

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

Tuesday, April 30, 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.**

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at [Chambers SBluebond@cacb.uscourts.gov](mailto:SBluebond@cacb.uscourts.gov) of your appearance.** The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

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

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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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2:24-11242 Gilbert Warner Bell

Chapter 7

#1.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate As to All Creditors

MOVANT: Gilbert Bell

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Case was dismissed for failure to file schedules on March 12, 2024. Debtor has filed a motion to vacate dismissal, but that motion has not been granted. Moreover, this motion needs to have been filed and heard within 30 days after petition date. Even if dismissal were vacated, court could not grant requested relief as more than 30 days have elapsed since filing of the petition on February 20, 2024.

Party Information

Debtor(s):

Gilbert Warner Bell

Represented By
William D Bowen

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-11994 Godfrey Karanja Nganga

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **1545 NORTH HOBART BOULEVARD UNIT #226 LOS ANGELES, CA 90027**

MOVANT: ANZA Management Compay

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Godfrey Karanja Nganga

Pro Se

Movant(s):

Anza Management Company

Represented By
Agop Gary Arakelian

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
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2:24-12100 Abraham G. Hatem

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2018 Honda Accord, VIN: 1HGCV1F31JA247708**

MOVANT: Exeter Finance LLC

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Abraham G. Hatem

Represented By
Michael Smith

Movant(s):

Exeter Finance LLC

Represented By
Sheryl K Ith

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-12210 Rochun Linette Bailey

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2017 Chevrolet Trax, VIN: 3GNCJLSB5HL266985**

MOVANT: American Credit Acceptance

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Rochun Linette Bailey

Represented By
Sundee M Teeple

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-12450 Jose Honrado Matias, Jr. and Leslie Penequeto Matias

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2012 Mini Countryman, VIN: WMWZC5C52CWL61585**

MOVANT: American Credit Acceptance

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Jose Honrado Matias Jr.

Represented By
David H Chung

Joint Debtor(s):

Leslie Penequeto Matias

Represented By
David H Chung

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1539

2:00 PM

2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01378 Marshack, Chapter 7 Trustee v. Roth

#200.00 Status Conference re: 14 (Recovery of money/property - other), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Richard A Marshack, Chapter 7 Trustee against Stan Roth

fr: 10-17-23; 1-23-24

Docket 1

Courtroom Deputy:

10/2/23 - Jury Demand filed by Defendant

Tentative Ruling:

9/14/23 -- Court approved stipulation continuing defendant's deadline to respond to complaint to September 29, 2023.

Tentative Ruling for October 17, 2023:

Continue status conference to January 23, 2024 at 2:00 p.m. Parties should file updated status report not later than January 9, 2024. Court will set discovery cutoff and discuss with parties whether matter should be sent to mediation at the January, 2024 status conference. APPEARANCES WAIVED ON OCTOBER 17, 2023.

Tentative Ruling for January 23, 2024:

Why doesn't the trustee want this matter sent to mediation? Hearing required.

1/30/24 -- Court approved scheduling order with following dates:

Cont'd status conference -- April 30, 2024 at 2:00 p.m.
L/D to file joint status report -- April 16, 2024

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CONT... Glenroy Coachella, LLC

Chapter 7

L/D to complete discovery -- June 28, 2024

Tentative Ruling for April 30, 2024:

Why doesn't plaintiff want this matter sent to mediation? Hearing required.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Stan Roth

Pro Se

Plaintiff(s):

Richard A Marshack, Chapter 7

Represented By
Sarah Rose Hasselberger
Chad V Haes

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays
Leonard M Shulman

**United States Bankruptcy Court
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2:00 PM

2:21-18085 Maria Victoria Prado

Chapter 7

Adv#: 2:22-01007 Tapia et al v. Prado

#201.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) Complaint by Adela Tapia, Alejandro Fernandez, Alejandro Fernandez Jr., Arelette Fernandez against Maria Victoria Prado

fr: 3-15-22; 9-13-22; 3-14-23, 9-26-23; 12-19-23; 2-27-24

Docket 1

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling for March 15, 2022:

Set deadline for plaintiff to file amended motion for entry of default judgment. Continue status conference to coincide with hearing on default judgment motion.

