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

Tuesday, June 13, 2023 **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. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.**

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Hearing conducted by ZOOMGov.
Video/audio web address: https://cacb.zoomgov.com/j/**16161090855**
ZoomGov meeting number: 161 6109 0855
Password: 148508

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

10:00 AM
CONT... **Chapter**

(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
Central District of California
Los Angeles
Sheri Bluebond, Presiding
Courtroom 1539 Calendar

Tuesday, June 13, 2023 **Hearing Room 1539**

10:00 AM
2:19-20282 Nicholas Laroche **Chapter 7**

#1.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: **LaRoche v American Skating Entertainment Center; Los Angeles Superior Court; 20STCV04871 .**

MOVANTS: American Skating Entertainment Centers, LLC and L.A. Ice Venture Company, LLC

Docket 45
***** VACATED *** REASON: 6/12/23 - ORDER GRANTING MOTION FOR RELIEF ENTERED. APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court is not going to adjudicate the merits of any alleged recoupment or indemnification claims in this context. The automatic stay does not apply to the trustee's claims against the movants; movants should not be precluded from raising any claims or defenses that they may wish to raise by way of defense or offset (and not to obtain an affirmative recovery) that arise out of a common nucleus of operative facts. Grant motion to the extent that movants seek to assert any affirmative defenses or any counter or cross-claims that would be barred if not raised in this action (i.e., that are compulsory counter/cross-claims).

6/12/23 -- At request of parties, court entered approved form of order and waived appearances on June 13, 2023. APPEARANCES WAIVED.

Party Information

Debtor(s):

Nicholas Laroche Pro Se

Movant(s):

L.A. Ice Venture Company, LLC Represented By
Richard T Baum

10:00 AM
CONT... **Nicholas Laroche** **Chapter 7**

American Skating Entertainment Represented By
Richard T Baum

Trustee(s):

Rosendo Gonzalez (TR) Pro Se

10:00 AM

2:23-11498 Larry Andre Welton **Chapter 7**

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **817 S. Windsor Blvd., Unit L, Los Angeles, CA 90005 .**

MOVANT: 817 S. Windsor LLC

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant without waiver of Rule 4001(a)(3) or other extraordinary relief. Motion seeks annulment. What actions did movant take post-petition that it wants to validate by having the automatic stay annulled? Hearing required.

Party Information

Debtor(s):

Larry Andre Welton	Represented By Stephen L Burton

Movant(s):

817 S. Windsor LLC	Represented By Niv Vladimir Davidovich

Trustee(s):

Jason M Rund (TR)	Pro Se

10:00 AM
2:23-11966 Efrain Hernandez Navarro and Jahaira Nieves Navarro **Chapter 7**

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2021 BMW 5 Series 530i Sedan 4D; VIN: WBA53BH08MCG08592**

MOVANT: BMW Bank of North America

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Efrain Hernandez Navarro	Represented By George C Panagiotou

Joint Debtor(s):

Jahaira Nieves Navarro	Represented By George C Panagiotou

Movant(s):

BMW Bank of North America	Represented By Cheryl A Skigin

Trustee(s):

Howard M Ehrenberg (TR)	Pro Se

10:00 AM
2:22-10994 Better 4 You Breakfast, Inc. **Chapter 11**

#4.00 Motion RE: Objection to Claim Number 82 by Claimant Intrepid Investment Bankers LLC

fr: 4-19-23

Docket 774

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling for April 19, 2023:

The debtor's plan provides that, "For the first 14 calendar days after the Confirmation Date, a period of time which may be extended by the Court at the request of Debtor for cause, Debtor may assume and assign, or reject any leases or executory contracts which have not previously been addressed. Thereafter any remaining leases or executory contracts will be deemed rejected as of the 15th day after the Confirmation Date. The order confirming this Plan will constitute an order approving this paragraph's treatment of executory contracts and unexpired leases." Therefore, it is not correct to say that the contract was never rejected or terminated. The debtor's contract with Intrepid was in fact rejected pursuant to this plan provision, no?

However, neither party has briefed the real issue here, which is, to what extent is a prepetition contract to employ an investment banker in connection with the sale of the debtor's assets enforceable if it was never assumed by the debtor and approved by the bankruptcy court? In fact, the bankruptcy court approved the employment of a different investment banker. Is the debtor or its estate still bound by the contract under these circumstances? Would the approval of a different investment banker in lieu and instead of Inrepid be tantamount to a termination of the agreement? How could a professional whose employment was not approved by the court be entitled to a fee based on a post-petition transaction?

