

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

Wednesday, July 10, 2024

Hearing Room 1539

10:00 AM
2:00-00000

Chapter

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(when prompted, enter meeting number and password shown above)

Judge Bluebond seeks to maintain a courtroom environment (both online and in person) in which all persons are treated with dignity and respect, irrespective of their gender identity, expression or preference. To that end, individuals appearing before the Court are invited to identify their preferred pronouns (e.g., he, she, they, etc.) and their preferred honorific (e.g., Mr., Miss, Ms., Mrs., Mx, M, etc.). Individuals may do so by advising the Courtroom Deputy or Judge prior to any appearance and/or, in the case of remote hearings, by providing this information in the person's screen name in ZoomGov.

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:13-27702 Morad Javedanfar

Chapter 7

Adv#: 2:15-01363 JL AM Plus, LLC v. Neman et al

#1.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee Joint Motion by the Receiver and JLAMP, for an Order: (1) Approving Bidding Procedures for the Sale of Defendant MBNs Interests to Satisfy Charging Orders 423 424; (2) Approving the Sale of Property Under 11 U.S.C § 363 Subject to Higher and Better Offers; (3) Approving the Form and Manner of Notice; and (4) Setting the Auction of the Subject Interests to Satisfy the Charging Orders

fr: 12-20-23, 4-17-24; 5-29-24

Docket 434

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for December 20, 2023:

If there are any overbidders, conduct the auction in accordance with bidding procedures approved by Judge Robles (Attachment 2 of docket no. 449, filed September 5, 2023). If not, grant sale motion and approve sale to stalking horse.

Final Ruling for December 20, 2024:

Auction was supposed to take place this morning, but parties have been in settlement negotiations for a global settlement, which would be disrupted by an auction. Court continued hearing to April 17, 2024 at 10:00 a.m. and directed plaintiff to serve and file a notice of continuance on key players.

Tentative Ruling for April 17, 2024:

What has happened since the December hearing? Did the parties enter into a settlement? Did an auction occur? Hearing required.

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Chapter 7

4/16/24 -- Court approved stipulation continuing hearing to May 29, 2024 at 10:00 a.m. OFF CALENDAR FOR APRIL 17, 2024.

Tentative Ruling for July 10, 2024:

What has happened since the December hearing? Did the parties enter into a settlement? Did an auction occur? Hearing required.

Party Information

Debtor(s):

Morad Javedanfar

Represented By
Andre A Khansari

Defendant(s):

Morad Neman

Represented By
Yuriko M Shikai
Timothy L Neufeld
Jennifer B MikoLevine

MBN Real Estate Investments, LLC

Represented By
Stephen F Biegenzahn
Jennifer B MikoLevine
Paul S Marks

Joint Debtor(s):

Yaffa Javedanfar

Represented By
Andre A Khansari
M Hope Aguilar

Movant(s):

JL AM Plus, LLC

Represented By
Douglas S Hewlett

JL AM Plus, LLC

Represented By
Andy Kong

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Chapter 7

Douglas E Hewlett
Douglas S Hewlett

Plaintiff(s):

JL AM Plus, LLC

Represented By
Douglas S Hewlett

Trustee(s):

Timothy Yoo (TR)

Represented By
Anthony A. Friedman

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2:13-27702 Morad Javedanfar

Chapter 7

Adv#: 2:15-01363 JL AM Plus, LLC v. Neman et al

#2.00 Post-Auction Hearing re: Order for Sale Authorizing and Directing U.S. Marshall to carry out execution sale

fr. 4-17-24; 5-29-24

Docket 469

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At hearing held March 20, 2024, court authorized sale of debtor's 19.8 percent interest in property and set a continued hearing to finalize/approve sale for April 17, 2024 at 10:00 a.m.

Did a sale of the debtor's interest in the property go forward? If so, what was the outcome of the sale? Hearing required.

4/16/24 -- Court approved stipulation between the parties, but rather than vacating the hearing to finalize/approve the sale, the Court continued the hearing to May 29, 2024 at 10:00 a.m. as a holding date. If parties are not ready to proceed with a post-auction hearing on May 29, 2024, court will set a further hearing at that time. OFF CALENDAR FOR APRIL 17, 2024.

Tentative Ruling for July 10, 2024:

Did the parties enter into a settlement? Has a new sale been scheduled?
Hearing required.

Party Information

Debtor(s):

Morad Javedanfar

Represented By
Andre A Khansari

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Defendant(s):

Morad Neman

Represented By
Yuriko M Shikai
Timothy L Neufeld
Jennifer B MikoLevine

MBN Real Estate Investments, LLC

Represented By
Stephen F Biegenzahn
Jennifer B MikoLevine
Paul S Marks

Joint Debtor(s):

Yaffa Javedanfar

Represented By
Andre A Khansari
M Hope Aguilar

Plaintiff(s):

JL AM Plus, LLC

Represented By
Douglas S Hewlett

Trustee(s):

Timothy Yoo (TR)

Represented By
Anthony A. Friedman

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2:23-15188 BNA Textile Inc and Sook Il Shin Kim

Chapter 7

#3.00 Motion RE: Objection to Claim Number 4 by Claimant Mingyue Bao.

Docket 102

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Claim purports to arise out of breach of contract, but no written contract was attached and no oral contract was described. Objection explains that debtors have no information as to basis of claim.

Grant motion. Sustain objection. Disallow claim in its entirety.

Party Information

Debtor(s):

Sook Il Shin Kim

Represented By
Michael G Spector

BNA Textile Inc

Represented By
Michael G Spector

Movant(s):

BNA Textile Inc

Represented By
Michael G Spector

Sook Il Shin Kim

Represented By
Michael G Spector

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey L Sumpter
Toan B Chung

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2:15-20351 CLARK WARREN BAKER

Chapter 7

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

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

fr: 1-31-23; 3-7-23; 3-14-23; 3-28-23; 6-13-23; 7-25-23; 9-26-23; 11-7-23;
1-9-24; 3-5-24; 4-16-24; 6-20-24

Docket 939

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

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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.

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

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CLARK WARREN BAKER

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

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

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

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

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

Tentative Ruling for November 7, 2023:

Rulings on Baker's Evidentiary Objections

All of the objections appear to relate to Murtagh's supplemental brief -- a

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memorandum of points and authorities -- not to any declaration that was filed. There is no such thing as an evidentiary objection to a memorandum of points and authorities. It is not evidence. Overrule in their entirety.