Final Ruling for March 15, 2022:

Court granted relief from stay to permit plaintiff to proceed in state court. Continue status conference to September 13, 2022 at 2:00 p.m. Updated status report due August 30, 2022.

Tentative Ruling for September 13, 2022:

Plaintiff filed the requested status report. According to that report, the state court action has been set for trial in August of 2023. Continue adversary status conference to March 14, 2023 at 2:00 p.m. Plaintiff should file updated status report (which may request a further continuance) not later than February 28, 2023. APPEARANCES WAIVED ON SEPTEMBER 13, 2022.

Tentative Ruling for March 14, 2023:

Plaintiff filed the requested status report. According to that report, the state court action has been set for trial on August 21, 2023. Continue adversary status conference to September 26, 2023 at 2:00 p.m. Plaintiff should file updated status report not later than September 12, 2023. APPEARANCES WAIVED ON MARCH 14, 2023.

Tentative Ruling for September 26, 2023:

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CONT... Maria Victoria Prado

Chapter 7

Plaintiff reports that the state court action has settled, but that open issues remain. Among other issues is the fact that the trustee was not made a party to the settlement and that this court's approval for the proposed settlement has not been obtained.

Discuss with parties the structure of the proposed settlement and make sure that plaintiff's counsel now understands what needs to happen from a bankruptcy perspective.

Hearing required.

Tentative Ruling for December 19, 2023:

Trustee filed 9019 motion in main case on December 8, 2023 on negative notice. Continue status conference in adversary proceeding to February 27, 2024 at 2:00 p.m., to give court an opportunity to process motion for approval of compromise. Trustee should file status report not later than February 13, 2024. APPEARANCES WAIVED ON DECEMBER 19, 2023.

Tentative Ruling for February 27, 2024:

Docket in main case reflects filing of 9019 motion and declaration re nonopposition. Did trustee ever upload an order approving the compromise? (Court was unable to locate such an order.)

Final Ruling for February 27, 2024:

Court entered order approving compromise on February 27, 2024. Compromise provided for payment of \$150,000 within 30 days after execution of the agreement. Court continued status conference to April 30, 2024 at 2:00 p.m. to give trustee an opportunity to collect settlement payment and dismiss action.

Tentative Ruling for April 30, 2024:

Did settlement payment get made? If so, why hasn't trustee requested dismissal of this action? Hearing required.

Party Information

Debtor(s):

Maria Victoria Prado

Represented By
Daniel A DeSoto

Defendant(s):

Maria Victoria Prado

Pro Se

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CONT... Maria Victoria Prado

Chapter 7

Plaintiff(s):

Adela Tapia

Represented By
Clemente Franco

Alejandro Fernandez

Represented By
Clemente Franco

Alejandro Fernandez Jr.

Represented By
Clemente Franco

Arelette Fernandez Tapia

Represented By
Clemente Franco

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:00 PM

2:21-19252 Juan L Tapia

Chapter 7

Adv#: 2:22-01183 KURTZ v. The 4550 Center Street Trust

#202.00 Pretrial Conference re: 14 (Recovery of money/property - other)), (11 (Recovery of money/property - 542 turnover of property) Complaint by HEIDE KURTZ against The 4550 Center Street Trust

fr: 10-31-23; 1-9-24; 3-5-24

Docket 1

***** VACATED *** REASON: Cont'd to 6/11/24 at 2:00pm**

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling for October 31, 2023:

Did the parties participate in a mediation on October 18, 2023? If so, what was the result?

Parties report that discovery has been completed. If matter did not settle, set motion cutoff date and pretrial conference date.

Final Ruling for October 31, 2023:

Defendant did not appear. Continue status conference to January 9, 2024 at 2:00 p.m. Parties should file updated status report not later than December 26, 2023. Plaintiff should file and serve notice of continuance.

Tentative Ruling for January 9, 2024:

Parties report that discovery has been completed. Set deadline for filing pretrial motions and pretrial conference.

1/12/24 -- Court approved scheduling order with following dates:

L/D to file pretrial motions -- January 30, 2024

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CONT... Juan L Tapia

Chapter 7

L/D to lodge joint proposed pretrial order -- February 20, 2024
Pretrial conference -- March 5, 2024 at 2:00 p.m.

2/23/24 -- Court approved stipulation continuing status conference to April 30, 2024 at 2:00 p.m. OFF CALENDAR FOR MARCH 5, 2024.