Set continued hearing and deadline for the parties to brief the relevant issues. Court agrees that parties should be given an opportunity to conduct discovery, if the matter cannot be resolved on the undisputed facts. Court would like to know the applicable

10:00 AM
CONT... Better 4 You Breakfast, Inc. **Chapter 11**

rule(s) of decision before the parties engage in discovery on a series of issues that might be irrelevant.

Final Ruling for April 19, 2023:

Continue hearing to June 13, 2023 at 10:00 a.m. Debtor should file and serve not later than May 19, 2023 memorandum re additional bases for objection referenced in tentative ruling. Any response must be filed and served not later than June 5, 2023. Discovery stayed in the interim.

Tentative Ruling for June 13, 2023:

Court agrees that rejection of a contract does not constitution avoidance of a contract and that it typically results in a breach of the contract that is deemed to have occurred immediately prior to the filing of the petition. Court also agrees that employment of a professional person is a condition precedent to that professional's ability to receive payment as an expense of administration, but it does not appear to have any bearing on the professional person's ability to assert a general unsecured claim for the damages that it would be entitled to receive for breach of that contract under applicable nonbankruptcy law. Therefore, let parties proceed with the discovery necessary to ascertain whether claimant has a valid claim for the fees that it seeks to recover under applicable nonbankruptcy law.

Party Information

Debtor(s):

Better 4 You Breakfast, Inc.	Represented By David A Tilem Kerri A Lyman Jeffrey M. Reisner Allen B Felahy

Movant(s):

Better 4 You Breakfast, Inc.	Represented By David A Tilem David A Tilem David A Tilem David A Tilem David A Tilem

10:00 AM
CONT... **Better 4 You Breakfast, Inc.** **Chapter 11**

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10:30 AM
2:21-17932 Soames Lane Trust **Chapter 11**
Adv#: 2:22-01166 Soames Lane Trust et al v. Martinez Rivera et al

#50.00 Stipulation re: Settlement of Adversary Proceeding

fr: 10-25-22; 11-8-22; 1-10-23; 3-14-23; 4-19-23

Docket 5

Courtroom Deputy:

Tentative Ruling:

10/13/22 -- At request of counsel for debtor, court continued hearing to November 8, 2022 at 2:00 p.m. (Court added to order that status conference currently scheduled for November 1, 2022 at 2:00 p.m. should be continued to same date and time.) OFF CALENDAR FOR OCTOBER 25, 2022.

Tentative Ruling for November 8, 2022:

Has 9019 motion been filed? If so, when? Hearing required.

Final Ruling for November 8, 2022:

Continue hearing to January 10, 2023 at 2:00 p.m. to give court an opportunity to process 9019 motion that will be filed on negative notice. Parties report that agreement needs to be finalized and will be circulated within the next 48 hours or so.

Tentative Ruling for January 10, 2023:

Was any 9019 motion ever filed? Court was unable to locate any such motion. If motion was not filed, why hasn't it been filed? Hearing required.

Tentative Ruling for March 14, 2023:

At prior status conference, parties reported that no 9019 motion had been filed. Parties have prepared draft of settlement that has been sent out for

10:30 AM
CONT... Soames Lane Trust **Chapter 11**

signature. Once signatures have been obtained, a 9019 motion will be filed.

There is still no 9019 motion on calendar. What is the status of this matter?

Final Ruling from March 14, 2023:

Counsel for plaintiff did not appear at hearing. Counsel for defendants did. He did not know why opposing counsel was not present. Defendant to serve and file notice of continuance. Continue hearing to April 19, 2023 at 10:00 a.m.

Tentative Ruling for April 19, 2023:

What, if any, progress has been made with regard to the compromise? Docket in underlying case still does not reflect filing of a 9019 motion (even though debtor's January 20, 2023 status report stated that "the Debtor intends to file a Rule 9019 motion for approval of the compromise which has already been drafted, approved by counsel, and signed."). Do the parties still anticipate entering into a compromise? Hearing required.

Tentative Ruling for June 13, 2023:

Docket in the main case now reflects the filing of a motion for approval of the proposed compromise. Where did the $25,000 come from to make the settlement payment contemplated by the agreement? Were these funds assets of the bankruptcy estate? Hearing required.