Tentative Ruling on the Merits:

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

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

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

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

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

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

It is true that this Court previously found that Baker waived his attorney/client privilege by failing to respond to discovery requests in a timely manner, but was that waiver intended to operate prospectively even to communications between Baker and Ms. Ponce, such that Baker will never again have an attorney/client privilege with regard to this litigation? And where in the injunction or the contempt orders is any obligation to turnover financial information? True, plaintiff can conduct a judgment debtor examination, but that is not what this contested matter is about.

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

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relief that was actually granted by the judgment?

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

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

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

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

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

1. Baker's false testimony about the deletion of the contents of the OMSJ.org

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website (both that the files were deleted, when they obviously weren't, and his theory that there was some kind of a government conspiracy that must have put these files back up on the internet);

2. Baker's implausible and unsupported testimony about having arranged for files to be shredded without keeping any records or documents whatsoever to demonstrate that he accomplished this destruction.

3. Baker's failure to copy plaintiff's counsel on any communications with anyone about his efforts to comply with the injunction.

4. On page 2 of docket no. 1027, Plaintiff's supplemental reply, plaintiff asserts that "Baker has recently resumed cyberstalking and harrassing Dr. Murtagh." To what is Murtagh referring? What does plaintiff claim that Baker is currently doing that constitutes cyberstalking or harrassment?

Hearing required.

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

Tentative Ruling for January 9, 2024:

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

Hearing required.

Final Ruling for January 9, 2024:

Baker reports that he owned both the domain names Clarkbaker.org and

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OSMJ.org, but that he never created a website for either, so they had no information about Dr. Murtagh.

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

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

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

Tentative Ruling for April 16, 2024:

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

5/14/24 -- Court entered order extending time for filing of Fourth Compliance

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Declaration to May 15, 2024 and continuing hearing to July 10, 2024 at 10:00 a.m. OFF CALENDAR FOR JUNE 20, 2024.

Tentative Ruling for July 10, 2024:

Court extended Baker's deadline to file fourth compliance declaration to May 15, 2024. Baker filed his fourth compliance declaration on May 15, 2024 and a supplement thereto on June 6, 2024. Paragraph H(25) of the Third Interim Order gives Murtagh until 30 days after filing and service of the Fourth Baker Compliance Declaration to lodge a further proposed order re contempt sanctions and to serve a supplemental brief re contempt sanctions. Murtagh did not file or lodge anything within 30 days of May 15, 2024 and, as of July 3, 2024, had not filed or lodged anything in response to the June 6 supplement. Is Murtagh now satisfied that Baker has provided the information that he was required to provide in the fourth compliance declaration? Hearing required.

Party Information

Debtor(s):

CLARK WARREN BAKER

Represented By
Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER

Represented By
Jessica Ponce I

Plaintiff(s):

James Murtagh

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

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

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

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

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

Docket 1

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

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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

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CONT... CLARK WARREN BAKER

Chapter 7

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

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

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

Tentative Ruling for July 11, 2017:

Parties were to exchange expert witness reports. They did not need to file them. On May 16, 2017, Court reopened discovery for a period of 60 days from that date to permit the parties to conduct additional discovery related to the website www.baddocjrm.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.

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CONT... CLARK WARREN BAKER

Chapter 7

Tentative Ruling for March 13, 2018:

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

Tentative Ruling for June 27, 2018:

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

Tentative Ruling for August 16, 2018:

Revisit status of action after conclusion of hearing on OSC.

Tentative Ruling for September 27, 2018:

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

Tentative Ruling for December 11, 2018:

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

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

Tentative Ruling for January 8, 2019:

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.

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CONT... CLARK WARREN BAKER

Chapter 7

Tentative Ruling for April 2, 2019:

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

Tentative Ruling for June 11, 2019:

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

Final Ruling for June 11, 2019:

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

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

Tentative Ruling for November 19, 2019:

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

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

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).

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CONT... CLARK WARREN BAKER

Chapter 7

Final Ruling for December 3, 2019:

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

Tentative Ruling for March 31, 2020:

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

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

Tentative Ruling for June 16, 2020:

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

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

Tentative Ruling for July 21, 2020:

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.

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CONT... CLARK WARREN BAKER

Chapter 7

Tentative Ruling for October 27, 2020:

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

Tentative Ruling for December 15, 2020:

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

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

Tentative Ruling for April 27, 2021:

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

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

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

Status report waived

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

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

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

Tentative Ruling for September 28, 2021:

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

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:

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CONT... CLARK WARREN BAKER

Chapter 7

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

Tentative Ruling for August 16, 2022:

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

Final Ruling for August 16, 2022:

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

Tentative Ruling for November 1, 2022:

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

Tentative Ruling for December 13, 2022:

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

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

7/14/23 -- Court approved stipulation continuing hearing to September 26,

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CONT... CLARK WARREN BAKER Chapter 7

2023 at 10:00 a.m. (See order for additional dates.) OFF CALENDAR FOR JULY 25, 2023.

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

Tentative Ruling for January 9, 2024:

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

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

Tentative Ruling for April 16, 2024:

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

5/14/24 -- Court entered order extending time for filing of Fourth Compliance Declaration to May 15, 2024 and continuing hearing to July 10, 2024 at 10:00 a.m. OFF CALENDAR FOR JUNE 20, 2024.

Tentative Ruling for July 10, 2024:

Take status conference off calendar. Judgment has already been entered. Hearing on OSC re contempt is sufficient.

Party Information

Debtor(s):

CLARK WARREN BAKER

Represented By
Baruch C Cohen

Defendant(s):

CLARK WARREN BAKER

Represented By
Jessica Ponce I

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CONT... CLARK WARREN BAKER

Chapter 7

Plaintiff(s):

James Murtagh

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

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

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10:00 AM

2:22-13785 Marine Wholesale & Warehouse Co.

Chapter 11

#6.00 Motion to Use Cash Collateral

Docket 250

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion. Authorize debtor to use cash collateral on the terms set forth in the motion through December 31, 2024. Include in order retroactive authority to use cash collateral for the period from July 1, 2024 through July 10, 2024.