4/25/24 -- Court approved stipulation continuing status conference to June 11, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 30, 2024.

Party Information

Debtor(s):

Juan L Tapia

Represented By
Edward A Villalobos

Defendant(s):

The 4550 Center Street Trust

Represented By
Edward A Villalobos

Plaintiff(s):

HEIDE KURTZ

Represented By
Carmela Pagay

Trustee(s):

Heide Kurtz (TR)

Represented By
Timothy J Yoo
Carmela Pagay

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2:00 PM

2:23-10873 Sonya M Martin

Chapter 7

Adv#: 2:23-01106 Martin v. United States Department of Education

#203.00 Status Conference re: 63 (Dischargeability - 523(a)(8), student loan) Complaint by Sonya M Martin against United States Department of Education

fr: 6-6-23; 8-29-23, 9-26-23; 11-28-23

Docket 1

***** VACATED *** REASON: 4/18/24 - JUDGMENT PURSUANT TO
STIPULATION ENTERED**

Courtroom Deputy:

5/30/23 - Amended complaint filed

11/8/23 - Answer filed by Defendant

Tentative Ruling:

Tentative Ruling for June 6, 2023:

It does not appear that summons was ever served. Plaintiff has now filed an amended complaint, but that has not been served either. Plaintiff has requested issuance of replacement summons, but it has not been issued in light of proximity of status conference.

Continue status conference approximately 60 to 90 days and instruct clerk's office to issue replacement summons with new date. Plaintiff must serve summons and complaint within 2 weeks of issuance and file proof of service with court.

Final Ruling for June 6, 2023:

Plaintiff must obtain a replacement summons and serve it within 14 days after issuance. Continue status conference to August 29, 2023 at 2:00 p.m. Parties should file joint status report not later than August 15, 2023.

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CONT... Sonya M Martin

Chapter 7

Tentative Ruling for August 29, 2023:

Docket reflects that new summons was issued on June 8, 2023 and that it was served on June 19, 2023, which appears to be timely. Docket does not reflect filing of response to complaint. A default by the Department of Education appears unlikely. Has plaintiff had any contact with defendant? Hearing required.

Final Ruling for August 29, 2023:

Continue hearing to September 26, 2023 at 2:00 p.m. to give plaintiff an opportunity to contact Elan Levey to ascertain whether complaint has been properly served.

Tentative Ruling for September 26, 2023:

Department of Education served notice of plaintiff's failure to properly serve complaint because plaintiff failed to serve the U.S. Attorneys' Office for the Central District of California and the Attorney General of the United States. That notice explains how to serve the summons properly. Continue status conference again to give plaintiff an opportunity to obtain yet another summons and serve it properly this time.

Final Ruling for September 26, 2023:

Debtor now has correct service address. Continue hearing to November 28, 2023 at 2:00 p.m. Parties should file joint status report not later than November 14, 2023.

Tentative Ruling for November 28, 2023:

Status report is confusing. Are the parties utilizing the attestation process? If so, how much time do they need to complete this process? Hearing required.

4/18/24 -- Court approved stipulation for entry of judgment, resolving matter.
OFF CALENDAR. NO APPEARANCE REQUIRED.

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CONT... Sonya M Martin

Chapter 7

Party Information

Debtor(s):

Sonya M Martin

Pro Se

Defendant(s):

MOHELA/ DEPARTMENT OF

Pro Se

Plaintiff(s):

Sonya M Martin

Pro Se

Trustee(s):

Sam S Leslie (TR)

Pro Se

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2:23-14446 Shayna Engle

Chapter 7

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

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

fr: 4-2-24

Docket 2

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Tentative Ruling for April 30, 2024:

At request of parties, continue status conference to July 2, 2024 at 2:00 p.m.
Parties should file joint status report not later than June 18, 2024.
APPEARANCES WAIVED ON APRIL 30, 2024.

Party Information

Debtor(s):

Shayna Engle

Represented By
Zev Shechtman

Defendant(s):

AMERICAN EDUCATION

Pro Se

PNC Bank

Pro Se

Discover Student Loans

Pro Se

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CONT... Shayna Engle

Chapter 7

Navient Corporation

Pro Se

Temple University

Pro Se

United States Department Of

Pro Se

Plaintiff(s):

Shayna Engle

Represented By
Zev Shechtman

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:23-14877 Albert Garcia

Chapter 7

Adv#: 2:24-01040 Inclan v. Garcia

#205.00 Status Conference re: 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 Michael Inclan against Albert Garcia.

