

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

Tuesday, August 6, 2024

Hearing Room 1539

10:00 AM

2:00-00000

Chapter

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

Parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below. **MEMBERS OF THE PUBLIC MAY ONLY CONNECT TO THE AUDIO FEED USING THE TELEPHONE NUMBERS PROVIDED BELOW AND ARE NOT PERMITTED TO CONNECT TO THE VIDEO FEED.**

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

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

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

Hearing conducted by ZOOMGov.

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

ZoomGov meeting number: 161 6109 0855

Password: 148508

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

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

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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2:24-10345 Danilo B Zapata

Chapter 7

#1.00 Motion to Avoid Lien Property Lien with Los Angeles Federal Credit Union
fr: 6-11-24

Docket 8

***** VACATED *** REASON: 7/31/21 - Order Granting Motion to Avoid
Lien entered. Off calendar.**

Tentative Ruling:

Tentative Ruling for June 11, 2024:

Along with his reply brief, debtor has provided an appraisal and a declaration from an appraiser showing a value for the property of \$925,000. The reply also explains why the debtor's homestead exemption is \$699,421. Is the credit union prepared to accept this valuation or does the credit union need time to obtain its own appraisal? Hearing required.

Tentative Ruling for August 6, 2024:

Lienholder has withdrawn its opposition. Grant motion. Waive appearances. Movant is authorized to upload order granting motion.

7/31/2024 -- Court entered order resolving motion. OFF CALENDAR.

Party Information

Debtor(s):

Danilo B Zapata

Represented By
James G. Beirne

Movant(s):

Danilo B Zapata

Represented By
James G. Beirne

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
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2:24-11335 Robert Adam Gordon

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: **7822 Wellsford Avenue, Whittier, CA 90606**

MOVANT: Kinecta Federal Credit Union

Docket 28

Tentative Ruling:

Motion is brought under section 362(d)(2) based on a lack of equity, but the third lien (listed on the motion as a deed of trust) is scheduled as a judgment lien. Debtor has claimed a homestead exemption with regard to the property. Third lien is likely avoidable as impairing debtor's homestead exemption. There is more than ample equity to provide adequate protection and, even though the debtor may not be making payments, there is no evidence that the value of the property is declining.

Deny motion.

Party Information

Debtor(s):

Robert Adam Gordon

Represented By
Steven A Alpert

Movant(s):

Kinecta Federal Credit Union

Represented By
Sheryl K Ith

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2022 International MV607 29.7 Ft. Van Body w/ Liftgate; VIN: 3HAEUMML5NL267355**

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 34

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 10AM**

Tentative Ruling:

7/23/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2022 International MV607 29.7 Ft. Van Body; VIN: 3HAEUMML9NL267357**

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 35

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 10AM**

Tentative Ruling:

7/23/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2020 Toyota 8FBE20U; Serial No. 22959**

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 36

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 10AM**

Tentative Ruling:

7/23/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2019 Hino 268A; VIN: 5PVNJ8JV5K4S71756**

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 37

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 10AM**

Tentative Ruling:

7/23/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2020 Hino 268A; VIN: 5PVNJ8JT1L5S59971**

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 38

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 10AM**

Tentative Ruling:

7/23/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE:(2) 2019 Toyota 8FBE20U; Serial No. 18213 & 18216

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 39

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 10AM**

Tentative Ruling:

7/23/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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2:24-13076 Wanda International Freight (USA) Inc

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **(2) 2021 Toyota 8FBCU25; Serial No. 89590 & 89521**

MOVANT: Toyota Industries Commercial Finance, Inc.

Docket 40

Tentative Ruling:

7/23/2024 -- Court approved stipulation in which trustee indicated that he does not oppose motion.

Grant motion under sections 362(d)(1) and (2) with waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Wanda International Freight (USA)

Represented By
Vincent Y Lin

Movant(s):

Toyota Industries Commercial

Represented By
Garry A Masterson

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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2:24-13447 Joie Barrientos Gungab and Eric Cadiz Gungab

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2018 Mitsubishi Outlander, VIN: JA4AD2A38JJ003960** .

MOVANT: Santander Consumer USA Inc.

Docket 18

Tentative Ruling:

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

Party Information

Debtor(s):

Joie Barrientos Gungab

Represented By
Andy C Warshaw

Joint Debtor(s):

Eric Cadiz Gungab

Represented By
Andy C Warshaw

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Jason M Rund (TR)

Pro Se

United States Bankruptcy Court
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10:00 AM

2:24-13869 Matthew James Dargan

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2024 BMW M4; VIN: WBS43AZ01RCP53428**

MOVANT: Logix Federal Credit Union, its successors and/or assignees in interest

Docket 10

Tentative Ruling:

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

Party Information

Debtor(s):

Matthew James Dargan

Represented By
Brian J Soo-Hoo

Movant(s):

Logix Federal Credit Union

Represented By
Reilly D Wilkinson

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
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2:24-13959 Sudsville, Inc.

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **3726 N. Mission Road, Los Angeles, CA 90031 .**

MOVANT: Anthony Fanara

Docket 8

Tentative Ruling:

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

Party Information

Debtor(s):

Sudsville, Inc.

Represented By
Rob R Nichols

Movant(s):

Anthony Fanara

Represented By
Kenny Lim

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-15002 Arman Mkrtchyan

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: **14261 GAGER ST, ARLETA, CA 91331-5341**

MOVANT: Onslow Bay Financial, LLC

Docket 9

Tentative Ruling:

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

Party Information

Debtor(s):

Arman Mkrtchyan

Represented By
Varand Gourjian

Movant(s):

Onslow Bay Financial, LLC

Represented By
Cassandra J Richey

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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2:24-15070 Yaxeni Bojorquez

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2022 Honda Accord, VIN: 1HGCV1F49NA074258**

MOVANT: TD Bank, N.A.

Docket 7

Tentative Ruling:

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

Party Information

Debtor(s):

Yaxeni Bojorquez

Represented By
Jeffrey N Wishman

Movant(s):

TD Bank, N.A.

Represented By
Sheryl K Ith

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
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2:24-15279 Ricardo D. Martinez and Oralia Martinez

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **Two Freightliner Tractor Trucks and Five Hyundai Dry Van**

MOVANT: BMO BANK N.A. F/K/A BMO HARRIS BANK N.A.

Docket 22

Tentative Ruling:

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

Party Information

Debtor(s):

Ricardo D. Martinez

Represented By
Christopher J Lauria

Joint Debtor(s):

Oralia Martinez

Represented By
Christopher J Lauria

Movant(s):

BMO BANK N.A. F/K/A/ BMO

Represented By
Raffi Khatchadourian

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-14780 Aiteon 1, LLC

Chapter 11

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: **2011-2015 1/2 Echo Park Avenue, Los Angeles, CA 90026 .**

MOVANT: David Wojtaszek and Jennifer Wojtaszek and their successors and/ or assignees

Docket 27

Tentative Ruling:

Grant motion, including waiver of Rule 4001(a)(3). Make finding that bankruptcy case was part of a scheme to hinder, delay and defraud creditors that included multiple bankruptcy filings affecting this property.

Party Information

Debtor(s):

Aiteon 1, LLC

Represented By
Paul Edward Manasian

Movant(s):

David Wojtaszek and Jennifer

Represented By
Timothy J Silverman

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2:11-61640 Ramesh Akhtarzad

Chapter 11

Adv#: 2:12-01538 8451 Melrose Property, LLC v. Akhtarzad

#17.00 Pretrial Conference re: Complaint by 8451 Melrose Property, LLC against Ramesh Akhtarzad to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2)(A) & (B) and 523(a)(6) Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

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

Docket 1

***** VACATED *** REASON: CONTINUED TO 8-13-24 AT 10AM**

Tentative Ruling:

12/22/20 -- Court approved stipulation confirming that nothing precludes claimants from liquidating the amount of their claim in state court.

Tentative Ruling for January 12, 2021 (to the extent applicable to adversary proceeding):

The fraud claim that Melrose seeks to assert is that it was fraudulently induced to enter into the lease. Its damage claims therefore remain subject to the 502(b)(6) cap. If Melrose can demonstrate that it was fraudulently induced to enter into the lease (if this claim is not barred by any applicable statute of limitations), the capped claim would become nondischargeable, but the amount of the claim would remain capped to the same extent as its breach of lease claim. The additional tort theory of recovery does not change the amount of the damage. If the capped claim has already been or will be paid in full, there is no need to determine whether or not the claim should be excepted from the discharge.