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

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10:00 AM

2:24-13201 TREE LANE LLC

Chapter 11

#7.00 Motion to Assume Lease or Executory Contract Motion of Debtor and Debtor In Possession for an Order Authorizing The Assumption of Executory Contracts

Docket 113

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The debtor seeks to assume three contracts with LC Engineering Group, but court cannot determine from body of motion the extent of the obligations that the debtor will be assuming if these contracts are assumed. Will the debtor be committing itself to perform work beyond that which is necessary at this juncture to address erosion control and public safety issues? It is premature for the debtor to commit itself to completing the construction of a single family dwelling or to paying for work that will only be required if the debtor completes the construction of a single family dwelling. What are the cancellation provisions of these contracts? Can debtor terminate LC's contracts if it no longer wants to proceed with additional work? Did the debtor make any effort to determine whether there were other firms available to provide the required work at a lower cost?

Hearing required.

Party Information

Debtor(s):

TREE LANE LLC

Represented By
Sandford L. Frey
Ronald N Richards
Robyn B Sokol

Movant(s):

TREE LANE LLC

Represented By
Sandford L. Frey
Ronald N Richards

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CONT...

TREE LANE LLC

Robyn B Sokol

Chapter 11

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10:00 AM

2:23-10689 Juan Soto and Maria Esther Ruiz

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations ACTION IN NONBANKRUPTCY FORUM RE: **Richardson vs Soto & Ruiz, Docket No. 22STSC04113, Small Claims Court, County of Los Angeles**

MOVANT: Lee M. Richardson

fr: 7-2-24

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for July 2, 2024:

Continue hearing to give movant an opportunity to serve debtor.

Final Ruling for July 2, 2024:

Continue hearing to July 10, 2024 at 10:00 a.m. Movant should serve notice on debtor not later than July 2, 2024 and serve notice of continuance on all parties in interest. Notice should advise parties that oppositions will be due by the continued hearing.

Tentative Ruling for July 10, 2024:

As of July 5, 2024, docket does not reflect the service of the motion on the debtor or the filing of a notice of continuance on parties in interest. Did this occur? Hearing required.

Party Information

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CONT... Juan Soto and Maria Esther Ruiz

Chapter 7

Debtor(s):

Juan Soto

Represented By
D Justin Harelik

Joint Debtor(s):

Maria Esther Ruiz

Represented By
D Justin Harelik

Movant(s):

Lee M Richardson

Represented By
Shaun J Bauman

Trustee(s):

Heide Kurtz (TR)

Pro Se

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10:00 AM

2:23-10689 Juan Soto and Maria Esther Ruiz

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations ACTION IN NONBANKRUPTCY FORUM RE: **McCutchin vs Soto & Ruiz, Docket No. 22STSC04104, Small Claims Court, County of Los Angeles**

MOVANT: Anthony McCutchin

fr: 7-2-24

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for July 2, 2024:

Continue hearing to give movant an opportunity to serve debtor.

Final Ruling for July 2, 2024:

Continue hearing to July 10, 2024 at 10:00 a.m. Movant should serve notice on debtor not later than July 2, 2024 and serve notice of continuance on all parties in interest. Notice should advise parties that oppositions will be due by the continued hearing.

Tentative Ruling for July 10, 2024:

As of July 5, 2024, docket does not reflect the service of the motion on the debtor or the filing of a notice of continuance on parties in interest. Did this occur? Hearing required.

Party Information

Debtor(s):

Juan Soto

Represented By

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CONT... Juan Soto and Maria Esther Ruiz

Chapter 7

D Justin Harelik

Joint Debtor(s):

Maria Esther Ruiz

Represented By
D Justin Harelik

Movant(s):

Anthony McCrutchin

Represented By
Shaun J Bauman

Trustee(s):

Heide Kurtz (TR)

Pro Se

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11:00 AM

2:12-50259 Hansen Freightlines Incorporated

Chapter 11

#100.00 Post Confirmation Scheduling and Case Management Conference in a Chapter 11 Case

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

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Final Ruling for April 17, 2019:

Court has reviewed reorganized debtor's status report. Continue case status conference to August 28, 2019 at 11:00 a.m. Reorganized debtor should file updated status report accompanied by declaration not later than August 16, 2019. APPEARANCES WAIVED ON APRIL 17, 2019.

Tentative Ruling for August 28, 2019:

Has the debtor now paid the July and August 2019 payments? If not, when will these payments be made? Hearing required.

Tentative Ruling for February 5, 2020:

Continue case status conference to June 3, 2020 at 11:00 a.m. Reorganized debtor should file updated status report (with accompanying declaration) not later than May 22, 2020. APPEARANCES WAIVED ON FEBRUARY 5, 2020.

Tentative Ruling for June 3, 2020:

Continue case status conference to October 7, 2020 at 11:00 a.m. Reorganized debtor should file updated status report (with accompanying

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CONT... Hansen Freightlines Incorporated Chapter 11

declaration) not later than September 25, 2020. APPEARANCES WAIVED ON JUNE 3, 2020.

Tentative Ruling for October 7, 2020:

Continue case status conference to April 7, 2021 at 11:00 a.m. Reorganized debtor should file updated status report (with accompanying declaration) not later than March 29, 2021. APPEARANCES WAIVED ON OCTOBER 7, 2020.

Tentative Ruling for April 7, 2021:

Court needs to discuss the status report with counsel for the debtor. There are several dates in the status report that appear to be typographical errors, making it difficult to understand what the report is saying. Hearing required.

Tentative Ruling for October 13, 2021:

Court has reviewed reorganized debtor's status report. Continue case status conference to February 16, 2022 at 11:00. Reorganized debtor should file updated status report not later than February 4, 2022. APPEARANCES WAIVED ON OCTOBER 13, 2021.

Tentative Ruling for February 16, 2022:

Court has reviewed reorganized debtor's status report. Continue case status conference to August 17, 2022 at 11:00. Reorganized debtor should file updated status report not later than August 5, 2022. APPEARANCES WAIVED ON FEBRUARY 16, 2022.

Tentative Ruling for August 17, 2022:

Court has reviewed reorganized debtor's status report. Continue case status conference to January 25, 2023 at 11:00. Reorganized debtor should file updated status report not later than January 13, 2023. APPEARANCES WAIVED ON AUGUST 17, 2022.