Docket 1

Courtroom Deputy:

3/22/24 - Jury Demand by Albert Garcia, Defendant

Tentative Ruling:

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

Party Information

Debtor(s):

Albert Garcia

Represented By
Omero Banuelos

Defendant(s):

Albert Garcia

Pro Se

Plaintiff(s):

Michael Inclan

Represented By
Matthew J Olson
Jessica Megan Leano

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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2:23-15376 Ruben Diaz Garcia

Chapter 7

Adv#: 2:23-01480 Amir et al v. Diaz Garcia et al

#206.00 Motion to Dismiss Adversary Proceeding and Third Amended Complaint to Determine Nondischargeability of Debt

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

[Court considered the opposition notwithstanding its late filing.]

Court is satisfied that the general allegations with regard to Tammy's involvement are sufficient to overcome a motion to dismiss. Deny motion insofar as it seeks to dismiss all claims against Tammy.

Note: There are no findings of fact in the stipulated judgment. As both dischargeable and nondischargeable claims were asserted in that action, plaintiff cannot rely on that judgment to establish any of the elements of their claims, with the possible exception of the amount of the damage (but the court would still need to figure out which elements of damage are attributable to any claims that may be nondischargeable).

Grant motion without leave to amend with regard to claims under section 523(a)(4) (fifth and sixth claims for relief). Breach of fiduciary duties owed by an officer of the corporation to another shareholder or creditor of corporation are insufficient to support a claim under section 523(a)(4). There needs to be an actual trust res. And a breach of a duty of care sounds in negligence and is not the kind of actual willful misconduct necessary to state a claim under this section. Claims for misappropriation of corporate assets do not belong to plaintiffs. They belong to corporation.

With regard to claims under section 523(a), fraud needs to be pleaded with particularity and, to the extent that the alleged misrepresentation relates to the financial condition of the company, it must be in writing. Where are the

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Ruben Diaz Garcia

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allegations that outline specifically what the misrepresentations were and that they were false. The misrepresentation cannot merely be a failure to perform something that was promised. That is merely a breach of contract (if there was even a contractual obligation on the defendant's (or defendants') part, and not fraud. Even if no interests in entities were ever transferred to the plaintiffs, were plaintiffs treated as if the interests had been transferred? And what would that interest have been worth? If plaintiffs had received the promised interest in the businesses, would that have resulted in any financial benefit to them? Was the company indeed a profitable business?

Grant motion without leave to amend as to first claim for relief. It alleges fraud based on representations as to the profitability of the business, yet does not identify any writings containing these writings on which the plaintiffs relied. And plaintiffs have had multiple opportunities to supply these writings.

Deny the motion with regard to second claim for relief under section 523(a)(2)(A). In that claim, plaintiffs allege that defendants represented that they needed \$60,000 to purchase equipment for the business and that these funds would be used to purchase equipment for the business. Plaintiffs claim that the businesses did not need the equipment and that defendants only represented that they needed the equipment to obtain money from plaintiffs.

Grant motion without leave to amend as to third claim for relief under section 523(a)(2)(B). That section creates nondischargeable liability for money, property, services, etc. obtained by the use of a statement in writing that is materially false, **respecting the debtor or an insider's financial condition**, on which the creditor reasonably relied and that the debtor caused to be made or published with intent to deceive. This claim for relief does not identify any writings **concerning the debtor or the company's financial condition** on which the plaintiffs relied. In fact, the claim alleges that defendants refused to provide documentation concerning the company's financial condition despite several requests for this information/documentation.

Grant motion without leave to amend with regard to the fourth claim for relief under section 523(a)(2)(B). If this is a statement concerning the company's financial condition, where is the written statement? The claim seems to be

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that defendants promised to assign the invoices and failed to do so (and never intended to do so). The failure to fulfill the promise to assign the invoices doesn't give rise to a claim under this section. Plaintiffs also claim that these receivables were fabricated, so plaintiffs weren't actually damaged by the failure to assign the invoices anyway. If the fraud is showing the plaintiffs invoices and claiming they were valuable, were the invoices actually shown to the plaintiffs? Are these the written statements concerning the debtor's financial condition on which plaintiffs relied?