Party Information

Debtor(s):

Soames Lane Trust	Represented By Paul A Beck

Defendant(s):

Carmen Martinez Rivera	Pro Se
Paul Loaiza	Pro Se

10:30 AM
CONT... **Soames Lane Trust** **Chapter 11**

Movant(s):

Soames Lane Trust	Represented By Paul A Beck
Grover Henry Colin Nix IV	Represented By Paul A Beck

Plaintiff(s):

Soames Lane Trust	Represented By Paul A Beck
Grover Henry Colin Nix IV	Represented By Paul A Beck

10:30 AM
2:21-17932 Soames Lane Trust **Chapter 11**
Adv#: 2:22-01166 Soames Lane Trust et al v. Martinez Rivera et al

#51.00 Status Conference re: 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Soames Lane Trust, Grover Henry Colin Nix IV against Carmen Martinez Rivera, Paul Loaiza

fr: 11-1-22; 11-8-22; 1-10-23' ; 3-14-23; 4-19-23

Docket 1

Courtroom Deputy:

Tentative Ruling:

Continue hearing to November 8, 2022 at 2:00 p.m. to be heard concurrently with stipulation re settlement set for that date. OFF CALENDAR FOR NOVEMBER 1, 2022.

Tentative Ruling for November 8, 2022:

Continue status conference to give court an opportunity to process 9019 motion.

Tentative Ruling for January 10, 2023:

Revisit status of action after conclusion on hearing on matter no. 211.

Tentative Ruling for March 14, 2023:

At prior status conference, parties reported that no 9019 motion had been filed. Parties have prepared draft of settlement that has been sent out for signature. Once signatures have been obtained, a 9019 motion will be filed.

There is still no 9019 motion on calendar. What is the status of this matter? Where is the status report that the court instructed the parties to file by February 28, 2023?

10:30 AM
CONT... Soames Lane Trust **Chapter 11**

Final Ruling from March 14, 2023:

Debtor's counsel did not appear. Court continued status conference to April 19, 2023 at 10:00 a.m. Counsel for defendant in adversary proceeding will serve and file a notice of continuance.

Tentative Ruling for April 19, 2023:

Docket does not reflect filing of a notice of continuance. Tentative ruling from March 14, 2023 remains unchanged.

Tentative Ruling for June 13, 2023:

Revisit status of adversary proceeding after conclusion of hearing on matter no. 50.

Party Information

Debtor(s):

Soames Lane Trust	Represented By Paul A Beck

Defendant(s):

Carmen Martinez Rivera	Pro Se
Paul Loaiza	Pro Se

Plaintiff(s):

Soames Lane Trust	Represented By Paul A Beck
Grover Henry Colin Nix IV	Represented By Paul A Beck

2:00 PM
2:21-16816 Newton Chun Tak **Chapter 7**
Adv#: 2:21-01234 Tak v. Navient Federal Loan Trust et al

#200.00 Status Conference re: 63 (Dischargeability - 523(a)(8), student loan)) Complaint (EDB) by Newton Chun Tak against Navient Federal Loan Trust , Ascendium Education Solutions , U.S. Department of Education , Navient - U.S. Department of Education Loan Servicing , Navient Private Loan Trust , Maximus Education, LLC.

fr. 1-25-22; 4-5-22; 7-12-22; 10-11-22; 1-10-23; 4-18-23; 5-2-23

Docket 1

Courtroom Deputy:

Tentative Ruling:

Replacement summons has been issued. Has it been served? Hearing required.

2/9/22 -- Court approved stipulation extending US Dept of Education's deadline to respond to complaint to February 24, 2022.

2/11/22 -- Court approved stipulation substituting ECMC as real party in interest for Ascendium Education Solutions.

Tentative Ruling for April 5, 2022:

Court agrees with Navient that there is no right to a jury trial in this action. Actions to determine dischargeability of obligations are equitable in nature and there would not have been a right to a jury trial in such an action in 1789. Which defendants still have not responded to the complaint? When are such responses due? Hearing required.

Tentative Ruling for July 12, 2022:

2:00 PM
CONT... Newton Chun Tak **Chapter 7**

Is U.S. Dept of Education Loan Servicing a separate entity from the US Department of Education?

Set discovery cutoff for mid to late September. Set final status conference for shortly thereafter.

Final Ruling for July 12, 2022:

Continue status conference to October 11, 2022 at 2:00 p.m. Parties shall file joint status report not later than September 27, 2022.