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CONT... Hansen Freightlines Incorporated

Chapter 11

Tentative Ruling for January 25, 2023

Court has reviewed reorganized debtor's status report. Continue case status conference to June 28, 2023 at 11:00. Reorganized debtor should file updated status report not later than June 16, 2023. APPEARANCES WAIVED ON JANUARY 23, 2023.

Tentative Ruling for June 28, 2023:

The Court has reviewed the reorganized debtor's most recent status report. At reorganized debtor's request, continue status conference to December 20, 2023 at 11:00 a.m. Reorganized debtor should file updated status report not later than December 8, 2023. APPEARANCES WAIVED ON JUNE 28, 2023.

Tentative Ruling for December 20, 2023:

The Court has reviewed the reorganized debtor's most recent status report. At reorganized debtor's request, continue status conference to February 28, 2024 at 11:00 a.m. Reorganized debtor should file updated status report not later than February 16, 2024. APPEARANCES WAIVED ON DECEMBER 20, 2023.

Tentative Ruling for February 28, 2024:

At request of counsel for debtor, continue status conference to May 8, 2024 at 11:00 a.m. to give the reorganized debtor an opportunity to decide how to proceed in light of recent death of its principal. Reorganized debtor should file updated status report not later than April 26, 2024. APPEARANCES WAIVED ON FEBRUARY 28, 2024.

Tentative Ruling for May 8, 2024:

Reorganized debtor reports that the co-trustees of the trust that own all of the stock in the debtor no longer want to operate the debtor. At counsel's request, continue case status conference to July 10, 2024 at 11:00 a.m. to give reorganized debtor an opportunity to file and serve motion to dismiss. APPEARANCES WAIVED ON MAY 7, 2024.

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CONT... Hansen Freightlines Incorporated

Chapter 11

Tentative Ruling for July 10, 2024:

At request of counsel for reorganized debtor, continue case status conference to August 7, 2024 at 10:00 a.m. to be heard concurrently with motion to dismiss. APPEARANCES WAIVED ON JULY 10, 2024.

Party Information

Debtor(s):

Hansen Freightlines Incorporated

Represented By
David L. Neale
Krikor J Meshefejian

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2:22-14832 Karyn Anne Silver

Chapter 11

#101.00 Scheduling and Case Management Conference in a Chapter 11 Case
fr: 10-26-22; 2-8-23; 4-19-23; 5-3-23; 8-9-23; 11-8-23; 2-7-24; 4-17-24

Docket 11

Courtroom Deputy:

ZoomGov Appearance by:

4/11/24 - Barrett Marum

4/15/24 - David Shevitz

4/16/24 - Vanessa Haberbush

Tentative Ruling:

Set deadline for debtor to serve notice of bar date and bar date. Continue case status conference for approximately 90 to 120 days and set deadline for debtor to file updated status report.

11/1/2022 -- Court signed scheduling order setting following dates:

Cont'd status conference -- February 8, 2023 at 11
L/D to serve notice of bar date -- November 11, 2022
Bar date -- January 23, 2023
L/D to file updated status report -- January 30, 2023

Tentative Ruling for February 8, 2023:

Is the court correct that the debtor has not filed her 2021 tax returns? Is there a way for her to file separately if she cannot obtain cooperation from her former husband?

Is the debtor currently working? Does she have any source of income other than selling her belongings and obtaining money from relatives? What steps

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11:00 AM

CONT... Karyn Anne Silver

Chapter 11

does debtor plan to take in order to be in a position to sell the marital home?
Does debtor believe that there is equity in the house?

Hearing required.

Final Ruling for February 8, 2023:

Continue case status conference to April 19, 2023 at 11:00 a.m. Debtor should file and serve updated status report not later than April 7, 2023.

Tentative Ruling for April 19, 2023:

Court received status report from Bank of America, as well as from debtor. Bank of America would like to see property recovered and sold promptly or it has threatened to bring motion for relief from stay to permit it to proceed with foreclosure. What, if any, progress has debtor made toward recovering the property in the last month? (As the debtor's status report acknowledges, the debtor and the court discussed the need to get the bankruptcy court involved at a hearing on March 29, if not before.) Should the Court be considering conversion or appointment of a chapter 11 trustee to expedite the process? Hearing required.

Tentative Ruling for May 3, 2023:

Court continued status conference to this date as a holding date and waived the requirement of a status report. Are there any new developments that the debtor would like to relate to the Court? Hearing required.

Final Ruling for May 3, 2023:

Debtor is hiring CPA to file tax returns, but still has not obtained information from husband. Continue case status conference to August 9, 2023 at 11:00 a.m. Debtor should file updated status report not later than July 28, 2023.

Tentative Ruling for August 9, 2023:

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CONT... Karyn Anne Silver

Chapter 11

What progress, if any, has been made with regard to filing of tax returns? When does debtor anticipate that the buyers to whom she has been showing the property will be returning from their overseas travels? What steps has the debtor's collection attorney taken so far in an effort to collect amounts due from debtor's husband? Hearing required.

Final Ruling from August 9, 2023:

Continue status conference to November 8, 2023 at 11:00 a.m. Debtor should file updated status report not later than October 27, 2023.

Tentative Ruling for November 8, 2023:

Discuss prospects for sale of house with debtor. Hearing required.

Final Ruling for November 8, 2023:

Continue status conference to February 7, 2024 at 11:00 a.m. Debtor should file updated status report by January 26, 2024.

1/9/2024 -- Court entered order approving stipulation with Bank of America for relief from stay with regard to house. Pursuant to that stipulation, lender may not conduct a foreclosure sale before May 15, 2024.

Tentative Ruling for February 7, 2024:

According to the status report, a "very interested buyer" was scheduled to view the property the week after the status report was filed. Did this showing go ahead? Are there any additional updates.

Discuss with debtor the likely future of this case if the pending sale efforts fail to produce a buyer prior to May 15, 2024.

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CONT... Karyn Anne Silver

Chapter 11

Tentative Ruling for April 17, 2024:

Has the receiver connected with the interested buyers? If not, why not? BofA will be permitted to move forward with its foreclosure on May 15, 2024. Hearing required.

Final Ruling for April 17, 2024:

Debtor reports that Mr. Silver has been out of town and no longer has someone at the house helping him, making it difficult to show the property. BofA has not recorded a notice of default. Continue hearing to July 10, 2024 at 11:00 a.m. Debtor should file updated status report not later than June 28, 2024.

