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

Wednesday, July 3, 2024

Hearing Room

1539

10:00 AM 2:00-00000

Chapter

#0.00

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

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

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond under the tab, "Phone/Video Appearances."

Hearing conducted by **ZOOMGov**.

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

ZoomGov meeting number: 161 6109 0855

Password: 148508

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

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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

Tentative Ruling:

- NONE LISTED -

Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

#1.00 U.S. Real Estate Credit Holdings III-A, LPs Motion For Determination Of The Value Of The Alleged Secured Claim Of Silhouette Outdoor Furniture, Inc.

Docket 841

Tentative Ruling:

Grant motion. Expunge Silhouette's lien in full. Any lien that Silhouette may have is not a mechanics lien. It is a judgment lien recorded after lender's deed of trust and is therefore junior to the lien. As a secured creditor whose lien was junior to that of debtor's secured lender, it was extinguished by the sale. As such, it is not entitled to assert either a lien against the property or against the escrow fund and is not entitled to a distribution from the escrow fund.

Party Information

Debtor(s):

Glenroy Coachella, LLC Represented By

Daniel J Weintraub Crystle Jane Lindsey James R Selth

Movant(s):

U.S. Real Estate Credit Holdings III- Represented By

Marsha A Houston Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By

Chad V Haes D Edward Hays Leonard M Shulman

Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:21-11188 Glenroy Coachella, LLC Chapter 7

Motion Chapter 7 Trustee's Motion to Authorize Disbursements From and #2.00 Terminate Escrow Account

> 845 Docket

Tentative Ruling:

Court sees no problem with clarifying that the grant of the motion will not affect Carrier's rights with regard to the release bonds or even any amounts that may be due to it by virtue of its having filed a proof of claim, but the language that Carrier's limited opposition requests be included in the order also makes reference to claims asserted in "the Litigation," which refers to the prepetition litigation that Carrier filed against the debtor and its bonding company. That may be confusing. It should suffice to clarify that this order will not have any impact on Carrier's rights with regard to the release bonds or any right that Carrier may have to recover amounts from the estate in response to its proof of claim.

Subject to the foregoing, grant motion. Authorize trustee to pay himself the requested fees and return balance of escrow fund to lender.

Party Information

Debtor(s):

Glenroy Coachella, LLC Represented By

> Daniel J Weintraub Crystle Jane Lindsey James R Selth

Movant(s):

Richard A Marshack (TR) Represented By

> Chad V Haes D Edward Hays Leonard M Shulman

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CONT... Glenroy Coachella, LLC

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays
Leonard M Shulman

Los Angeles Sheri Bluebond, Presiding Courtroom 1539 Calendar

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10:00 AM

2:21-15396 James Terrell Gover

Chapter 7

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

fr: 4-3-24; 5-29-24

Docket 19

*** VACATED *** REASON: Voluntary Dismissal of Motion filed 5/31/24

Tentative Ruling:

Tentative Ruling for April 3, 2024:

Rulings on SPS's Evidentiary Objections

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

Debtor's Declaration

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

Angelo Declaration

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

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CONT... James Terrell Gover

Chapter 7

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

Tentative Ruling on Merits

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

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

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Final Ruling for April 3, 2024:

Parties have reached a tentative settlement of their disputes. Continue hearing to May 29, 2024 at 10:00 a.m. to give them an opportunity to document their settlement.

Tentative Ruling for May 29, 2024:

Los Angeles Sheri Bluebond, Presiding Courtroom 1539 Calendar

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CONT... James Terrell Gover

Chapter 7

Based on the debtor's status report, it appears that respondent is no longer willing to proceed with the settlement that the parties had negotiated. Is this correct? If so, the tentative ruling from April 3, 2024 remains unchanged.

Hearing required.

OFF CALENDAR. MOTION HAS BEEN WITHDRAWN.

Party Information

Debtor(s):

James Terrell Gover Represented By

Barry E Borowitz Joseph Brian Angelo

Movant(s):

James Terrell Gover Represented By

Barry E Borowitz Joseph Brian Angelo

Trustee(s):

Rosendo Gonzalez (TR) Pro Se

Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024

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10:00 AM

2:24-11941 Ricardo Javier Gutierrez, Sr. and Patricia Ivonne Gutierrez

Chapter 7

#4.00 Trustee's Notice of Motion and Motion to Approve Settlement with Debtors re Exemption in Lawsuit

Docket 22

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

Tentative Ruling:

Grant motion. Approve compromise. Trustee is authorized to upload order consistent with tentative ruling. APPEARANCES WAIVED ON JULY 3, 2024.