Tentative Ruling for October 11, 2022:

Set discovery cutoff for late November. Set pretrial conference for sometime in January, 2023.
10/13/22 -- Court approved scheduling order with following dates:

Cont'd status conference -- January 10, 2023 at 2
L/D to file joint status report -- December 20, 2022
Discovery cutoff -- December 31, 2022

11/4/22 -- Court approved order dismissing Department of Education only.

Tentative Ruling for January 10, 2023:

Discovery cutoff was December 31, 2022. Navient and the debtor report that they will have completed discovery by January 31, 2023. Are they requesting an extension of the discovery cutoff date? Do the parties anticipate filing any pretrial motions?

Set pretrial motion cutoff date and date for pretrial conference.

1/17/23 -- Court approved scheduling order with following dates:

Cont'd status conference -- April 18, 2023 at 2
L/D to file status report -- April 4, 2023
L/D to complete discovery -- January 31, 2023

2:00 PM
CONT... Newton Chun Tak **Chapter 7**

Tentative Ruling for May 2, 2023:

Have the parties completed discovery? If not, why not? Have the parties succeeded in negotating any additional settlements? Hearing required.

5/2/23 -- Court approved stipulation resolving claims held by Navient Federal Loan Trust and Navient Private Loan Trust and dismissing these parties as defendants.

Tentative Ruling for June 13, 2023:

What, if anything, remains of this action and how do any remaining parties wish to proceed? Hearing required.

Party Information

Debtor(s):

Newton Chun Tak	Pro Se

Defendant(s):

Navient Federal Loan Trust	Represented By Dennis C. Winters
U.S. Department of Education	Represented By Elan S Levey
Navient - U.S. Department of	Pro Se
Navient Private Loan Trust	Represented By Dennis C. Winters
Maximus Education, LLC	Pro Se
Educational Credit Management	Represented By Scott A Schiff
ECMC	Represented By Scott A Schiff

2:00 PM
CONT... Newton Chun Tak **Chapter 7**

Joint Debtor(s):

Lori Aileen Scarlett — Pro Se

Plaintiff(s):

Newton Chun Tak — Represented By Newton C Tak

Trustee(s):

Timothy Yoo (TR) — Pro Se

2:00 PM
2:23-11674 Ludlows Cocktail Company, LLC **Chapter 7**
Adv#: 2:23-01141 Jones et al v. Ludlows Cocktail LLC et al

#201.00 Status Conference re:4 (Recovery of money/property - other) ,(01 (Determination of removed claim or cause) Notice of Removal by Freya Estreller and Nastasha Case

Docket 1
***** VACATED *** REASON: CONTINUED TO 6-27-23 AT 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Continue status conference to June 27, 2023 at 2:00 p.m. to be heard concurrently with motion to remand. APPEARANCES WAIVED ON JUNE 13, 2023.

Party Information

Debtor(s):

Ludlows Cocktail Company, LLC	Represented By D Edward Hays

Defendant(s):

Ludlows Cocktail LLC	Represented By D Edward Hays
Freya Estreller	Represented By Christopher Hellmich
Natasha Case	Represented By Christopher Hellmich
DOES 1-100	Pro Se

Movant(s):

Morgan Jones	Represented By David B Felsenthal

2:00 PM

CONT... Ludlows Cocktail Company, LLC **Chapter 7**

Plaintiff(s):

Ronna S. Reed Jones	Represented By David B Felsenthal
Morgan Jones	Represented By David B Felsenthal

Trustee(s):

Brad D Krasnoff (TR)	Pro Se

2:00 PM
2:20-10969 Sherrie Nicole Lockhart-Johnson **Chapter 7**
Adv#: 2:20-01073 Willard v. Lockhart-Johnson et al

#202.00 Status Conference re: Notice of Appeal on BAP Number: CC 20-1161 - Ruling: Vacated and Remanded back to the Bankruptcy Court

fr. 9-28-21, 2-15-22; 3-15-22; 6-21-22; 9-13-22; 12-13-22; 3-14-23; 4-11-23

Docket 43

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling from September 28, 2022:

BAP agreed that plaintiff failed to state a claim but reversed and remanded as to this court's decision to deny leave to amend. BAP did a better job than this court of divining what plaintiff was trying to say in her complaint. BAP believes that complaint might possibly be saved by an amendment alleging sufficient facts to support a claim that the obligation is a community obligation, that it would be excepted from the discharge in a hypothetical bankruptcy case commenced by the nondebtor spouse and that the community property discharge provisions of 523(a)(4) should not apply.