The court recently approved a stipulation between the parties. Is it their intention to resolve the extent to which a fraud claim is or is not barred by the statute of limitations in state court? Similarly, is it the parties' intention to litigate the malicious prosecution claims in state court?

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CONT... Ramesh Akhtarzad

Chapter 11

Final Ruling for January 12, 2021 (insofar as it relates to adversary proceeding):

Before it can determine how to adjudicate this adversary proceeding, court needs to resolve the following issues: (1) whether the cap of 502(b)(6) applies to any nondischargeable liability that the debtors may have for fraud in the inducement; and (2) whether the state court's finding that the plaintiff's fraud claim is barred by the statute of limitations should be given preclusive effect in this adversary proceeding.

Parties are to file simultaneous briefs with regard to these issues not later than February 2, 2021. Reply briefs will be due not later than February 16, 2021. Court will conduct a continued hearing on February 24, 2021 at 11:00 a.m.

Tentative Ruling for February 24, 2021:

Adversary proceeding was never actually dismissed by Judge Neiter. He merely took the hearing off calendar to permit litigation to proceed in state court as between the parties, anticipating that they would return to bankruptcy court once they had reduced the claims to judgment for a determination as to dischargeability. That never happened, as Judge Neither retired and, there being no further hearings on calendar, the court "closed" the adversary proceeding. It was never dismissed. (This is why Judge Bluebond never takes a matter "off calendar" until it has been resolved--so that it will not fall through the cracks.)

This court is bound by the state court's determination as to when the statute of limitations began to run on the plaintiff's fraud claim. According to the state court, the statute of limitations began to run when plaintiff learned that the representations upon which it had relied were untrue, namely on October 22, 2010 when the debtor testified in a deposition that he did not own any property.

This adversary proceeding, including a claim for fraud in the inducement, was filed in a timely manner for nondischargeability purposes on April 2, 2012.

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Chapter 11

The underlying state law statute of limitations had not run on the fraud claim as of that date. Conversely, in state court, the plaintiff attempted to add a fraud claim for the first time in its motion to amend complaint in August of 2014. The state court found that the three year statute of limitations had run on October 22, 2013. As this adversary proceeding, including the fraud claims, had been filed by then, there is no statute of limitations problem with this action.

The only authority this Court has been able to locate so far on the issue of whether or not the cap of section 502(b)(6) applies with regard to a nondischargeable claim that may be asserted as against the debtors, as distinguished from a claim that may be asserted against the debtors' estate, is a comment in dicta in a concurrence by former bankruptcy judge Bruce Markell. According to Judge Markell, "claims by landlords for fraud in procuring a lease would be limited by § 502(b)(6)'s limitation on landlords' claims against the estate, with amounts in excess of the limitations being valid against the debtor but unnecessary to the administration of the bankruptcy case." Deitz v. Ford (In re Deitz), 469 B.R. 11, 29 (B.A.P. 9th Cir. 2012).

The rationale behind limiting the amount of a damage claim for breach of lease (ensuring that the landlord's claim does not dwarf the claims of other creditors, entitling the landlord to a disproportionate share of available assets) does not apply in the context of a nondischargeability action as against the debtor, and section 502(b)(6) appears in a section of the code that discusses allowance of claims against the estate, not in section 523 as a limitation on a debtor's nondischargeable liability. Moreover, the introductory language of section 523 says that a discharge does not discharge an individual debtor "from any debt," not from liability for any *allowed claim*. There is nothing in the statutory language to suggest that any of the limitations of section 502 on the claims that may be allowed affect the amount of any debt that may be excepted from discharge under section 523.

Therefore, in the absence of authority to the contrary, this Court is inclined to agree with Judge Markell that the cap of 502(b)(6) should not apply to limit the size of a claim that can be asserted as against the debtors outside of the administration of the bankruptcy case. As a result, even if the entirety of the plaintiff's allowed claims as against the estate are paid in full, this action is not

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Ramesh Akhtarzad

Chapter 11

moot in that the debtors have potential exposure for liability in excess of these amounts, provided an appropriate showing can be made under section 523(a).

The state court judgment determines the amount of the lender's damages, but does not have any bearing on whether or not these amounts can be excepted from the discharge. Set discovery cutoff and schedule continued status conference for approximately 90 days. Explore with parties whether this is an appropriate matter to be sent to mediation at this juncture. (Discuss other issues/problems the court has observed with plaintiff's theories of recovery.)

Final Ruling for February 24, 2021:

Tentative ruling became final ruling: (1) 502(b)(6) cap does not limit amount of nondischargeable liability; (2) there is no statute of limitations problem: this action was filed before the applicable statute of limitations ran; (3) plaintiff is not precluded from attempting to prove that the amount of the state court judgment should be treated as nondischargeable, but it cannot increase the amount of that judgment or add a claim for punitive damages.

Continue status conference to May 25, 2021 at 2:00 p.m. Parties are to file an updated status report by May 11, 2021.

Tentative Ruling for May 25, 2021:

Set discovery cutoff for late 2021. Discuss with parties why they don't want this matter sent to mediation.

6/1/21 -- Court approved scheduling order setting discovery cutoff for December 17, 2021. Status conference continued to July 20, 2021 at 10:00 a.m. to coincide with evidentiary hearing. Joint status report due July 6, 2021.

6/2/21 -- Court approved stipulation continuing evidentiary hearing to August 25, 2021 at 10:00 a.m. Continue status conference in adversary proceeding to same date and time. APPEARANCES WAIVED ON JULY 20, 2021.

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Chapter 11

7/13/21 -- Court approved stipulation continuing evidentiary hearing to October 20, 2021 at 10:00 a.m. Continue status conference in adversary proceeding to same date and time. APPEARANCES WAIVED ON AUGUST 25, 2021.

10/12/21 -- Court approved stipulation continuing status conference to December 2, 2021 at 10:00 a.m. APPEARANCES WAIVED ON OCTOBER 20, 2021.

11/18/21 -- Court approved stipulation continuing evidentiary hearing to January 6, 2022 at 10:00 a.m. Continue status conference to same date and time. APPEARANCES WAIVED ON DECEMBER 2, 2021.

12/20/21 -- Court approved stipulation continuing status conference to June 14, 2022 at 2:00 p.m. APPEARANCES WAIVED ON JANUARY 6, 2022.

3/17/22 -- Court approved stipulation extending discovery cutoff to September 19, 2022 and continuing status conference to October 11, 2022 at 2:00 p.m. OFF CALENDAR FOR JUNE 14, 2022.

6/16/22 -- Court approved stipulation extending discovery cutoff to December 16, 2022 and continuing status conference to January 17, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 11, 2022.

10/24/22 -- Court approved stipulation extending discovery cutoff to February 3, 2023 and continuing status conference to March 14, 2023 at 2:00 p.m. OFF CALENDAR FOR JANUARY 17, 2023.

12/19/22 -- Court approved stipulation extending discovery cutoff to May 5, 2023.

1/30/23 -- Court approved stipulation continuing status conference date to May 23, 2023 at 2:00 p.m. OFF CALENDAR FOR MARCH 14, 2023.

3/1/23 -- Court agreed at request of parties to advance status conference to May 9, 2023 at 2:00 p.m. OFF CALENDAR FOR MAY 16, 2023.

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Chapter 11

Tentative Ruling for May 9, 2023:

Have the parties now completed discovery? Set deadline for filing pretrial motions. Does defendant anticipate filing a summary judgment motion? Hearing required.

5/15/23 -- Court approved scheduling order with following dates:

Cont'd status conference -- July 11, 2023 at 2:00 p.m.

L/D to file pretrial motions --- May 30, 2023

L/D to have pretrial motions heard -- July 11, 2023 at 2:00 p.m.

Parties need not file joint status report for July 11 conference

Hearing on defendant's motion for summary judgment is continued to July 11, 2023 at 2:00 p.m.

Tentative Ruling for July 11, 2023:

Schedule pretrial conference and require parties to lodge joint pretrial order, unless parties want to hold this matter in abeyance while they litigate the 727 action (in which a status conference is set for August 29, 2023 at 2:00 p.m.).