Party Information

Debtor(s):

Ruben Diaz Garcia

Represented By
Leslie A Cohen

Defendant(s):

Ruben Diaz Garcia

Represented By
Leslie A Cohen

Tammy N Garcia

Represented By
Leslie A Cohen

Joint Debtor(s):

Tammy N Garcia

Represented By
Leslie A Cohen

Plaintiff(s):

Al Amir

Represented By
Christopher J Langley
Matthew P Todd

Talya Enterprises, Inc.

Represented By
Christopher J Langley
Matthew P Todd

Trustee(s):

John P Pringle (TR)

Pro Se

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2:23-15376 Ruben Diaz Garcia

Chapter 7

Adv#: 2:23-01480 Amir et al v. Diaz Garcia et al

#207.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury) Complaint by Christopher J Langley on behalf of Al Amir, Talya Enterprises, Inc. against all defendants

fr: 2-13-24

Docket 4

Courtroom Deputy:

1/29/24 - First Amended Complaint filed

Tentative Ruling:

2/22/24 -- Court approved order granting motion to dismiss with leave to amend. Plaintiff is to file third amended complaint not later than March 12. Response should be filed and served not later than April 9, 2024. If response is a motion to dismiss, it should be set for April 30, 2024 at 2:00 p.m. (same date and time as continued status conference).

Tentative Ruling for April 30, 2024:

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

Party Information

Debtor(s):

Ruben Diaz Garcia

Represented By
Leslie A Cohen

Defendant(s):

Ruben Diaz Garcia

Pro Se

Tammy N Garcia

Pro Se

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

Tuesday, April 30, 2024

Hearing Room 1539

2:00 PM

CONT... Ruben Diaz Garcia

Chapter 7

Joint Debtor(s):

Tammy N Garcia

Represented By
Leslie A Cohen

Plaintiff(s):

Al Amir

Represented By
Christopher J Langley

Talya Enterprises, Inc.

Represented By
Christopher J Langley

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Sheri Bluebond, Presiding
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Tuesday, April 30, 2024

Hearing Room 1539

2:00 PM

2:23-15376 Ruben Diaz Garcia

Chapter 7

Adv#: 2:23-01481 Potter et al v. Diaz Garcia et al

#208.00 Motion to Dismiss Adversary Proceeding and Third Amended Complaint to Determine Nondischargeability of Debt

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion without leave to amend with regard to all claims asserted on behalf of plaintiff H&M. There are no allegations anywhere in the complaint to show any injury to H&M.

Deny request that claims against Tammy be dismissed. Complaint specifically pleads that both defendants made the alleged misrepresentations. That means that plaintiff is specifically pleading that Tammy made these misrepresentations too. That is sufficient to overcome a motion to dismiss.

Deny balance of relief sought by motion. Complaint adequately pleads claims under section 523(a)(2)(A) and 523(a)(6).

Party Information

Debtor(s):

Ruben Diaz Garcia

Represented By
Leslie A Cohen

Defendant(s):

Ruben Diaz Garcia

Represented By
Leslie A Cohen

Tammy N Garcia

Represented By
Leslie A Cohen

**United States Bankruptcy Court
Central District of California
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Tuesday, April 30, 2024

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2:00 PM

CONT... Ruben Diaz Garcia

Chapter 7

Joint Debtor(s):

Tammy N Garcia

Represented By
Leslie A Cohen

Plaintiff(s):

Jeffrey Potter

Represented By
Christopher J Langley

H&M Investment Advisors Inc, a

Represented By
Christopher J Langley

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, April 30, 2024

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2:00 PM

2:23-15376 Ruben Diaz Garcia

Chapter 7

Adv#: 2:23-01481 Potter et al v. Diaz Garcia et al

#209.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) Complaint by Christopher J Langley on behalf of H&M Investment Advisors Inc, a California Corporation, Jeffrey Potter against all defendants.

fr: 2-13-24

Docket 4

Courtroom Deputy:

1/29/24 - Amended Complaint filed

Tentative Ruling:

2/22/24 -- Court approved order granting motion to dismiss with leave to amend. Plaintiff is to file third amended complaint not later than March 12. Response should be filed and served not later than April 9, 2024. If response is a motion to dismiss, it should be set for April 30, 2024 at 2:00 p.m. (same date and time as continued status conference).