Enter new order granting motion to dismiss that grants leave to amend and sets deadline for filing and responding to amended complaint.

9/29/21 -- Court entered order granting motion to dismiss with leave to amend and setting following dates:

L/D to file amended complaint -- December 31, 2021
L/D to file and serve response to complaint -- January 25, 2021
Cont'd status conference -- February 15, 2021 at 2:00 pm.
Parties are directed to mediate this dispute before Sevan Gorgonian on a pro

2:00 PM
CONT... Sherrie Nicole Lockhart-Johnson **Chapter 7**

bono basis.

10/12/21 -- Court entered order appointing Gorgonian as mediator.

Tentative Ruling for February 15, 2022:

Set deadline for completion of discovery of approximately 90 to 120 days. Set continued status conference for approximately same time frame. (NOTE: This is a core matter. The court has jurisdiction to enter final orders, with or without the plaintiff's consent.)

Tentative Ruling for March 15, 2022:

Set discovery cutoff and deadline for filing pretrial motions. Set final status conference for approximately same time frame.

3/17/22 -- Court approved scheduling order with following dates:

Discovery cutoff -- June 30, 2022
L/D to file joint status report -- June 7, 2022
Cont'd status conference -- June 21, 2022 at 2:00 p.m.

Tentative Ruling for June 21, 2022:

Revisit status after hearing on motion to dismiss. Set deadline for movant to file answer to complaint. Do parties need to conduct discovery? Hearing required.

Tentative Ruling for September 13, 2022:

LBR require parties to file JOINT status report two weeks prior to each status conference. Court received separate status reports signed by the defendants, but nothing from plaintiff. Court will issue OSC re failure to prosecute if plaintiff fails to participate in preparation of joint status reports. (There is an attachment to the status report form that can be used when there is more than one defendant.)

2:00 PM
CONT... Sherrie Nicole Lockhart-Johnson **Chapter 7**

Defendant Steve Todd Johnson in the answer that he filed said that he does not consent to this court's entry of final judgments in the action. In his status report form, he has consented, but consent to the entry of final orders in this action is not required. This is a core proceeding under section 523 with regard to which this court has authority to enter final orders with or without the consent of the parties.

The plaintiff filed a reponse to Steve's answer to complaint. The answer does not include a counterclaim. Thus, a response is not required or permitted. The filing is a nullity.

Discovery requests and responses do not need to be filed with the Court. If and when this matter goes to trial, the court will establish procedures for submitting evidence to the court.

Set discovery cutoff for late December and final status conference for approximately same time frame.

9/14/22 -- Court set (new) discovery cutoff for December 16, 2022.

Tentative Ruling for December 13, 2022:

Impose sanctions of $150 each on parties for failure to file a joint status report as required by court's local rules and this Court's September 14, 2022 scheduling order. What is the status of this matter? What progress has been made since the last status conference? Are parties on track to complete their discovery by December 16, 2022? If not, why not? Hearing required.

UPDATE -- Parties filed status report belatedly on December 2, 2022. Parties should be aware that attendance at status conferences is insufficient. There need not be a "formal" meet and confer. Steve Johnson must participate in informal meet and confer sessions or court will strike his answer to complaint and permit plaintiff to proceed by way of default. There is an addendum/attachment for the status report that should be used when there are more than two parties.
Why are defendants sending threatening or harrassing emails?

2:00 PM
CONT... Sherrie Nicole Lockhart-Johnson **Chapter 7**

Have any formal discovery requests been served? If not, why not? Parties need to move this matter forward toward trial or court will simply set trial date whether parties consider themselves ready or not.

12/14/22 -- Court approved scheduling order with following dates:

Discovery cutoff extended to January 24, 2023
L/D to file pretrial motions -- January 31, 2023
Cont'd status conference -- March 14, 2023 at 2
L/D to file updated status report -- February 28, 2023

2/23/23 -- Court granted plaintiff's request for an extension of deadline to oppose motion for summary judgment. Court continued hearing to April 11, 2023 at 2:00 p.m. Continue status conference to date of continued hearing on summary judgment motion -- April 11, 2023 at 2:00 p.m. OFF CALENDAR FOR MARCH 14, 2023.

Tentative Ruling for April 11, 2023:

It appears that the parties are continuing to conduct discovery and file motions after the deadlines established by the Court for this purpose. Set date for evidentiary hearing on Nondischargeability Issues. It does not appear that they need any additional time to conduct discovery on these issues.