8/15/23 -- At hearing held this date, Court continued this status conference and hearing on motion for leave to amend to September 26, 2023 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 19, 2023.

Tentative Ruling for September 26, 2023:

Continue status conference to October 3, 2023 at 2:00 p.m. to be heard concurrently with motion for leave to amend. APPEARANCES WAIVED ON SEPTEMBER 26, 2023.

Tentative Ruling for October 3, 2023:

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

12/28/23 - Court approved stipulation continuing pretrial conference to August 6, 2024 at 10:00 a.m. OFF CALENDAR FOR FEBRUARY 13, 2024.

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CONT... Ramesh Akhtarzad

Chapter 11

7/16/2024 - Court approved stipulation continuing pretrial conference to August 13, 2024 at 10:00 a.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Ramesh Akhtarzad

Represented By
David L. Neale
John-patrick M Fritz
Jeffrey S Kwong
Richard P Steelman Jr

Defendant(s):

Sina Akhtarzad

Represented By
John-patrick M Fritz
David L. Neale
Richard P Steelman Jr

Joint Debtor(s):

Sina Akhtarzad

Represented By
David L. Neale
John-patrick M Fritz
Jeffrey S Kwong
Richard P Steelman Jr

Plaintiff(s):

8451 Melrose Property, LLC

Represented By
Jeffrey I Golden
Beth Gaschen
Kyra E Andrassy
Michael A. Taitelman
Lewis R Landau

Trustee(s):

Thomas C Hebrank (TR)

Represented By
J. Barrett Marum

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CONT...

Ramesh Akhtarzad

Robert K Sahyan
Aaron J Malo

Chapter 11

**United States Bankruptcy Court
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Tuesday, August 6, 2024

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10:30 AM

2:24-13201 TREE LANE LLC

Chapter 11

#50.00 Further Hearing re: Debtor's Motion For (1) Authority To Obtain Credit Secured By A First Priority Security Interest In All Assets Of The Estate Pursuant To DIP Financing From 364 Capital LLC, (2) Approval Of DIP Financing Agreement, (3) Good Faith Determination, And (4) Waiver Of Stay

fr: 5-29-24; 6-13-24; 6-20-24; 7-17-24

Docket 58

Tentative Ruling:

Tentative Ruling for May 29, 2024:

Rulings on Skylark's Evidentiary Objections

1. Overrule.
2. Overrule.
3. Overrule.
4. Overrule.
5. Overrule except as to last sentence. Sustain as to last sentence for lack of personal knowledge.
6. Sustain (lack of personal knowledge).
7. Sustain (lack of personal knowledge).
8. Overrule.
9. Overrule.
10. Sustain as to all but last sentence (lack of personal knowledge/foundation).
11. Sustain (lack of foundation).
12. Sustain (lack of foundation).
13. Sustain (lack of foundation/best evidence).
14. Sustain as to last sentence for lack of foundation. Overrule as to balance.
15. Sustain (lack of foundation/personal knowledge).
16. Sustain (lack of foundation/personal knowledge).
17. Sustain (lack of foundation/personal knowledge).
18. Sustain (lack of foundation/personal knowledge).

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CONT...

TREE LANE LLC

Chapter 11

19. Sustain (lack of foundation/personal knowledge).
20. Sustain (improper opinion testimony).
21. Sustain (lack of foundation/personal knowledge).
22. Sustain (lack of foundation/personal knowledge).
23. Sustain (best evidence).
24. Sustain (lack of foundation/personal knowledge/best evidence).
25. Sustain (lack of foundation/personal knowledge).
26. Sustain (lack of foundation/personal knowledge).
27. Sustain (lack of foundation/personal knowledge/best evidence).
28. Sustain (lack of foundation/personal knowledge/best evidence).
29. Sustain (lack of foundation/personal knowledge/best evidence).
30. Sustain Sustain (lack of foundation/personal knowledge).
31. Overrule.
32. Overrule as to first two sentences. Sustain as to third, fourth and fifth sentences for lack of foundation/improper opinion testimony.
33. Sustain as to first sentence (lack of foundation/personal knowledge).
Overrule as to balance.
34. Overrule.
35. Overrule.
36. Overrule. (Court understands this testimony as statement of debtor's contention as to value, not as actual evidence of the value of the completed project.)
37. Overrule.
38. Overrule.
39. Overrule.
40. Sustain (lack of foundation/personal knowledge).
41. Sustain (lack of foundation/personal knowledge).
42. Sustain (lack of foundation/personal knowledge).
43. Overrule.
44. Overrule.
45. Overrule.
46. Overrule.
47. Overrule.
48. Overrule.
49. Overrule.

Tentative Ruling on Merits:

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CONT... TREE LANE LLC

Chapter 11

On these facts, court is not prepared to conclude that there will be a sufficient equity cushion to provide adequate protection, either before or after construction is completed. Therefore, the court will only authorize the debtor to prime existing liens for expenditures that will increase (or prevent a decrease in) the value of the property or that will pay off liens that are senior to those of Skylark, such as property taxes and HOA fees. Authorize debtor to borrow to the extent necessary to pay for erosion control, to insure the property and to pay off senior liens. The proposed borrowing does not offer the debtor enough funds to complete construction, and it is far from clear at this point that the completion of construction will produce enough value to satisfy secured claims against the property. How can it be said, therefore, that the balance of the expenses that the debtor seeks to incur at this point will themselves increase the value of the property?

Court notes also that the appointment of a trustee is an event of default under the financing, unless the DIP lender consents. Issues concerning the manner in which the debtor will be managed should therefore be addressed before the financing.

Hearing required.

Final Ruling for May 29, 2024 (see order entered May 31, 2024):

Grant on interim basis, authorizing debtor to borrow up to \$1,071,600 for the purposes set forth in the budget attached as Exhibit 1 to the order. Court set continued hearing for June 13, 2024 at 10:00 a.m. Any supplemental pleadings filed in support of the financing motion should be filed by June 6, 2024. Any supplemental responses should be filed by June 11, 2024.

Tentative Ruling for June 13, 2024:

Rulings on Skylark's Evidentiary Objections (Docket No. 103)

1. Overrule.
2. Overrule.
3. Overrule.
4. Sustain. Lack of foundation.

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5. Overrule.
6. Overrule.
7. Overrule.
8. Overrule.
9. Sustain. Hearsay; lack of foundation.
10. Overrule.

Tentative Ruling on the Merits:

Skylark says in its supplemental objection, among other things, that, notwithstanding its objection to the financing, it is willing to engage in good faith discussions with the debtor to determine if there is truly essential work that would warrant priming of its lien. The main focus of the objection is that the debtor has not provided the Court with any competent evidence that the erosion work the debtor is seeking to do is actually necessary. In support of that position, it notes that Mr. Altro during his deposition could not provide any written demands by the City to do the erosion control work and that Mr. Altro himself is not the person who has participated in discussions with the City about the need for the erosion control work. Does Skylark genuinely believe that the debtor is inventing the need/urgency to do the erosion control work? It is difficult to see why the debtor would go to such lengths in an effort to procure the funds necessary to do this work if it wasn't under pressure from the city to do so.

The Court is satisfied that permitting the debtor to obtain the funding required to perform work on the property necessary to prevent that property from causing damage to surrounding properties and the public is a permissible purpose for a priming lien. It is the property itself that presents the risk. It is appropriate to impose the costs of mitigating that risk on the property itself as these are the costs of maintaining and preserving the property which necessarily enures to the benefit of the secured creditor. (Recall that tort damage caused by the estate is an allowable administrative expense even if the estate does not "benefit" from the damage that it caused.)

Authorize the debtor to borrow enough additional funds to continue erosion control work for a period of approximately two additional weeks while the parties continue to confer and exchange information concerning the extent

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CONT... TREE LANE LLC

Chapter 11

and cost of the erosion control work that needs to be performed on the property.

Final Ruling for June 20, 2024:

Pursuant to agreement between parties, court authorized financing in an amount sufficient to pay amounts on budget through July 26, 2024. Lender reserving its rights with regard to assumption of engineering contracts, but agrees that, if assumption is approved, amounts on budget may be used for this purpose. See order entered June 21, 2024 for additional details. Continue hearing on request for balance of relief to July 17, 2024 at 11:00 a.m. Any supplemental briefing with regard to financing must be filed by July 3, 2024.