Party Information

Debtor(s):

Ricardo Javier Gutierrez Sr. Represented By

Sevan Gorginian

Joint Debtor(s):

Patricia Ivonne Gutierrez Represented By

Sevan Gorginian

Movant(s):

Brad D Krasnoff (TR)

Represented By

Eric P Israel

Trustee(s):

Brad D Krasnoff (TR) Represented By

Eric P Israel

Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024

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1539

10:00 AM

2:20-12306 Rancho Cielo Estates, LTD

Chapter 11

#5.00 Motion for Order Approving Fourth Amendment to Second Amended and Restated Escrow Instructions and Purchase and Sale Agreement Extending Closing Date to December 31, 2024

Docket 310

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

Tentative Ruling:

Grant motion. Enter order approving the fourth amendment to the second amended and restated escrow instructions and purchase and sale agreement, extending Avanti's deadline to close the sale to December 31, 2024. APPEARANCES WAIVED. Movant is authorized to upload order consistent with tentative ruling.

Party Information

Debtor(s):

Rancho Cielo Estates, LTD Represented By

Jeffrey S Shinbrot

Movant(s):

Rancho Cielo Estates, LTD Represented By

Jeffrey S Shinbrot

Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024

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1539

10:00 AM

2:22-14165 Treetop Development, LLC

Chapter 11

Adv#: 2:22-01178 Treetop Development, LLC v. Skylark Capital Management, LLC

#6.00 Status Conference re: 14 (Recovery of money/property - other)),(21 (Validity, priority or extent of lien or other interest in property)),(81 (Subordination of claim or interest)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Treetop Development, LLC against Skylark Capital Management, LLC

fr: 11-29-22; 12-13-22; 2-28-23; 6-6-23; 9-12-23; 12-19-23; 1-23-24; 2-7-24; 4-17-24; 5-15-24

Docket 1

*** VACATED *** REASON: 6/11/24 - PLAINTIFF'S NOTICE OF DISMISSAL OF ADVERSARY PROCEEDING FILED.

Tentative Ruling:

10/26/22 -- Court approved stipulation continuing deadline for defendant to respond to complaint to November 2, 2022.

11/18/22 -- Court approved stipulation continuing hearing to December 13, 2022 at 2:00 p.m. See order for additional dates. OFF CALENDAR FOR NOVEMBER 29, 2022.

Tentative Ruling for December 13, 2022:

Responses to the amended complaint are not yet due. Continue status conference to February 28, 2023 at 2:00 p.m. Parties should file joint status report not later than February 14, 2023. APPEARANCES WAIVED ON DECEMBER 13, 2022.

Tentative Ruling for February 28, 2023:

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

Tentative Ruling for June 6, 2023:

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

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CONT... Treetop Development, LLC

Chapter 11

Plaintiff refers to the prospect of resolving issues by way of summary adjudication. Is the plaintiff in a position to prepare a summary judgment motion in the near future or does discovery need to be completed or conducted first? Why haven't the parties participated in a Rule 7026 meet and confer yet? Hearing required.

6/13/23 -- Court signed scheduling order with following dates:

Cont'd status conference -- September 12, 2023 at 2:00 p.m.

L/D to file joint status report -- August 29, 2023

L/D to complete discovery -- January 31, 2024

L/D to respond to pending discovery from debtor -- July 12, 2023

Tentative Ruling for September 12, 2023:

Continue status conference to December 19, 2023 at 2:00 p.m. Parties should file updated status report not later than December 5, 2023. APPEARANCES WAIVED ON SEPTEMBER 12, 2023.

Tentative Ruling for December 19, 2023:

At plaintiff's request, continue status conference to January 23, 2024 at 2:00 p.m. Parties should file joint status report not later than January 9, 2024. APPEARANCES WAIVED ON DECEMBER 19, 2023.

1/09/2024 -- Court approved stipulation extending stay of adversary proceeding from January 15, 2024 to February 15, 2024.

Tentative Ruling for January 23, 2024:

Based on the debtor's unilateral status report, continue adversary status conference to February 7, 2024 at 11:00 a.m. as a holding date to be heard concurrently with debtor's motion for summary adjudication of action against City. No new status report required for that conference. OFF CALENDAR FOR JANUARY 23, 2024.

Tentative Ruling for February 7, 2024:

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CONT... Treetop Development, LLC

Chapter 11

Revisit status of action after conclusion of hearing on matter no. 102.10 on calendar. Set further status conference date at that time.

Tentative Ruling for April 17, 2024:

Have compromise and financing motions referenced in status report been filed yet? If not, why not? Hearing required.

Final Ruling for April 17, 2024:

Continue status conference to May 15, 2024 at 11:00 a.m. Parties may set fee applications and hearings on 9019 and 364 motions for same date and time. Court waived the requirement of a status report in connection with this status conference.

Tentative Ruling for May 15, 2024:

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

OFF CALENDAR. ACTION HAS BEEN DISMISSED PURSUANT TO THE COMPROMISE APPROVED BY THE COURT.

Party Information

Debtor(s):

Treetop Development, LLC Represented By

Lewis R Landau David J Williams

Defendant(s):

Skylark Capital Management, LLC Pro Se

Plaintiff(s):

Treetop Development, LLC Represented By

David J Williams

Los Angeles Sheri Bluebond, Presiding Courtroom 1539 Calendar

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1539

10:00 AM

2:23-12276 Ryan Magdi Girgis

Chapter 11

#7.00 Motion to Use Cash Collateral Motion of Debtor and Debtor-in-possession for Order Authorizing Use of Cash Collateral to December 31, 2024

Docket 145

Tentative Ruling:

Where is the budget that should have been attached as Exhibit B to the debtor's declaration? Hearing required.