Final Ruling for April 11, 2023:

Extend discovery cutoff to June 12, 2023. Continue status conference to June 13, 2023 at 2:00 p.m. Parties must file joint status report by May 30, 2023. Court will prepare scheduling order. (Court entered scheduling order on April 11, 2023.)

Tentative Ruling for June 13, 2023:

Where is the joint status report that should have been filed by May 30, 2023? (Plaintiff filed unilateral report on June 5, 2023.) Have the parties now completed discovery with regard to the issue of nondischargeability (with the

2:00 PM
CONT... Sherrie Nicole Lockhart-Johnson **Chapter 7**

exception of the deposition noted on plaintiff's status report)? Schedule pretrial conference for August, 2023 and explain pretrial procedures to parties.

Party Information

Debtor(s):

Sherrie Nicole Lockhart-Johnson	Represented By Michael Okayo

Defendant(s):

Sherrie Nicole Lockhart-Johnson	Pro Se
Steve Todd Johnson	Pro Se

Plaintiff(s):

Sharlene Willard	Pro Se

Trustee(s):

Sam S Leslie (TR)	Pro Se

2:00 PM
2:21-17060 Buckingham Heights Business Park (a California Lim **Chapter 11**

#203.00 Debtor's Objection to Claim of Buckingham Heights Lease LLC (Claim No. 6)

fr: 4-20-22; 4-27-22; 6-22-22; 7-27-22; 10-25-22; 12-6-22; 1-10-23; 2-28-23; 3-29-23; 4-4-23

Docket 138

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling for April 20, 2022:

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

Final Ruling for April 20, 2022:

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

Tentative Ruling for April 27, 2022:

4/25/22 -- Court approved stipulated scheduling order with following dates:

	Date
Complete Written Discovery	July 8
Complete Fact Discovery and Depos	July 15

2:00 PM
CONT... Buckingham Heights Business Park (a California Lim **Chapter 11**

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

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

Final Ruling for April 27, 2022:

Court will treat objection as an adversary proceeding for procedural purposes.

2:00 PM

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

Court continued hearing to June 22, 2022 at 11:00 a.m. and waived requirement that parties file joint status report. (Court advised that it would coordinate hearings with plan confirmation process.)

Tentative Ruling for June 22, 2022:

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

Final Ruling for June 22, 2022:

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

Tentative Ruling for July 27, 2022:

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

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

	Date
Complete Written Discovery	September 2
Complete Fact Discovery and Depos	September 16
Exchange Expert Reports	September 26
Status Conference	October 25 at 2:00 p.m.
Exchange Rebuttal Expert Reports	November 11
Expert Depositions	November 28-December 2
All Expert Discovery Concluded	December 2
Joint Pre-Trial Statement and Trial Briefs Filed	December 5

2:00 PM
CONT... Buckingham Heights Business Park (a California Lim **Chapter 11**

Pre-Trial Hearing	December 13 at 2:00 p.m.
Trial	Debtor and Lessor to request trial dates at the ensuing status conference hearing held on the Claim Objection

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9/12/22 -- Court approved stipulation with following dates:

Complete Written Discovery	November 9
Complete Fact Discovery and Depos	November 16
Exchange Expert Reports	November 21
Status Conference and Last Day to Hear Discovery Motions	December 6 at 2:00 p.m.
Exchange Rebuttal Expert Reports	January 31
Expert Depositions	March 15-31
All Expert Discovery Concluded	March 31
Joint Pre-Trial Statement and Trial Briefs Filed	April **4**
Pre-Trial Hearing	April **18** at 2:00 p.m.
Trial	Debtor and Lessor to request trial dates at the ensuing status conference hearing held on the Claim Objection

OFF CALENDAR FOR OCTOBER 25, 2022. STATUS CONFERENCE CONTINUED TO DECEMBER 6, 2022 AT 2:00 P.M.

11/30/22 -- At hearing held this date, court continued status conference to January 10, 2023 at 2:00 p.m. OFF CALENDAR FOR DECEMBER 6, 2022.

2:00 PM
CONT... Buckingham Heights Business Park (a California Lim **Chapter 11**

Tentative Ruling for January 10, 2023:

In light of progress made (or not made) to date, do any other dates need to be adjusted? Hearing required.

Final Ruling for January 10, 2023:

Parties will submit a revised stipulation with new dates. Court continued status conference on claim objection to February 28, 2023 at 2:00 p.m. and waived the requirement that a status report be submitted.