Tentative Ruling for July 17, 2024:

There were no supplemental filings concerning this motion. How much additional financing is the debtor seeking at this juncture and for what purposes? The budget attached to the last interim order only goes through the week of July 19, 2024. The budget attached to the original motion has no dates. Have the parties entered into any additional agreements concerning the debtor's ability to obtain financing?

Hearing required.

7/15/ 2024 -- At request of parties, continue hearing to August 14, 2024 at 10:00 a.m. Any supplemental papers from the debtor should be served and filed by August 5, 2024. Any supplemental response from Skylark should be filed and served not later than August 9, 2024.

(Court understands that above dates may not work for parties. Discuss new hearing date and briefing schedule with counsel at time of hearing.)

Final Ruling for July 17, 2024:

Continue hearing to August 6, 2024 at 10:30 a.m. This will be another interim hearing. If the parties do not settle during mediation, court will set a final

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CONT... TREE LANE LLC

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hearing (perhaps an evidentiary hearing) on the motion. Debtor will file supplemental papers and a budget by July 24, 2024. Any response from lender will be due by August 2, 2024.

Tentative Ruling for August 6, 2024:

The Court has seen the parties' notice of settlement and the proposed form of order. The debtor is now seeking approval at this hearing of a borrowing from Skylark of the amount necessary to pay off 364 Capital and approximately \$90,000 more. Is this right? (The notice of settlement talks about additional interim funding to pay for erosion control of \$2.140M.)

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
Robyn B Sokol

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2:24-13201 TREE LANE LLC

Chapter 11

#51.00 Scheduling and Case Management Conference in a Chapter 11 Case
fr: 5-29-24; 6-13-24; 6-20-24; 7-17-24

Docket 1

Tentative Ruling:

Court waived the requirement that the debtor file an updated status report.
Does it make sense to set a bar date at this point in the case?

Hearing required.

7/15/ 2024 -- At request of parties, continue hearing to August 14, 2024 at
10:00 a.m.

(Court understands that above dates may not work for parties. Discuss new
hearing date and briefing schedule with counsel at time of hearing.)

Tentative Ruling for August 6, 2024:

Revisit status of case after conclusion of hearing on interim financing.

Party Information

Debtor(s):

TREE LANE LLC

Represented By
Sandford L. Frey
Ronald N Richards

Movant(s):

TREE LANE LLC

Represented By
Sandford L. Frey
Ronald N Richards

**United States Bankruptcy Court
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10:30 AM

2:23-13448 CenterPoint Radiation Oncology, LLC

Chapter 11

#52.00 Final Hearing re: Motion For Order: (I) Authorizing Interim Use Of Cash Collateral Pursuant To Section 363 Of The Bankruptcy Code; (II) Authorizing Adequate Protection; And (III) Setting A Final Hearing

fr: 6-9-23; 6-28-23; 7-25-23, 9-27-23; 10-4-23; 11-1-23; 11-2-23; 11-15-23; 12-20-23; 1-10-24; 1-31-24; 2-27-24; 4-2-24; 5-8-24; 5-14-24; 5-22-24; 5-29-24; 6-12-24; 6-27-24; 7-11-24; 7-25-24

Docket 14

Tentative Ruling:

Tentative Ruling for June 9, 2023:

There is a problem with the notice of motion. Although it has the correct date and time for the hearings, it says on page 3 at line 2 that oppositions are due by noon on June 10, 2023.

Court has a number of questions. According to the Fritz declaration, McKesson has a first position lien on all assets of INC, but debtors aren't aware of any outstanding amounts due McKesson. Where did this lien come from? What did/does it secure?

According to the papers, the debtors jointly operate the radiology practice. One debtor is an LLC, with three members, one of whom is Dr. Morrell. The corporation is wholly-owned by Dr. Morrell. What is the distinction between the two entities? Why were two separate entities created? On the debtor's budget, certain expenses are attributed to INC and others are attributed to LLC. Why the distinction?

According to the Morrell declaration, the debtor has never "cash flowed," which the Court assumes means has never generated positive cash flow. What is going to change in the future to make a reorganization possible? The debtor is a party to two executory contracts, a lease that the debtors claim is above market and another contract with service provider Varian that the debtors also describe as "unfavorable." Has either the landlord or Varian give

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

the debtors any reason to think that either or both might be willing to renegotiate the terms of these agreements? Do the debtors have any viable options other than continuing to do business with these parties? In other words, is there a realistic prospect for reorganization in these cases?

The debtors' projections show net losses for June and July, but small net profits (\$6,687 and \$16,755) for August and September, resulting from corresponding increases in revenue for these periods. Morrell has testified that business tends to be slower during the summer and the holidays. What is going to change that will cause the debtors' revenue to increase in August and September?

Hearing required.

Final Ruling for June 9, 2023 (see order, docket no. 34)

Authorize use of cash collateral through close of business on June 30, 2023 up to an aggregate of \$212,733 in accordance with the budget (plus a 10 percent variance), excluding certain prepetition expenses included in the budget and any insider compensation until the debtor has complied with insider compensation procedures (other than health benefits included in payment for all employees). Secured creditors shall have replacement liens on all assets other than avoiding power recoveries. Court set final hearing for June 28, 2023 at 11:00 a.m. Debtors shall file any supplement to the motion not later than June 16, 2023. Oppositions will be due by June 23, 2023. Replies may be presented orally at the hearing. Debtors shall give notice of the final hearing not later than June 16, 2023.

6/26/23 -- Court approved stipulation between the parties providing that June 28 hearing will be a status conference, increasing authorized use of cash collateral to include the \$6,000 per month that the debtors want to use to pay prepetition amounts due 3 critical vendors (staffing agencies) and extending the term of use of cash collateral through the close of business on July 28, 2023.

Tentative Ruling for June 28, 2023:

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

Once again, the debtors have served a misleading notice on parties in interest. Both the notice of the final hearing and the debtor's supplement to the motion inexplicably state that the final hearing will be on June **30**, rather than June 28, even though this date was not only stated orally at the June 9 hearing but was also included in the written order entered June 16. **Why does this keep happening? What steps will counsel take in the future to make sure that notices do not go out with the wrong dates, thereby misleading parties in interest?** (Court notes that there was an amended notice, but that did not go out until June 20, 2023, which gives parties in interest significantly less notice than the Court had originally contemplated.)

Hearing required.

7/19/23 -- Court approved stipulation extending use of cash collateral through the close of business on September 29, 2023 and continuing hearing to September 27, 2023 at 10:00 a.m. OFF CALENDAR FOR JULY 25, 2023.

Tentative Ruling for September 27, 2023:

(The most recent budget that the Court was able to locate runs through October of 2023.)

Unless someone has a rabbit that they intend to pull out of a hat, this case appears dead in the water. The only issue here appears to be how best to protect (or at least further) the interests of patients currently undergoing treatment. Authorize use of cash collateral solely to the extent necessary to do an orderly transition of patients and a shutdown of the debtor's operations. (On this record, the Court cannot compel First Citizen's Bank to agree to the use of its cash collateral for these purposes, but hopes that the bank will consent to the use of its cash collateral to the extent contemplated by this tentative ruling.)

Tentative Ruling for October 4, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

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CONT... CenterPoint Radiation Oncology, LLC

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10/11/23 -- Court approved stipulation continuing hearing to November 2, 2023 at 10:00 a.m. OFF CALENDAR FOR NOVEMBER 1, 2023.

Tentative Ruling for November 2, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

11/9/23 -- Court approved stipulation re continued use of cash collateral, among other things. Pursuant to that stipulation, continue hearing to December 20, 2023 at 10:00 a.m. OFF CALENDAR FOR NOVEMBER 15, 2023.

Tentative Ruling for December 20, 2023:

Pursuant to a prior stipulation between the parties that was approved by this Court, debtor has authority to use cash collateral through the close of business on December 31, 2023 and, provided certain payments were made, lessor was prohibited from locking the debtor out of its business premises until February 29, 2024. These accommodations were made to enable the debtor to pursue investment or sale opportunities.

What has transpired since the last hearing? What does the debtor intend to do with regard to use of cash collateral after December 31, 2023? Hearing required.

12/28/23 -- Court approved stipulation authorizing further use of case collateral through January 31, 2024.

