on calendar, discuss with the parties the next steps with regard to this adversary proceeding.

Tentative Ruling for August 2, 2022:

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

8/8/22 -- Court approved order granting motion to dismiss:

Granted without leave to amend as to third, fourth, fifth, sixth, seventh and eighth claims for relief;

Granted with leave to amend as to ninth through sixteenth claims for relief;

Plaintiff to file and serve amended complaint not later than September 2, 2022;

Defendants to file and serve response to amended complaint not later than October 3, 2022. If response is motion to dismiss, motion should be set for hearing on December 6, 2022 at 2:00 pm. Oppositions will be due by October 31, 2022. Replies will be due by November 22, 2022.

Tentative Ruling for December 6, 2022:

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

Tentative Ruling for March 28, 2023:

Court advised that it would not be necessary parties to file a joint status report if it would be conducting a hearing on motion to dismiss. Continue status conference to May 9, 2023 at 2:00 p.m. to be heard concurrently with motion to dismiss. APPEARANCES WAIVED ON MARCH 28, 2023.

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CONT... Kfir Gavrieli

Chapter 11

Tentative Ruling for May 9, 2023:

Revisit status of action after conclusion of hearing on motion to dismiss. (At hearing on motion to dismiss, court ruled that all claims in the complaint, including the first through fourth claims for relief will be limited to acts or omissions that occurred after July 22, 2019 and that plaintiffs cannot recover for alleged acts or omissions that occurred prior to that date even if they were discovered later. Trustee must file and serve response to complaint not later than June 12, 2023. Parties should file joint status report not later than July 25, 2023.

Tentative Ruling for August 10, 2023:

Has the trustee received any responses to any of his discovery requests yet? If not, why not? (When were/are responses due?) Set discovery cutoff for late January or early February and continue status conference for approximately 90 to 120 days.

8/14/23 -- Court signed scheduling order setting following dates:

Discovery cutoff -- January 31, 2024
Cont'd status conference -- December 12, 2023 at 2:00 p.m.
L/D to file status report -- November 28, 2023

Tentative Ruling for December 12, 2023:

Court previously set a discovery cutoff of January 31, 2024. Plaintiff reports that she should have completed discovery by April of 2024. Is plaintiff requesting an extension of the discovery cutoff?

According to the status report, the company has not filed an answer to the complaint. Plaintiff refers to the company as a "nominal defendant," but it should nevertheless file an answer to the complaint. Is there some agreement between/among the parties that explains why this has not occurred?

Hearing required.

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CONT... Kfir Gavrieli

Chapter 11

12/14/23 -- Court approved scheduling order setting the following dates:
Cont'd discovery cutoff -- March 31, 2024
Cont'd status conference (as a holding date) -- January 10, 2024 at 10:00
a.m.
Requirement of a status report waived.

Tentative ruling for 1/10/24 --Revisit status of adversary after conclusion of
related matter on calendar.

2/14/24 -- Court approved stipulation extending discovery cutoff to April 29,
2024, continuing status conference from March 19, 2024 at 2:00 p.m. to April
16, 2024 at 2:00 p.m. and continuing plaintiff's deadline to serve responses
and objections to defendant's interrogatories to March 15, 2024. OFF
CALENDAR FOR MARCH 19, 2024.

2/27/24 -- Court approved stipulation extending discovery cutoff to May 13,
2024, continuing status conference to April 30, 2024 at 2:00 p.m. and
continuing plaintiff's deadline to serve responses and objections to
defendant's interrogatories to March 29, 2024. OFF CALENDAR FOR APRIL
16, 2024.

Party Information

Debtor(s):

Kfir Gavrieli

Represented By
Jeffrey M. Reisner
Kerri A Lyman
William N Lobel

Defendant(s):

Kfir Gavrieli

Represented By
William N Lobel

Gavrieli Brands LLC

Pro Se

Plaintiff(s):

Dikla Gavrieli

Represented By

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CONT... Kfir Gavrieli

Chapter 11

Amy Quartarolo
Peter Gilhuly
Daniel S Schecter

Dikla Gavrieli, derivatively on

Represented By
Amy Quartarolo
Peter Gilhuly
Daniel S Schecter

Dean Unatin

Represented By
Amy Quartarolo
Peter Gilhuly
Daniel S Schecter

Trustee(s):

Robert Allan Kors (TR)

Represented By
William Schumacher
Mark Shinderman
Mohammad Tehrani