Party Information

Debtor(s):

Ryan Magdi Girgis Represented By

David R Haberbush Vanessa M Haberbush

Lane K Bogard

Movant(s):

Ryan Magdi Girgis Represented By

David R Haberbush Vanessa M Haberbush

Lane K Bogard

Trustee(s):

Mark M Sharf (TR) Pro Se

Sheri Bluebond, Presiding Courtroom 1539 Calendar

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1539

11:00 AM

2:23-12276 Ryan Magdi Girgis

Chapter 11

#100.00

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

fr: 6-7-23; 7-20-23; 8-30-23; 10-17-23; 11-1-23; 11-29-23; 1-31-24; 4-3-24

Docket 1

*** VACATED *** REASON: CONTINUED TO 8-7-24 AT 11AM

Tentative Ruling:

Tentative Ruling for June 7, 2023:

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

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

Hearing required.

Final Ruling for June 7, 2023:

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

Tentative Ruling for July 20, 2023:

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

Final Ruling for July 20, 2023:

Sheri Bluebond, Presiding Courtroom 1539 Calendar

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11:00 AM

CONT... Ryan Magdi Girgis

Chapter 11

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

Tentative Ruling for August 30, 2023:

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

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

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

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

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

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

6/20/24 -- Court approved stipulation continuing deadline to file amended plan to July15, 2024 and continuing case status conference to August 7, 2024 at 11:00 a.m. OFF CALENDAR FOR JULY 15, 2024.

Party Information

Los Angeles Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024 Hearing Room 1539

11:00 AM

CONT... Ryan Magdi Girgis Chapter 11

Debtor(s):

Ryan Magdi Girgis Represented By

David R Haberbush Vanessa M Haberbush

Movant(s):

Ryan Magdi Girgis Represented By

David R Haberbush Vanessa M Haberbush

Trustee(s):

Mark M Sharf (TR) Pro Se

Sheri Bluebond, Presiding Courtroom 1539 Calendar

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2:00 PM

2:19-24139 Elva Valdovinos Vargas

Chapter 7

#200.00 Trustee's Final Report and Applications for Compensation

Docket 73

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

Tentative Ruling:

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

Party Information

Debtor(s):

Elva Valdovinos Vargas Represented By

Kourosh M Pourmorady

Trustee(s):

Jason M Rund (TR) Pro Se

Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024

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1539

2:00 PM

2:23-17990 Zaida Loana Martinez Mendoza

Chapter 7

#201.00 Trustee's Final Report and Applications for Compensation

Docket 30

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

Tentative Ruling:

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

Party Information

Debtor(s):

Zaida Loana Martinez Mendoza Represented By

Joseph S Park

Trustee(s):

Wesley H Avery (TR) Pro Se

Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024

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<u>2:00 PM</u>

2:23-15519 17841 Palora Manor LLC

Chapter 11

#202.00

Application for Compensation of Interim Fees and Expenses with Declaration of Arturo Cisneros and Exhibits for Arturo Cisneros (TR), Trustee, Period: 8/29/2023 to 4/30/2024, Fee: \$36,932.50, Expenses: \$516.54.

Docket 85

*** VACATED *** REASON: 6/7/24 - VOLUNTARY DISMISSAL OF APPLICATION FILED

Tentative Ruling:

OFF CALENDAR. AMENDED APPLICATION FILED.

Party Information

Debtor(s):

17841 Palora Manor LLC Represented By

Jon H Freis

Movant(s):

Arturo Cisneros (TR) Represented By

Arturo Cisneros

Trustee(s):

Arturo Cisneros (TR) Represented By

Arturo Cisneros

Sheri Bluebond, Presiding Courtroom 1539 Calendar

Wednesday, July 3, 2024

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2:00 PM

2:23-15519 17841 Palora Manor LLC

Chapter 11

#203.00

Application for Compensation of Interim Fees and Expenses with Declaration of Arturo Cisneros and Exhibits for Arturo Cisneros for Arturo Cisneros (TR), Trustee, Period: 8/29/2023 to 4/30/2024, Fee: \$36,932.50, Expenses: \$281.74.

Docket 86

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

Tentative Ruling:

Grant application. Allow on interim basis fees of \$36,932.50 and costs of \$281.74. Ratify payments made to date and authorize payment of remaining balance due on pro rata basis from available funds. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO LODGE ORDER(S) GRANTING APPLICATION(S) ON TERMS CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

17841 Palora Manor LLC Represented By

Jon H Freis

Movant(s):

Arturo Cisneros (TR) Represented By

Arturo Cisneros

Trustee(s):

Arturo Cisneros (TR) Represented By

Arturo Cisneros