Tentative Ruling for January 10, 2024:

Pursuant to a stipulation between the parties that was approved by this Court, debtor has authority to use cash collateral through the close of business on January 31, 2024, and, provided certain payments are made, lessor was prohibited from locking the debtor out of its business premises until February 29, 2024. These accommodations were made to enable the debtor to pursue investment or sale opportunities.

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Chapter 11

What has transpired since the last hearing?

Tentative Ruling for January 31, 2024:

As of this date, the last order authorizing the use of cash collateral runs through January 31, 2024. What progress, if any, has been made since the last hearing?

2/27/24 -- Court approved stipulation authorizing use of cash collateral through February 29, 2024.

Tentative Ruling for February 27, 2024:

As of this date, the last order authorizing the use of cash collateral runs through February 29, 2024. What progress, if any, has been made since the last hearing?

Tentative Ruling for April 2, 2024:

Court entered order on March 20, 2024, extending use of cash collateral through May 31, 2024 and authorizing debtor to remain on premises through same date, provided monthly payments of \$45,000 are made.

What additional progress, if any, has been made since the last hearing?

Final Ruling for April 2, 2024:

Continue hearing to May 8, 2024 at 11:00 a.m. to give parties a further opportunity to formalize their agreements in writing.

Tentative Ruling for May 29, 2024:

What additional progress, if any, has been made since the last hearing?

6/3/2024 -- Court entered order extending use of cash collateral through June

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Chapter 11

30, 2024 and authorizing debtor to remain on premises through same date, provided monthly payment of \$58,500 is made.

Tentative Ruling for June 27, 2024:

What additional progress, if any, has been made since the last hearing?
Have the parties figured out what will happen if no deal is in place by June 30? Hearing required.

Tentative Ruling for July 11, 2024:

What additional progress, if any, has been made since the last hearing?
Have the parties entered into any additional agreements concerning the continued use of cash collateral or the debtor's business premises? Hearing required.

7/11/2024 -- Court entered order extending use of cash collateral and debtor's authority to remain in premises through July 31, 2024. See order for additional terms.

Tentative Ruling for July 25, 2024:

What additional progress, if any, has been made since the last hearing?
Have the parties entered into any additional agreements concerning the continued use of cash collateral or the debtor's business premises? Hearing required.

Tentative Ruling for August 6, 2024:

What additional progress, if any, has been made since the last hearing?
Hearing required.

Party Information

Debtor(s):

CenterPoint Radiation Oncology,

Represented By
Ron Bender

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

John-Patrick M Fritz

Movant(s):

CenterPoint Radiation Oncology,

Represented By

Ron Bender

John-Patrick M Fritz

Trustee(s):

Mark M Sharf (TR)

Pro Se

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10:30 AM

2:23-13448 CenterPoint Radiation Oncology, LLC

Chapter 11

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

fr: 7-19-23; 8-9-23; 8-30-23, 10-5-23; 10-4-23; 11-1-23; 11-2-23; 11-15-23;
12-20-23; 1-10-24; 1-31-24; 2-27-24; 4-2-24; 5-8-24; 5-14-24; 5-22-24; 5-29-24;
6-12-24; 6-27-24; 7-11-24; 7-25-24

Docket 1

Tentative Ruling:

Tentative Ruling from July 19, 2023:

Deadline for debtor to file plan is August 31, 2023. Continue case status conference to September 6, 2023 at 11:00 a.m. Court will review plan at that conference and discuss plan-related deadlines and procedures. Requests for additional disclosures/concerns with regard to content of plan can be discussed orally at the September 6 status conference.

Discuss with debtor status of negotiations with landlord.

Tentative Ruling for August 9, 2023:

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

Final Ruling for August 9, 2023:

US Trustee will lodge order appointing patient care ombudsman, as court should already have appointed one by this point in the case. (Entry of order is without prejudice to debtor's motion to have the PCO removed as unnecessary.)

Continue status conference to August 30, 2023 at 11:00 a.m.

Tentative Ruling for August 30, 2023:

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

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

9/27/23 -- Court advanced date of case status conference to October 4, 2023 at 11:00 a.m. OFF CALENDAR FOR OCTOBER 5, 2023.

Tentative Ruling for October 4, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

10/11/23 -- Court approved stipulation continuing hearing to November 2, 2023 at 10:00 a.m. OFF CALENDAR FOR NOVEMBER 1, 2023.

Tentative Ruling for November 2, 2023:

What, if any, progress have the parties made since their last appearance before this Court? What is the current status of this chapter 11 case?

Tentative Ruling for November 15, 2023:

Continue case status conference to December 20, 2023 at 10:00 a.m. to be heard concurrently with hearing on continued use of cash collateral.
APPEARANCES WAIVED ON NOVEMBER 15, 2023.

Tentative Ruling for June 27, 2024:

Revisit status of chapter 11 case after resolution of related matter on calendar.

Tentative Ruling for July 11, 2024:

What additional progress, if any, has been made since the last hearing? Have the parties entered into any additional agreements concerning the continued use of cash collateral or the debtor's business premises? Hearing required.

Tentative Ruling for July 25, 2024:

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CONT... CenterPoint Radiation Oncology, LLC

Chapter 11

What additional progress, if any, has been made since the last hearing?
Have the parties entered into any additional agreements concerning the
continued use of cash collateral or the debtor's business premises? Hearing
required.

Tentative Ruling for August 6, 2024:

What additional progress, if any, has been made since the last hearing?
Hearing required.

Party Information

Debtor(s):

CenterPoint Radiation Oncology,

Represented By
Ron Bender
John-Patrick M Fritz

Movant(s):

CenterPoint Radiation Oncology,

Represented By
Ron Bender
John-Patrick M Fritz

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:20-13814 Chia Jung Chou

Chapter 7

Adv#: 2:20-01169 Wang et al v. Chou et al

#200.00 Motion for Default Judgment

Docket 35

Tentative Ruling:

Defendants have filed an answer to complaint, but that was filed after the Court had already entered their default in this matter. Defendants needed to have the default vacated before they would be permitted to file an answer, and defendants never moved to vacate the entry of their default.

Grant motion. Enter judgment for plaintiffs declaring amounts awarded by state court judgment to be nondischargeable under section 523(a)(2)(A).

Party Information

Debtor(s):

Chia Jung Chou

Represented By
Sam X J Wu

Defendant(s):

Chia Jung Chou

Pro Se

Jesus Guillermo Orozco

Pro Se

Joint Debtor(s):

Jesus Guillermo Orozco

Represented By
Sam X J Wu

Movant(s):

Jing Wang

Represented By
James R Selth
Elvis Tran

Denny Koo

Represented By
James R Selth

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

Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

CONT... Chia Jung Chou

Chapter 7

Elvis Tran

Plaintiff(s):

Jing Wang

Represented By
James R Selth
Elvis Tran

Denny Koo

Represented By
James R Selth
Elvis Tran

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:20-13814 Chia Jung Chou

Chapter 7

Adv#: 2:20-01169 Wang et al v. Chou et al

#201.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) Complaint by Jing Wang, Denny Koo against Chia Jung Chou, Jesus Guillermo Orozco

fr. 10-6-20, 4-6-21, 2-8-22; 8-9-22; 2-7-23; 8-8-23; 8-10-23; 12-19-23; 3-19-24

Docket 1

Tentative Ruling:

Tentative Ruling for October 6, 2021:

Defendants have not filed response, and plaintiffs have taken their default. Plaintiffs have obtained relief from stay and are proceeding with state court litigation. Continue case status conference to April 6, 2021 at 2:00 p.m. Plaintiffs shall file updated status report not later than March 23, 2021. APPEARANCES WAIVED ON OCTOBER 6, 2020.

Tentative Ruling for April 6, 2021:

Plaintiffs have obtained relief from stay and are proceeding with state court litigation. Continue case status conference to February 8, 2022 at 2:00 p.m. Plaintiffs shall file updated status report not later than January 25, 2022. APPEARANCES WAIVED ON APRIL 6, 2021.

Tentative Ruling for February 8, 2022:

Court has reviewed plaintiff's status report. At plaintiff's request, continue status conference to August 9, 2022 at 2:00 p.m. Plaintiff should file updated status report on July 26, 2022. APPEARANCES WAIVED ON FEBRUARY 8, 2022.

Tentative Ruling for August 9, 2022:

Court has reviewed plaintiff's status report. At plaintiff's request, continue

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CONT...