Tentative Ruling forFebruary 28, 2023:

Continue status conference to March 7, 2023 at 2:00 p.m. to be held concurrently with debtor's motion for partial summary adjudication.

3/27/23 -- Continue hearing to April 4, 2023 at 2:00 p.m. to be heard concurrently with other matter on calendar at that time. OFF CALENDAR FOR MARCH 29, 2023.

Tentative Ruling for April 4, 2023:

Revisit status of this objection after conclusion of hearing on matter no. 206.

4/10/23 -- Court approved stipulation setting the following dates:

Complete Production of Documents and
Responses to Interrogatories: April 4, 2023

Complete Fact Depositions: May 31, 2023

Status Conference and Last Day to Hear Discovery
Motions: June 13, 2023, 2:00 p.m.

Ground Lessor Expert Report Exchanged: June 14, 2023

Debtor Rebuttal Report Exchanged: July 13, 2023

2:00 PM
CONT... Buckingham Heights Business Park (a California Lim **Chapter 11**

Ground Lessor Response to Debtor Expert Report
Exchanged: July 24, 2023

Expert Depositions: August 1 – August 31, 2023
All Expert Discovery Concluded: August 31, 2023

Joint Pre-Trial Order **Lodged**; Trial Briefs and **Direct Testimony** Declarations Filed: September 29, 2023

Evidentiary Objections to Direct Testimony Declarations and **Reply Declarations** filed: October 6, 2023

Evidentiary Objections to Reply Declarations: Filed October 13, 2023

Pre-Trial Conference: October 17, 2023, 2:00 p.m.

Trial: October **24-25**, 2023, 10 a.m.

Tentative Ruling for June 13, 2023:

Court waived the requirement of a joint status report for this status conference. What is the status of this matter? Are the parties on track to comply with the dates set in the April 10, 2023 scheduling order? Hearing required.

Party Information

Debtor(s):

Buckingham Heights Business Park — Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

Movant(s):

Buckingham Heights Business Park — Represented By
Jeannie Kim
Michael M Lauter

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

Tuesday, June 13, 2023 **Hearing Room 1539**

2:00 PM

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

Alan M Feld

2:00 PM
2:21-17060 Buckingham Heights Business Park (a California Lim **Chapter 11**

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

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

Docket 1

Courtroom Deputy:

Tentative Ruling:

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

Tentative Ruling for November 3, 2021:

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

Tentative Ruling for February 9, 2022:

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

Tentative Ruling for April 27, 2022:

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

Tentative Ruling for June 22, 2022:

Set deadline for the debtor to accept a bid from a stalking horse and file a motion for authority to sell or a proposed plan that incorporates the sale.

2:00 PM

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

Continue case status conference for approximately 60 to 90 days.

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

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

Tentative Ruling for September 14, 2022:

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

Final Ruling for September 14, 2022:

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

Tentative Ruling for November 30, 2022:

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

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

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

Tentative Ruling for April 27, 2023:

2:00 PM
CONT... Buckingham Heights Business Park (a California Lim **Chapter 11**

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

Tentative Ruling for May 2, 2023:

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

Tentative Ruling for June 13, 2023:

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

Party Information

Debtor(s):

Buckingham Heights Business Park — Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

2:00 PM
2:22-13785 Marine Wholesale & Warehouse Co. **Chapter 11**

#205.00 Motion RE: Objection to Claim Number 5 by Claimant Alcohol Tobacco Tax & Trade Bureau

fr: 11-30-22; 2-7-23

Docket 90
***** VACATED *** REASON: CONTINUED TO 7-18-23 AT 2PM. APPEARANCES WAIVED.**

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling for November 30, 2022:

It would in any event have been the court's intention to conduct this initial conference as a status conference. Continue hearing to give debtor an opportunity to remedy any possible service defects. Set new status conference within approximately the next 60 days to discuss timing for discovery, potential for mediation, and any other procedural issues.

Final Ruling for November 30, 2022:

(Service problems have now been remedied.) Deem matter to be adversary proceeding for procedural purposes. (Court entered order to this effect on December 1, 2022, docket no. 107.) Set continued status conference for February 7, 2023 at 2:00 p.m. Parties should file joint status report not later than January 24, 2023.

Tentative Ruling for February 7, 2023:

Parties have both asked that matter be sent to mediation. Continue status conference for approximately 90 to 120 days and order parties to complete a day of mediation prior to date of continued status conference.