Tentative Ruling for July 10, 2024:

What, if any, progress has been made since the status report was filed concerning a sale of the house. When does the debtor anticipate that the state court will rule on her state court turnover motions? Hearing required.

Party Information

Debtor(s):

Karyn Anne Silver

Represented By
Stella A Havkin

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

Wednesday, July 10, 2024

Hearing Room 1539

11:00 AM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#102.00 Confirmation Hearing for Debtor's Chapter 11 Plan Of Reorganization Dated December 14, 2022

fr: 2-22-23; 3-21-23; 4-27-23; 12-7-23; 1-31-24; 4-3-23; 5-15-24; 6-20-24

Docket 259

Courtroom Deputy:

ZoomGov Appearance by:

6/17/24 - Michael Lauter

6/18/24 - David Shevitz

Tentative Ruling:

Court agrees that the lessor's objections go to whether the plan may be confirmed and not to whether it contains adequate information. Nevertheless, the two clarifying changes that the debtor proposes to make to the plan are helpful and should be made.

The Court has additional comments and proposed changes to the language of the plan (and, where there are corresponding provisions) the disclosure statement that will be discussed on the record at the time of hearing on the disclosure statement.

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.

4/6/23 -- Court approved stipulation continuing confirmation hearing to December 7, 2023 at 10:00 a.m. OFF CALENDAR FOR APRIL 27, 2023.

11/16/2023 -- In light of a stipulation between the parties requesting an extended continuance of this date, court vacated confirmation hearing date

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

Wednesday, July 10, 2024

Hearing Room 1539

11:00 AM

CONT... **Buckingham Heights Business Park (a California Lim** **Chapter 11**
and set case status conference date of January 31, 2024 at 11:00 a.m. OFF
CALENDAR FOR DECEMBER 7, 2023.

Tentative Ruling for January 31, 2024:

Revisit status of plan after conclusion of status conference on claim objection.

Tentative Ruling for May 15, 2024:

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

5/14/24 -- At request of parties, court continued hearing to June 20, 2024 at
10:00 a.m. APPEARANCES WAIVED ON MAY 15, 2024.

Tentative Ruling for July 10, 2024:

Revisit status of plan 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

Movant(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter
Alan M Feld

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

11:00 AM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#103.00 Status Conference re 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; 12-13-22; 4-18-23; 5-2-23; 6-13-23,
9-26-23; 11-7-23; 4-9-24; 1-31-24; 4-3-24; 5-15-24; 6-20-24

Docket 138

Courtroom Deputy:

ZoomGov Appearance by:

6/17/24 - Michael Lauter

6/18/24 - David Shevitz

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:

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11:00 AM

CONT...

Buckingham Heights Business Park (a California Lim

Chapter 11

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

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**CONT... Buckingham Heights Business Park (a California Lim
process.**

Chapter 11

Final Ruling for April 27, 2022:

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

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

Chapter 11

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
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

4/4/23 -- Court approved stipulation setting these dates.

	Date
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
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

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

Evidentiary Objections to Reply Declarations Filed	October 13, 2023
Pre-Trial Conference	October 17, 2023, 2:00 p.m.
Trial	October <u>24-25</u> , 2023, 10 a.m.

OFF CALENDAR. STATUS CONFERENCE CONTINUED TO JUNE 13, 2023 AT 2:00 P.M.

6/26/23 -- Court approved stipulation with following dates:

	Date
Ground Lessor Expert Report Exchanged	June 14, 2023
Debtor Rebuttal Report Exchanged	July 13, 2023
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	September 12, 2023
Pre-Trial Conference	September 26, 2023 at 2:00 p.m.
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
Trial	October 25 at 10:00 a.m.

**United States Bankruptcy Court
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11:00 AM

CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

Tentative Ruling for September 26, 2023:

At request of the parties, continue pretrial conference to November 7, 2023 at 2:00 p.m. Parties should lodge proposed joint pretrial order not later than October 24, 2023, unless the court has approved a stipulation altering the above schedule by that date. APPEARANCES WAIVED on September 26, 2023.

10/25/23 -- Court approved revised scheduling order with following dates:

Expert Depositions	November 27, 2023-January 5, 2024
All Expert Discovery Concluded	January 5, 2024
Joint Pre Trial Order Lodged; Trial Briefs and Direct Testimony Declarations Filed	March 15, 2024
Evidentiary Objections to Direct Testimony Declarations and Reply Declarations filed	March 22, 2024
Evidentiary Objections to Reply Declarations	March 29, 2024
Pre-Trial Conference	April 9, 2024, 2:00 p.m.
Trial	April 23, 2024, 10:00 a.m.

OFF CALENDAR FOR NOVEMBER 7, 2023.

11/16/23 -- Parties have advised that they intend to request a continuance of the trial date on the claim objection for the sixth time. Court entered order vacating above dates and setting a status conference on the claim objection for January 31, 2024 at 11:00 a.m. OFF CALENDAR FOR APRIL 9, 2024.

Tentative Ruling for January 31, 2024:

What is the status of this matter? Have the parties now completed expert witness discovery? Hearing required.

Tentative Ruling for May 15, 2024:

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

Docket does not reflect any new filings. Have the parties made any progress in mediation? Are settlement negotiations ongoing? Hearing required.

5/14/24 -- At request of parties, court continued hearing to June 20, 2024 at 10:00 a.m. APPEARANCES WAIVED ON MAY 15, 2024.

Tentative Ruling for June 20, 2024:

On May 14, 2024, the debtor and lessor filed a status report, advising the court that they had reached a tentative settlement and requesting a 30 day continuance of the status conference in the case and the status conference on the claim objection. What progress has been made with regard to that settlement since then? Hearing required.

Tentative Ruling for July 10, 2024:

Has any additional progress been made with regard to the parties' settlement? Hearing required.

Party Information

Debtor(s):

Buckingham Heights Business Park	Represented By Jeannie Kim Michael M Lauter Alan M Feld
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Movant(s):

Buckingham Heights Business Park	Represented By Jeannie Kim Michael M Lauter Alan M Feld
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**United States Bankruptcy Court
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11:00 AM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#104.00 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; 6-13-23, 9-26-23; 11-7-23; 4-9-24; 1-31-24;
4-3-24; 5-15-24; 6-20-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

6/17/24 - Michael Lauter

6/18/24 - David Shevitz

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

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CONT... Buckingham Heights Business Park (a California Lim
hearing on claim objection.