Chia Jung Chou

Chapter 7

status conference to February 7, 2023 at 2:00 p.m. Plaintiff should file updated status report not later than January 24, 2023. APPEARANCES WAIVED ON AUGUST 9, 2022.

Tentative Ruling for February 7, 2023:

Court has reviewed plaintiff's status report. At plaintiff's request, continue status conference to August 8, 2023 at 2:00 p.m. Plaintiff should file updated status report not later than July 25, 2023. APPEARANCES WAIVED ON FEBRUARY 7, 2023.

Tentative Ruling for August 10, 2023:

Court has reviewed plaintiff's status report. At plaintiff's request, continue status conference to December 19, 2023 at 2:00 p.m. Plaintiff should file updated status report not later than December 5, 2023. APPEARANCES WAIVED ON AUGUST 9, 2023.

Tentative Ruling for December 19, 2023:

Court has reviewed plaintiff's status report. At plaintiff's request, continue status conference to March 19, 2024 at 2:00 p.m. Plaintiff should file updated status report not later than March 5, 2024. APPEARANCES WAIVED ON DECEMBER 19, 2023.

Tentative Ruling for March 19, 2024:

Status report was filed (belatedly) on March 6, 2024. It appears from that status report that plaintiff has now obtained a default judgment in the related state court action. Set deadline for plaintiff to file motion for default judgment (or summary judgment) in this adversary proceeding and continue status conference to date of hearing on motion.

Tentative Ruling for August 6, 2024:

If Court grants motion for default judgment, take status conference off calendar. If Court does not grant motion for default judgment, continue status conference to coincide with date of continued hearing on default judgment motion.

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CONT... Chia Jung Chou

Chapter 7

Party Information

Debtor(s):

Chia Jung Chou

Represented By
Sam X J Wu

Defendant(s):

Chia Jung Chou

Pro Se

Jesus Guillermo Orozco

Pro Se

Joint Debtor(s):

Jesus Guillermo Orozco

Represented By
Sam X J Wu

Plaintiff(s):

Jing Wang

Represented By
James R Selth
Elvis Tran

Denny Koo

Represented By
James R Selth
Elvis Tran

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 6, 2024

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2:00 PM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

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

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

fr: 10-31-23; 3-5-24, 4-16-24; 6-11-24

Docket 1

***** VACATED *** REASON: 6/27/24 - Judgment resolving Adversary Proceeding entered. Off calendar.**

Tentative Ruling:

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

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

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

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

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

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

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

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

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

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

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

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

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

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CONT... Chineseinvestors.com, Inc.

Chapter 7

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

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

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

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

OFF CALENDAR FOR MARCH 5, 2024.

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

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

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

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

OFF CALENDAR FOR APRIL 16, 2024.

Tentative Ruling for June 11, 2024:

Parties report that matter has been settled and that last day to object to compromise motion filed in main case was May 30, 2024. Defendants will be stipulating to entry of a judgment now that will not be enforced if defendant makes periodic payments.

Continue case status conference to August 6, 2024 at 2:00 p.m. to give parties an opportunity to have a judgment entered resolving this matter. APPEARANCES WAIVED ON JUNE 11, 2024.

6/27/24 -- Court entered judgment resolving action. OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Chineseinvestors.com, Inc.

Represented By

James Andrew Hinds Jr

Rachel M Sposato

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2:00 PM

CONT... Chineseinvestors.com, Inc.

Chapter 7

Defendant(s):

Wei Warren Wang

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Lovee D Sarenas

Trustee(s):

Peter J Mastan (TR)

Represented By
Ashleigh A Danker
Lovee D Sarenas
Jonathan Serrano

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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:21-11188 Glenroy Coachella, LLC

Chapter 7

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

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

fr: 10-17-23; 1-23-24; 4-30-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 10-8-24 AT 2PM**

Tentative Ruling:

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

Tentative Ruling for October 17, 2023:

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

Tentative Ruling for January 23, 2024:

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

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

Cont'd status conference -- April 30, 2024 at 2:00 p.m.

L/D to file joint status report -- April 16, 2024

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

Tentative Ruling for April 30, 2024:

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CONT... Glenroy Coachella, LLC

Chapter 7

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

6/27/24 -- Court approved scheduling order with following dates:

L/D to complete mediation -- August 26, 2024

L/D to complete discovery -- October 1, 2024.

6/27/24 -- Court approved order appointing Judge Johnson as mediator.

7/24/24 -- Court approved stipulation continuing hearing to October 8, 2024 at
2:00 p.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

Stan Roth

Pro Se

Plaintiff(s):

Richard A Marshack, Chapter 7

Represented By
Sarah Rose Hasselberger
Chad V Haes

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays
Leonard M Shulman

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2:00 PM

2:21-15371 Patterson Builders, Inc.

Chapter 7

Adv#: 2:23-01335 Howard M. Ehrenberg, solely in his capacity as Cha v. Hamilton, Bridges &

#204.00 Plaintiff's Motion for Default Judgment Under LBR 7055-1

fr: 12-5-23; 2-6-24; 6-4-24

Docket 9

Tentative Ruling:

Tentative Ruling for December 5, 2023:

Has trustee conducted any investigation in an effort to ascertain the purpose for the transfers or what the debtor meant by "reimbursements"? Are there any former employees available who might have additional information if the debtor's records are unelighting?

Hearing required.

Final Ruling for December 5, 2023:

Plaintiff believes the reimbursement language may have been included by mistake and that complaint is for avoidance of a preferential transfer. Continue hearing to February 6, 2024 at 2:00 p.m. Plaintiff will file and serve supplemental declaration with missing information not later than January 16, 2024.

Tentative Ruling for February 6, 2024:

According to supplemental declaration, additional investigation revealed that defendant was not a subcontractor and was instead a "settlement agency for businesses." (Defendant is not a law firm and does not employ attorneys.) Court is confused by the calculations contained in the supplemental declaration. Hearing required.

Final Ruling for February 6, 2024:

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CONT... Patterson Builders, Inc.

Chapter 7

Plaintiff should file and serve a supplemental declaration not later than May 21, 2024. Hearing continued to June 4, 2024 at 2:00 p.m. (Trustee is trying to obtain judgment with regard to the last payment as a preference (\$3,366.52)). The balance of the transfers, the trustee claims are fraudulent transfers. Court noted that, in order for a transfer to be a preference, there needs to have been an antecedent debt and the satisfaction of an existing debt is consideration for fraudulent transfer purposes. If monies were passed along to American Express, perhaps there were services rendered, in which case the payment may not be a fraudulent transfer.)

Tentative Ruling for June 4, 2024:

Trustee did not file a supplemental declaration by May 21, 2024, but did file a status report on May 30, 2024 in which the trustee requests a 45-day continuance. At trustee's request, continue hearing on motion for default judgment and status conference to August 6, 2024 at 2:00 p.m. Trustee shall file an updated status report (or a supplemental declaration) not later than July 23, 2024. Trustee should serve notice of continued status conference. APPEARANCES WAIVED ON JUNE 4, 2024.

Tentative Ruling for August 6, 2024:

Grant motion. Enter judgment in favor of plaintiff avoiding transfer of \$86,845.20 as a fraudulent transfer and transfer of \$3,366.52 as a preferential transfer.

Party Information

Debtor(s):

Patterson Builders, Inc.

Represented By
M. Jonathan Hayes
Matthew D. Resnik

Defendant(s):

Hamilton, Bridges & Banks, Inc., a

Pro Se

Movant(s):

Howard M. Ehrenberg, solely in his

Represented By

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CONT... Patterson Builders, Inc.

Chapter 7

Steve Burnell
Asa S Hami

Plaintiff(s):

Howard M. Ehrenberg, solely in his

Represented By
Steve Burnell
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey L Sumpter
Elissa Miller
Steve Burnell

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2:00 PM

2:21-15371 Patterson Builders, Inc.