Tentative Ruling for April 30, 2024:

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

Party Information

Debtor(s):

Ruben Diaz Garcia

Represented By
Leslie A Cohen

Defendant(s):

Ruben Diaz Garcia

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 30, 2024

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2:00 PM

CONT... Ruben Diaz Garcia

Chapter 7

Tammy N Garcia

Pro Se

Joint Debtor(s):

Tammy N Garcia

Represented By
Leslie A Cohen

Plaintiff(s):

Jeffrey Potter

Represented By
Christopher J Langley

H&M Investment Advisors Inc, a

Represented By
Christopher J Langley

Trustee(s):

John P Pringle (TR)

Pro Se

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

Tuesday, April 30, 2024

Hearing Room 1539

2:00 PM

2:23-16396 Che Alejandro Rodriguez

Chapter 7

Adv#: 2:23-01509 Carmona et al v. Rodriguez

#210.00 Motion for Default Judgment

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

What is the debt that plaintiffs are attempting to have excepted from the discharge? The state court judgment gave plaintiffs specific performance and they obtained the property. (Court agrees that that judgment should not be discharged, but no one is claiming that that judgment was discharged.) Did plaintiffs ever seek and obtain a monetary award from the state court? If so, what happened? If not, where is the prove up of the amounts owed? Court was unable to locate any information in the motion providing support for any monetary claim.

Continue hearing to give movants an opportunity to file a declaration with supporting documentation as to the amount of their monetary damages.

Party Information

Debtor(s):

Che Alejandro Rodriguez

Represented By
Aldo A Flores

Defendant(s):

Che Alejandro Rodriguez

Pro Se

Plaintiff(s):

Armando Oscar Carmona

Represented By
Lazaro E Fernandez

Elise Huerta

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 30, 2024

Hearing Room 1539

2:00 PM

CONT... Che Alejandro Rodriguez

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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

Tuesday, April 30, 2024

Hearing Room 1539

2:00 PM

2:23-16396 Che Alejandro Rodriguez

Chapter 7

Adv#: 2:23-01509 Carmona et al v. Rodriguez

#211.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud) Complaint by Armando Oscar Carmona, Elise Huerta against Che Alejandro Rodriguez.

fr: 3-5-24

Docket 1

Courtroom Deputy:

1/5/24 - Amended Complaint filed

2/21/24 - Notice that Clerk Entered Default Against Defendant

Tentative Ruling:

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

Party Information

Debtor(s):

Che Alejandro Rodriguez

Represented By
Aldo A Flores

Defendant(s):

Che Alejandro Rodriguez

Pro Se

Plaintiff(s):

Armando Oscar Carmona

Represented By
Lazaro E Fernandez

Elise Huerta

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 30, 2024

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2:00 PM

CONT... Che Alejandro Rodriguez

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 30, 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

#212.00 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 Tieks 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; 4-16-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 6-4-24 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

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CONT... Kfir Gavrieli
JUNE 29, 2021.

Chapter 11

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

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CONT...

Kfir Gavrieli

Chapter 11

conference whether and when to set a hearing for the court to resolve the merits of this motion.

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

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CONT...

Kfir Gavrieli

Chapter 11

conference to May 9, 2023 at 2:00 p.m. to be heard concurrently with motion to dismiss. APPEARANCES WAIVED ON MARCH 28, 2023.

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

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CONT... **Kfir Gavrieli**
occurred?

Chapter 11

Hearing required.

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.

4/4/24 -- Court approved stipulation extending fact discovery cutoff to June
13, 2024, continuing status conference to June 4, 2024 at 2:00 p.m. and
continuing plaintiff's deadline to serve responses and objections to
defendant's interrogatories to April 29, 2024. OFF CALENDAR FOR APRIL
30, 2024.

Party Information

Debtor(s):

Kfir Gavrieli

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

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

2:00 PM

CONT... Kfir Gavrieli

Chapter 11

Defendant(s):

Kfir Gavrieli

Represented By
William N Lobel

Gavrieli Brands LLC

Pro Se

Plaintiff(s):

Dikla Gavrieli

Represented By
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