Chapter 11

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. 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.

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CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

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:

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.

Final Ruling for June 13, 2023:

Continue case status conference to September 26, 2023 at 2:00 p.m. to be heard concurrently with pretrial conference on claim objection.

Tentative Ruling for September 26, 2023:

Continue case status conference to November 7, 2023 at 2:00 p.m. to be heard concurrently with continued pretrial conference on claim objection. Requirement of case status conference for November 7 conference is waived. APPEARANCES WAIVED ON SEPTEMBER 26, 2023.

Tentative Ruling for November 7, 2023:

Continue case status conference to April 9, 2024 at 2:00 p.m. to be heard concurrently with pretrial conference on claim objection. Requirement of case status report for April 9, 2024 status conference is waived. APPEARANCES

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**CONT... Buckingham Heights Business Park (a California Lim
WAIVED ON NOVEMBER 7, 2023.**

Chapter 11

Tentative Ruling for January 31, 2024:

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

Tentative Ruling for May 15, 2024:

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

5/14/24 -- At request of parties, court continued hearing to June 20, 2024 at 10:00 a.m. APPEARANCES WAIVED ON MAY 15, 2024.

Tentative Ruling for July 10, 2024:

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

**United States Bankruptcy Court
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Wednesday, July 10, 2024

Hearing Room 1539

11:00 AM

2:23-12116 Pomona Valley Home Care, Inc.

Chapter 11

#105.00 Confirmation Hearing re [100] Debtor's Third Amended Chapter 11 Plan of Reorganization

fr: 11-2-23; 12-20-23; 2-14-24; 4-3-24

Docket 100

***** VACATED *** REASON: 6/21/24 - CASE CONVERTED TO
CHAPTER 7**

Courtroom Deputy:

ZoomGov Appearance by:

4/1/24 - Susan Seflin

Tentative Ruling:

Tentative Ruling for November 2, 2023 on Second Amended Plan:

The plan creates the following classes of claims:

Classes 1(a), 1(b) and 1(c), which are the debtor's secured car loans. These classes are unimpaired, as debtor intends to simply continue to pay on the car loans in accordance with their terms.

Class 2 is the class of priority unsecured claims, which the debtor believes does not contain any claims.

Class 3(a) is the class of general unsecured claims, which will receive payment in full over a period of 5 years, although payments will not start until administrative expenses have been paid. Payment is to come from the debtor's operations and the debtor's president has agreed to a temporary reduction in his compensation to enable the payments to pay Class 3(a) in full.

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CONT... **Pomona Valley Home Care, Inc.**

Chapter 11

Class 3(b) is the claim of Sharine Forbes, which the plan reports was filed in the amount of \$0. The plan provides that "Class 3b will be paid \$0.00 per the Proof of Claim filed." The Court does not believe that the debtor is acting in good faith by offering to treat Ms. Forbes' claim in this manner. Although the creditor has not filed an objection to the plan, the Court notes that both the plan and the notice of deadlines were served on the creditor at the incorrect address. The Court verified that the creditor's website and the proof of claim identify the correct street address for Ms. Forbes' counsel, the Kisob Law Firm, as 36~~8~~0 Wilshire Blvd., the plan and the notice of deadlines were mailed to the firm at 36~~5~~0 Wilshire Blvd. -- and both of the proofs of service attached to these documents appear to have had this digit altered. The font is larger for the digit "5." A similar enlargement appears on some of the other addresses, including the address for the US Trustee (which appears to be the wrong address, although the US Trustee receives electronic notice). The creditor's attorney is not among the parties listed as receiving electronic notice.

Although the proof of claim shows a dollar amount of zero, the debtor cannot genuinely believe that the creditor intended to assert a claim of zero dollars. The proof of claim attached a copy of the prepetition complaint that is the reason, according to the historical discussion in the plan, that the debtor filed bankruptcy in the first place. The parties had agreed to a settlement of the action on the eve of bankruptcy, but the debtor then refused to sign the agreement and filed bankruptcy instead. The state court action is still pending. It appears that the debtor has attempted to get away with paying this creditor nothing and treating her claim as having been discharged, all without providing adequate notice to her counsel of its intended course of action. The most natural reading of the proof of claim is that the claimant intended to assert an unliquidated claim. Debtor has not filed an objection to the claim.

Discuss with the debtor various appropriate ways to address this situation. Confirmation of the plan in its current form is not one of them.

Final Ruling for November 2, 2023:

Debtor's counsel discovered problem with service list. All of the 8s became

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CONT... Pomona Valley Home Care, Inc.

Chapter 11

5s. Debtor's counsel reports that he reached out to client this morning and debtor's principal had settled with Forbes. Counsel believes that president himself will be making a payment and that Forbes does not intend to proceed against bankruptcy estate. Debtor will file amended plan by November 10, 2023 with description about settlement and serve plan/ballots/notice of deadlines by November 13, 2023. Notice should advise creditors that, due to service issues/problems with service addresses on last version of plan, court has extended deadline to vote on or object to plan to December 11, but that there is no need to vote again if creditor is satisfied with its prior vote. Objections will be due by December 11, 2023. Replies, supplemental declaration re ballots, declaration re settlement agreement should be filed and served by December 14, 2023. Confirmation hearing continued to December 20, 2023 at 11:00 a.m.

Tentative Ruling for December 20, 2023:

Deny confirmation of plan in its present form. Court agrees with limited objections by the US Trustee (as to need to clarify how much compensation of president will be reduced and how there will be sufficient funds to pay class 3 claims of \$87,926.56 in full), and plan treatment still does not work for the Forbes claim. She disputes that there has been a settlement and has filed an amended proof of claim for \$173,000.

Creditor Forbes seems to be seeking an estimation of her claim but has not filed a motion seeking this relief. In the interim, the debtor has various options for the treatment of this claim that will be discussed on the record at the time of hearing.