Chapter 7

Adv#: 2:23-01335 Howard M. Ehrenberg, solely in his capacity as Cha v. Hamilton, Bridges &

#205.00 Status Conference re: 12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)) Complaint by Howard M. Ehrenberg, solely in his capacity as Chapter 7 Trustee against Hamilton, Bridges & Banks, Inc., a Florida corporation.

fr: 9-5-23; 12-5-23; 2-6-24; 6-4-24

Docket 1

Tentative Ruling:

At trustee's request, continue hearing on motion for default judgment and status conference to August 6, 2024 at 2:00 p.m. Trustee shall file an updated status report (or a supplemental declaration) not later than July 23, 2024. Trustee should serve notice of continued status conference.
APPEARANCES WAIVED ON JUNE 4, 2024.

Tentative Ruling for August 6, 2024:

If Court grants motion for default judgment, take status conference off calendar. If Court does not grant motion for default judgment, continue status conference to coincide with date of continued hearing on default judgment motion.

Party Information

Debtor(s):

Patterson Builders, Inc.

Represented By
M. Jonathan Hayes
Matthew D. Resnik

Defendant(s):

Hamilton, Bridges & Banks, Inc., a

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, solely in his

Represented By

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CONT... Patterson Builders, Inc.

Chapter 7

Steve Burnell
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey L Sumpter
Elissa Miller
Steve Burnell

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2:00 PM

2:21-15371 Patterson Builders, Inc.

Chapter 7

Adv#: 2:23-01339 Howard M. Ehrenberg, solely in his capacity as Cha v. Patterson, an

#206.00 Motion for Default Judgment Under LBR 7055-1

fr: 12-5-23; 2-6-24; 6-4-24

Docket 9

Tentative Ruling:

Tentative Ruling for December 5, 2023:

Has trustee conducted any investigation in an effort to ascertain the purpose for the transfers or what the debtor meant by "reimbursements"? Are there any former employees available who might have additional information if the debtor's records are unlightening?

Hearing required.

Final Ruling for December 5, 2023:

Continue hearing to February 6, 2024 at 2:00 p.m. Plaintiff will file and serve supplemental declaration with missing information not later than January 16, 2024.

Tentative Ruling for February 6, 2024:

Supplemental declaration is inconsistent and unintelligible. See paragraphs 6 and 7. First, it says that defendant was not a subcontractor seeking reimbursement for expenses. Then it says that defendants were subcontractors who were owed money for subcontracting services. Then it says that defendants were not subcontractors. And then it says that they were subcontractors owed money for subcontracting services provided on the projects.

What is the trustee trying to say here? Trustee seeks avoidance of transfers as constructively fraudulent transfers in round amounts to brother of debtor's

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CONT... Patterson Builders, Inc.

Chapter 7

principal. What is missing from the declaration is any discussion as to whether or not the trustee has found any value having been given by the transferee to the debtor and is there any discussion in the motion as to debtor's insolvency? (Presumption available under section 547 is not available in the context of a fraudulent transfer action.) Hearing required.

Final Ruling for February 6, 2024:

Motion does not include any evidence that brother is a subcontractor. Plaintiff should file and serve a supplemental declaration not later than May 21, 2024. Hearing continued to June 4, 2024 at 2:00 p.m.

Tentative Ruling for June 4, 2024:

Trustee did not file a supplemental declaration by May 21, 2024, but did file a status report on May 30, 2024 in which the trustee requests a 45-day continuance. At trustee's request, continue hearing on motion for default judgment and status conference to August 6, 2024 at 2:00 p.m. Trustee shall file an updated status report (or a supplemental declaration) not later than July 23, 2024. Trustee should serve notice of continued status conference. APPEARANCES WAIVED ON JUNE 4, 2024.

Tentative Ruling for August 6, 2024:

Grant motion. Enter judgment in favor of plaintiff avoiding transfer of \$75,200 as a fraudulent transfer.

Party Information

Debtor(s):

Patterson Builders, Inc.

Represented By
M. Jonathan Hayes
Matthew D. Resnik

Defendant(s):

Steve Patterson, an individual

Pro Se

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CONT... Patterson Builders, Inc.

Chapter 7

Movant(s):

Howard M. Ehrenberg, solely in his

Represented By
Steve Burnell
Asa S Hami

Plaintiff(s):

Howard M. Ehrenberg, solely in his

Represented By
Steve Burnell
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey L Sumpter
Elissa Miller
Steve Burnell

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2:00 PM

2:21-15371 Patterson Builders, Inc.

Chapter 7

Adv#: 2:23-01339 Howard M. Ehrenberg, solely in his capacity as Cha v. Patterson, an

#207.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)
Complaint by Howard M. Ehrenberg, solely in his capacity as Chapter 7 Trustee
against Steve Patterson, an individual.

fr: 9-5-23; 12-5-23; 2-6-24; 6-4-24

Docket 1

Tentative Ruling:

At trustee's request, continue hearing on motion for default judgment and status conference to August 6, 2024 at 2:00 p.m. Trustee shall file an updated status report (or a supplemental declaration) not later than July 23, 2024. Trustee should serve notice of continued status conference.
APPEARANCES WAIVED ON JUNE 4, 2024.

Tentative Ruling for August 6, 2024:

If Court grants motion for default judgment, take status conference off calendar. If Court does not grant motion for default judgment, continue status conference to coincide with date of continued hearing on default judgment motion.

Party Information

Debtor(s):

Patterson Builders, Inc.

Represented By
M. Jonathan Hayes
Matthew D. Resnik

Defendant(s):

Steve Patterson, an individual

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, solely in his

Represented By
Steve Burnell

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CONT... Patterson Builders, Inc.

Chapter 7

Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey L Sumpter
Elissa Miller
Steve Burnell

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Tuesday, August 6, 2024

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2:00 PM

2:23-14081 Seyla Lim

Chapter 7

Adv#: 2:24-01049 Swift Financial, LLC v. Lim

#208.00 Motion for Default Judgment

Docket 10

Tentative Ruling:

Deny motion insofar as it seeks relief under section 362(d)(4). Debtor was not a fiduciary; there was no trust res; and not repaying a loan isn't embezzlement or larceny. Deny motion insofar as it seeks relief under section 362(d)(6). According to the motion, debtor had the ability to repay the loan but did not do so. That isn't enough to show that debtor's actions were made either with the intent to injure plaintiff or that defendant knew that harm was sufficiently certain to occur. Defendant could well have intended to repay the loan at the time it was obtained (pre-COVID) but then ultimately found herself (post-COVID) unable to repay that loan.

With regard to request for relief under section 523(a)(2)(A), plaintiff identifies 3 representations: that debtor intended to use the funds to buy a new business; that donut shop had been in business since 2009; and that the business was averaging \$133,333.33 in gross monthly sales. Do we know whether the second and third representations were true when they were made? And which representations did the plaintiff rely on in making the loan? Was plaintiff relying on the fact that defendant would be purchasing a new business?

Hearing required.

Party Information

Debtor(s):

Seyla Lim

Represented By
James D. Hornbuckle

Defendant(s):

Seyla Lim

Pro Se

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2:00 PM

CONT... Seyla Lim

Chapter 7

Movant(s):

Swift Financial, LLC

Represented By
Daren M Schlecter

Plaintiff(s):

Swift Financial, LLC

Represented By
Daren M Schlecter

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:00 PM

2:23-14081 Seyla Lim

Chapter 7

Adv#: 2:24-01049 Swift Financial, LLC v. Lim

#209.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury) Complaint by Swift Financial, LLC against Seyla Lim

fr: 5-7-24

Docket 1

Tentative Ruling:

If Court grants motion for default judgment, take status conference off calendar. If Court does not grant motion for default judgment, continue status conference to coincide with date of continued hearing on default judgment motion.

Party Information

Debtor(s):

Seyla Lim

Represented By
James D. Hornbuckle

Defendant(s):

Seyla Lim

Pro Se

Plaintiff(s):

Swift Financial, LLC

Represented By
Daren M Schlecter

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:00 PM

2:23-14877 Albert Garcia

Chapter 7

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

#210.00 Status Conference re: 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy) Complaint by Michael Inclan against Albert Garcia.

fr: 4-30-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 10-8-24 AT 2PM.
APPEARANCES WAIVED.**

Tentative Ruling:

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

5/1/24 -- Court approved scheduling order with following dates:

Cont'd status conference -- August 6, 2024 at 2:00 p.m.