2:00 PM
CONT... Marine Wholesale & Warehouse Co. **Chapter 11**

3/15/23 -- court approved scheduling order with following dates:

Cont'd status conference -- June 13, 2023 at 2:00 pm
L/D to attend mediation -- June 13, 2023
L/D to lodge order appointing mediator -- March 27, 2023
L/D to file status report -- May 30, 2023

3/28/23 -- Court approved order appointing mediator.

Tentative Ruling for June 13, 2023:

At request of parties, continue status conference to July 18, 2023 at 2:00 p.m. Parties should file a joint status report, utilizing the court's mandatory form for this purpose, not later than July 5, 2023. APPEARANCES WAIVED ON JUNE 13, 2023.

Party Information

Debtor(s):

Marine Wholesale & Warehouse Co. Represented By
David R Haberbush
Vanessa M Haberbush
Lane K Bogard

Movant(s):

Marine Wholesale & Warehouse Co. Represented By
David R Haberbush
Vanessa M Haberbush
Lane K Bogard

2:00 PM
2:22-13785 Marine Wholesale & Warehouse Co. **Chapter 11**

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

fr: 9-7-22; 9-13-22; 12-14-22; 2-7-23

Docket 22
***** VACATED *** REASON: CONTINUED TO 7-18-23 AT 2PM. APPEARANCES WAIVED.**

Courtroom Deputy:

Tentative Ruling:

7/28/22 -- Court granted motion to set bar date, setting bar date of October 3, 2022. Notice of bar date must be served by August 5, 2022.

Tentative Ruling for September 7, 2022
Continue case status conference to September 13, 2022 at 10:30 a.m. to be heard concurrently with motion for continued use of cash collateral. No updated status report required. APPEARANCES WAIVED ON SEPTEMBER 7, 2022.

Tentative Ruling for September 13, 2022:
Has the debtor made any progress on the remaining compliance issues since its status report was filed? Has debtor filed an objection to the TTB's claim yet? If not, why not and when does debtor anticipate being in a position to file this objection? Hearing required.

Tentative Ruling for December 14, 2022:
Has the debtor provided updated insurance declarations and proof of renewed licenses/certificates to the U.S. Trustee?

Were there any surprises in the claims filed prior to the October 3, 2022 bar date? Court is not inclined to set a deadline for the filing of objections to claims at this time. (Debtor has already filed an objection to the claim of the TTB.)

2:00 PM
CONT... Marine Wholesale & Warehouse Co. **Chapter 11**

Continue case status conference to February 7, 2023 at 2:00 pm to coincide with continued hearing on objection to TTB claim. Waive requirement of updated status report for that status conference.

Tentative Ruling for February 7, 2023:

Court waived requirement of updated status report for this status conference, but how are the debtor's operations doing? Is the debtor currently in compliance with US Trustee requirements? Are there any significant developments that should be brought to the court's attention? Hearing required.

Tentative Ruling for June 13, 2023:

Continue case status conference to July 18, 2023 at 2:00 p.m. to coincide with continued status conference on claim objection. Debtor need not file updated status report for this status conference. APPEARANCES WAIVED ON JUNE 13, 2023.

Party Information

Debtor(s):

Marine Wholesale & Warehouse Co. Represented By
David R Haberbush
Vanessa M Haberbush
Lane K Bogard

2:00 PM
2:15-20351 CLARK WARREN BAKER **Chapter 7**
Adv#: 2:15-01535 Murtagh v. BAKER 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 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; 11-1-22; 12-13-22

Docket 1
***** VACATED *** REASON: CONTINUED TO 7-25-23 AT 10AM**

Courtroom Deputy:

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.

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.

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

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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.baddocjjm.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 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:

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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:

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:

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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.

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:

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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.

Tentatlve Ruling for July 21, 2020:

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:

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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.

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.

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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 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.

Party Information

Debtor(s):

CLARK WARREN BAKER Represented By

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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

2:00 PM
2:15-20351 CLARK WARREN BAKER **Chapter 7**
Adv#: 2:15-01535 Murtagh v. BAKER et al

#208.00 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

Docket 939
***** VACATED *** REASON: CONTINUED TO 7-25-23 AT 10AM**

Courtroom Deputy:

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. 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

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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 accordingly.

Review entered order with parties and respond to any questions.

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

Party Information

2:00 PM
CONT... CLARK WARREN BAKER **Chapter 7**

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