Final Ruling for December 20, 2024:

Debtor will revise plan to address US Trustee's concerns. Forbes does not agree that she has waived any claims against the estate and asserts that she would not have agreed to release the individual defendant for the amount to be paid by him if she had not preserved claims against debtor. Discussions are ongoing and debtor's counsel hopes to be able to come to a consensual resolution. Continue confirmation hearing to February 14, 2024 at 11:00 a.m. Debtor should set hearing on objection to Forbes' claim for same date and

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CONT... **Pomona Valley Home Care, Inc.**
time.

Chapter 11

Tentative Ruling for February 14, 2024:

Revisit status of confirmation after conclusion of related matters on calendar.
(Last version of plan on file is docket no. 100, filed November 10, 2023.)

Final Ruling for February 14, 2024:

Continue hearing to April 3, 2024 at 1:00 p.m. Debtor should file and serve
an amended version of the plan not later than March 22, 2024.

Tentative Ruling for April 3, 2024:

Debtor did not file an amended plan after February 14, 2024 hearing. Revisit
status of confirmation efforts after conclusion of hearing on claim objection
(matter no. 111). It seems unlikely that debtor will succeed in having the
Forbes claim disallowed in any kind of summary manner, if at all. Debtor
should revise plan in such a way as to make it confirmable even if Forbes'
claim is eventually allowed in full if it wants to remain in chapter 11.

Tentative Ruling for July 10, 2024:

Case was converted to chapter 7 on June 21, 2024. Enter order denying
confirmaiton of plan due to conversion of case and take confirmation hearing
off calendar.

Party Information

Debtor(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure

Movant(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure
Thomas B Ure

**United States Bankruptcy Court
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CONT... Pomona Valley Home Care, Inc.

Chapter 11

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1539

11:00 AM

2:23-12116 Pomona Valley Home Care, Inc.

Chapter 11

#106.00 Motion Objecting to The Proof Of Claim re: Claim No. 7

fr: 2-14-24; 4-3-24

Docket 109

Courtroom Deputy:

ZoomGov Appearance by:

4/1/24 - Susan Seflin

Tentative Ruling:

Tentative Ruling for February 14, 2024:

Overrule objection. Court agrees that, at least in certain contexts, the debtor can be considered a "person," but the debtor is **not** a person "who was formerly employed by Pomona." The debtor is Pomona, not an employee (or former employee) of Pomona. The debtor was not a part to the settlement agreement, the agreement is an integrated agreement and there is nothing in the language of the agreement to support the debtor's contention that the agreement should be read as releasing the claimant's claims against the debtor too. The agreement could certainly have been drafted in such a way as to include a release of claims as against Pomona itself, but it wasn't.

NOTE: Court has reviewed the debtor's reply brief. If Mr. Ahmed meant for the release to include the debtor, he should have insisted that the releases be drafted to include the debtor. He did not. The additional language "NO OTHER ACTIONS" doesn't change this result. The clause provides that the parties will not prosecute any other action or proceeding *against any party*. This doesn't mean against any other person. The word "party" in this context refers to the parties **to the agreement**. And, as noted above, the debtor was not a party to the agreement.

Final Ruling for February 14, 2024:

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CONT... **Pomona Valley Home Care, Inc.**

Chapter 11

Overrule objection that claim has been released as against debtor pursuant to settlement agreement with principal (without prejudice to other bases for objection). Debtor should file and serve any supplemental objections by February 28, 2024. Claimant should file and serve any response not later than March 20, 2024. Court will prepare order to this effect. Continue hearing on balance of relief to April 3, 2024 at 1:00 p.m.

Tentative Ruling for April 3, 2024:

Debtor's supplemental memorandum does not discuss section 6(b) of the contract and the steps that must occur before "cause" within the meaning of the contract can be said to exist. What is the debtor's position with regard to this issue?

Hearing required.

Tentative Ruling for July 10, 2024:

Has trustee had an opportunity to review claim and claim objection to determine how he intends to proceed with regard to this contested matter?
Hearing required.

Party Information

Debtor(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure

Movant(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

11:00 AM

2:23-12116 Pomona Valley Home Care, Inc.

Chapter 11

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

fr: 5-24-23; 7-19-23; 8-30-23; 11-2-23; 12-20-23; 2-14-24; 4-3-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

4/1/24 - Susan Seflin

Tentative Ruling:

Tentative Ruling for July 19, 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 19, 2023:

Continue status conference to August 30, 2023 at 11:00 a.m. Requirement of updated status report waived. Debtor should file amended plan not later than August 16, 2023. (Debtor should circulate draft of amended plan and revised financial information in Excel not later than noon on August 11, 2023 and information insider compensation broken down by category with explanatory notes). (Debtor had not provided proof of closure of bank accounts and license with California Department of Public Health appears to have expired in April.)

Tentative Ruling for August 30, 2023:

The Court has a few additional comments/corrections on the form of the plan that will be discussed on the record at the time of the status conference. (The

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11:00 AM

CONT... Pomona Valley Home Care, Inc.

Chapter 11

Court also has a few questions concerning the reports filed by the PCO.)

Tentative Ruling for February 14, 2024:

Revisit status of case after conclusion of hearing on plan confirmation.

Tentative Ruling for July 10, 2024:

Take status conference off calendar due to conversion of case to chapter 7.
If court wants to convene new status conference, it will serve notice to that effect.

Party Information

Debtor(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure

Movant(s):

Pomona Valley Home Care, Inc.

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Sheri Bluebond, Presiding
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Wednesday, July 10, 2024

Hearing Room 1539

2:00 PM

2:23-16872 Joan Bauer

Chapter 11

#200.00 Motion for approval of chapter 11 disclosure statement

fr: 3-13-24; 5-8-24; 5-29-24

Docket 93

*** VACATED *** REASON: CONTINUED TO 8-28-24 AT 2PM

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for March 13, 2024:

As this is a subchapter V case, the debtor does not need to have a separate disclosure statement and we don't need to have a hearing on the disclosure statement. (The Court usually reviews the plan and its disclosures at a case status conference. But, inasmuch as the debtor has filed a motion for approval of a disclosure statement and noticed it for hearing, the Court will utilize the procedure the debtor has selected.

Court agrees that there are a variety of problems with the plan and disclosure statement and that the plan in its current form is unconfirmable on its face. Among these issues are the following:

1. The plan states that the debtor filed this case on behalf of herself individually and on behalf of the Bauer Family Trust, a revocable trust of which she is the **co-trustee**. "It is established law that a self-settled, revocable trust in which the debtor is also the beneficiary is property of a debtor's estate." Marinkovic v. Sanders (In re Marinkovic), 2007 Bankr. LEXIS 4137 (Bankr. D. Arizona, December 5, 2007). Therefore, it may not be the case, as the objecting parties have asserted, that the fact that title to some or all of the assets to be treated under the plan are in the name of a trust creates a problem. However, who were the settlors of the trust and who are the trustees? The debtor identifies herself as a "co-trustee." Who is/was the other trustee? Who was the other settlor? Did the debtor and her now deceased husband set this trust up as an estate planning vehicle? Now that

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he is deceased, there may be provisions of the trust that are irrevocable, or she may continue to have a right to revoke the trust herself and to obtain the assets for her own benefit. If this is the case, the assets of the trust are assets of this bankruptcy estate. We need more information to know whether or not something untoward is going on here.

2. At least two objecting parties have argued that the debtor is not eligible to be a debtor in a subchapter V case. The debtor could moot this dispute by revoking her subchapter V election. If she does not want to do that, court does not want to resolve a dispute of this nature in the context of a hearing on a disclosure statement. If one or more parties do not believe the debtor is eligible for subchapter V relief, they should file a motion objecting to her election or seeking to revoke her election and the court will adjudicate the issues in that procedural context. (The Court can refrain from moving forward with the plan confirmation process until this issue is resolved.)

3. Court agrees that debtor should explain what became of the \$679,000 that was in her brokerage account as of August, 2023. If that account is now worth \$78,000, why are there no disclosures about transfers or sales from this account in her statement of financial affairs?

4. Court agrees that liquidation analysis is flawed. If secured creditors only have liens on personal property, analysis should not deduct their liens from the proceeds that would be generated by a sale of the real properties. If calculated appropriately, it appears that a chapter 7 could produce substantially more for unsecured creditors than the 40 percent distribution contemplated by this plan.

5. Court agrees that the debtor should provide historical information concerning her income and projections for future income. If properties have been rented, historical information and projections should include rents.

6. Debtor needs to clear up inconsistencies as to who owns PCC and WMP. The debtor asserts in her plan that the Bauer Family Trust holds an interest in PCC and WMP. She needs to specify what percentage the trust owns and who owns the balance. In her Schedule A/B, she says that the debtor owns 100 percent of PCC. Robert Bauer, the debtor's son, testified under penalty

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Chapter 11

of perjury that the Himmelfarb Trust is the 100 percent owner of PCC. Which is correct? Debtor should provide an organizational chart with accurate information as to which entity owns, or is owned by, which other entity.

7. What is the debtor's interest in the Himmelfarb Trust worth? Debtor's disclosure statement says that the value is unknown, but debtor should be able to come up with some kind of estimated value for that interest (or at least an explanation as to why she can't). The Himmelfarb Trust owns real property worth \$4 million (according to that trust's schedules from its now-dismissed bankruptcy). How much debt does that property secure? Are there other assets of value? The debtor should make a good faith effort to place a realistic value on that asset.

8. The treatment for RAF appears inadequate and impermissible. Unless the debtor is planning to surrender the collateral to the secured creditor, merely stating that the creditor will retain its lien is insufficient. She should either agree to relief from stay and permit the lender to obtain its collateral, or she should discuss the payment stream the creditor is entitled to receive on account of its claim while the debtor retains the collateral.

9. The chart on page 5 as to who is impaired and who is not is confusing and inaccurate.

10. Debtor should disclose somewhere the basic terms of the lease she is planning to assume -- term, monthly rent, etc. What property is being leased.

11. Plan says that debtor will be filing additional claim objections. When does the debtor plan to file these? (Plan contemplates an April 15 effective date, which does not seem realistic.)

Continue hearing to give debtor an opportunity to fix problems with plan and disclosures.

3/8/24 -- Court approved stipulation continuing hearing to May 8, 2024 at 2:00 p.m. OFF CALENDAR FOR MARCH 13, 2024.

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Tentative Ruling for May 8, 2024:

Court's tentative ruling for March 13, 2024 identified a number of issues/problems with the current form of the plan. As of May 1, 2024, the docket did not reflect the filing of an amended version of the plan. What has to happen before the debtor will be in a position to file an amended plan? Hearing required.

5/3/24 -- Court approved stipulation continuing hearing to May 29, 2024 at **11:00** a.m. OFF CALENDAR FOR MAY 8, 2024.

5/22/24 -- Court approved stipulation continuing hearing to July 10, 2024 at 2:00 p.m. OFF CALENDAR FOR MAY 29, 2024.

7/2/24 -- Court approved stipulation continuing hearing to August 28, 2024 at 2:00 p.m. OFF CALENDAR FOR JULY 10, 2024.

Party Information

Debtor(s):

Joan Bauer

Represented By
Leslie A Cohen

Movant(s):

Joan Bauer

Represented By
Leslie A Cohen
Leslie A Cohen
Leslie A Cohen

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

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2:23-16872 Joan Bauer

Chapter 11

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

fr: 11-29-23; 1-10-24; 4-10-24; 5-8-24; 5-29-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 8-28-24 AT 2PM**

Courtroom Deputy:

ZoomGov Appearance by:

3/20/24 - Leonard Welsh

4/7/24 - J. Jackson Waste

4/8/24 - Leslie Cohen

4/8/24 - David S. Shevitz

4/8/24- Arturo Cisneros

Tentative Ruling:

Tentative Ruling for November 29, 2023:

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

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

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How does the debtor foresee these two bankruptcies interacting with the receivership proceedings? She has not put the cattle company or the meat company into bankruptcy. Why not?

Hearing required.

Final Ruling for November 29, 2023:

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

Tentative Ruling for May 8, 2024:

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

5/22/24 -- Court approved stipulation continuing hearing to July 10, 2024 at 2:00 p.m. OFF CALENDAR FOR MAY 29, 2024.

7/2/24 -- Court approved stipulation continuing hearing to August 28, 2024 at 2:00 p.m. OFF CALENDAR FOR JULY 10, 2024.

Party Information

Debtor(s):

Joan Bauer

Represented By
Leslie A Cohen

Movant(s):

Joan Bauer

Represented By
Leslie A Cohen
Leslie A Cohen
Leslie A Cohen

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

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