L/D to file joint status report -- July 23, 2024

L/D to lodge order appointing mediators -- May 13, 2024

L/D to complete mediation -- August 6, 2024

Tentative Ruling for August 6, 2024:

Parties report that matter has been settled and request a continuance to permit them to document and consummate settlement. Continue status conference to October 8, 2024 at 2:00 p.m. Parties should file updated status report not later than September 24, 2024, if action has not been dismissed (or judgment entered) by then. APPEARANCES WAIVED ON AUGUST 6, 2024.

Party Information

Debtor(s):

Albert Garcia

Represented By
Omero Banuelos

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2:00 PM

CONT... Albert Garcia

Chapter 7

Defendant(s):

Albert Garcia

Pro Se

Plaintiff(s):

Michael Inclan

Represented By
Matthew J Olson
Jessica Megan Leano

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

2:23-16457 Diana Robin Knox

Chapter 7

Adv#: 2:24-01132 Avery v. Knox et al

#211.00 Motion of Warren Navarre to Dismiss Complaint Pursuant to F.R.C.P. 12(b)

Docket 11

Tentative Ruling:

Deny motion to dismiss and for more definite statement. Property was transferred to a revocable living trust. Trustee as the representative of the debtor's estate can have that trust revoked. If the property is property of the estate, trustee can sue for turnover to have that property returned. This court has exclusive jurisdiction to determine what is and is not property of the estate, so this is the only proper venue for the litigation of the parties' disputes as to ownership of the property.

Set deadline for defendant to file answer to complaint.

Party Information

Debtor(s):

Diana Robin Knox

Represented By
Ramiro Flores Munoz

Defendant(s):

Diana Robin Knox

Represented By
Ramiro Flores Munoz

Warren Navarre

Represented By
Omero Banuelos

Movant(s):

Warren Navarre

Represented By
Omero Banuelos

Plaintiff(s):

Wesley H Avery

Represented By

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

Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

CONT... Diana Robin Knox

Chapter 7

Joseph E Caceres

Trustee(s):

Wesley H Avery (TR)

Represented By
Joseph E Caceres

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

Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:23-16457 Diana Robin Knox

Chapter 7

Adv#: 2:24-01132 Avery v. Knox et al

#212.00 Status Conference re: 11 (Recovery of money/property - 542 turnover of property),(91 (Declaratory judgment)) Complaint by Wesley H Avery against Diana Robin Knox, Warren Navarre.

Docket 1

Tentative Ruling:

Set continued status conference date approximately 45 days after deadline to respond to complaint.

Party Information

Debtor(s):

Diana Robin Knox

Represented By
Ramiro Flores Munoz

Defendant(s):

Diana Robin Knox

Pro Se

Warren Navarre

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
Joseph E Caceres

Trustee(s):

Wesley H Avery (TR)

Represented By
Joseph E Caceres

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

Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:24-11101 Joseph Pedroza Diaz, Jr.

Chapter 7

Adv#: 2:24-01125 Doe v. Diaz, Jr.

#213.00 Status Conference re: 68 (Dischargeability - 523(a)(6), willful and malicious injury)),(41 (Objection / revocation of discharge - 727(c),(d),(e)) Complaint by Jane Doe against Joseph Pedroza Diaz Jr.

Docket 1

***** VACATED *** REASON: CONTINUED TO 9-10-24 AT 2PM.
APPEARANCES WAIVED.**

Tentative Ruling:

Response to complaint is not due until August 7, 2024. Continue status conference to September 10, 2024 at 2:00 p.m. Parties should file a joint status report not later than August 27, 2024. APPEARANCES WAIVED ON AUGUST 6, 2024.

Party Information

Debtor(s):

Joseph Pedroza Diaz Jr.

Represented By
Kevin Tang

Defendant(s):

Joseph Pedroza Diaz Jr.

Pro Se

Plaintiff(s):

Jane Doe

Represented By
Kevin Hahn

Trustee(s):

Elissa Miller (TR)

Represented By
Shantal Malmmed

**United States Bankruptcy Court
Central District of California
Los Angeles
Sheri Bluebond, Presiding
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:24-11101 Joseph Pedroza Diaz, Jr.

Chapter 7

Adv#: 2:24-01126 Heredia v. Diaz, Jr.

#214.00 Status Conference re: 41 (Objection / revocation of discharge - 727(c),(d),(e))
Complaint by Moses Heredia against Joseph Pedroza Diaz Jr.

Docket 1

***** VACATED *** REASON: CONTINUED TO 9-10-24 AT 2PM.
APPEARANCES WAIVED.**

Tentative Ruling:

Response to complaint is not due until August 7, 2024. Continue status conference to September 10, 2024 at 2:00 p.m. Parties should file a joint status report not later than August 27, 2024. APPEARANCES WAIVED ON AUGUST 6, 2024.

Party Information

Debtor(s):

Joseph Pedroza Diaz Jr.

Represented By
Kevin Tang

Defendant(s):

Joseph Pedroza Diaz Jr.

Pro Se

Plaintiff(s):

Moses Heredia

Represented By
Kevin Hahn

Trustee(s):

Elissa Miller (TR)

Represented By
Shantal Malméd

**United States Bankruptcy Court
Central District of California
Los Angeles
Sheri Bluebond, Presiding
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

Adv#: 2:23-01358 Larson et al v. Girgis

#215.00 Motion to Dismiss Adversary Complaint for Failure to State a Claim Upon Which Relief May be Granted Pursuant to Federal Rule of Civil Procedure 12(B)(6) or Alternatively, for an Order Striking Allegations in the Adversary Complaint Pursuant to Federal Rule of Civil Procedure 12(F)

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23; 1-23-24; 4-2-24; 7-2-24

Docket 5

***** VACATED *** REASON: CONTINUED to 11-5-24 AT 2PM**

Tentative Ruling:

9/13/23 -- Court approved stipulation continuing hearing to October 17, 2023 at 2:00 p.m. (See order for additional dates.)

10/3/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for November 7, 2023:

There is a state court judgment against the debtor for fraud. Under the reasoning of the Supreme Court's decision in *Bartenwerfer v. Buckley*, if a conspiracy theory is sufficient to make debtor liable to plaintiff *for fraud* under nonbankruptcy law, it is a sufficient basis to make that liability nondischargeable under section 523(a)(2)(A), even if the debtor did not directly make any misrepresentations to the plaintiff. Deny motion with regard to claim under section 523(a)(2)(A).

With regard to claims under section 523(a)(4), a debt for larceny or embezzlement can be the basis for nondischargeable liability. Defendant need not owe a fiduciary duty to plaintiff. Is it possible, on these facts, for plaintiff to plead that debtor's liability satisfies the elements of larceny or embezzlement? If so, grant motion with leave to amend. Otherwise, grant motion without leave to amend, as court agrees that, on these facts, there would be no preexisting fiduciary duty for the debtor to have breached.

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2:00 PM

CONT...

Ryan Magdi Girgis

Chapter 11

Grant with leave to amend with regard to claim under section 523(a)(6). Debtor has a judgment against him for fraud and conversion. Such tortious conduct can be the basis for a claim under section 523(a)(6) in an appropriate fact pattern. Plaintiff needs to plead (and prove) that debtor had the appropriate intentions/knowledge in more than a mere conclusory manner. Plaintiff outlines the conduct that he claims evidences the willful and malicious intent, but he should discuss how these facts demonstrate that defendant either intended to cause harm to plaintiff or knew that harm was substantially certain to occur.

Deny motion to strike any material as scandalous or immaterial. Court will ignore anything that it later concludes is irrelevant, but court is not yet persuaded that the challenged information is in fact irrelevant, particularly in light of claim for willful and malicious injury.

12/6/23 -- Court approved stipulation continuing hearing to January 23, 2024 at 2:00 P.M. OFF CALENDAR FOR DECEMBER 12, 2023.

1/8/24 -- Court approved stipulation continuing hearing to April 2, 2024 at 2:00 P.M. OFF CALENDAR FOR JANUARY 23, 2024.

3/14/24 -- Court approved stipulation continuing hearing to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 2, 2024.

6/20/24 -- Court approved stipulation continuing hearing to August 6, 2024 at 2:00 p.m. OFF CALENDAR FOR JULY 2, 2024.

8/1/24 -- Court approved stipulation continuing hearing to November 5, 2024 at 2:00 p.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By

David R Haberbush

Vanessa M Haberbush

Lane K Bogard

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 6, 2024

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2:00 PM

CONT... Ryan Magdi Girgis

Chapter 11

Defendant(s):

Ryan Magdi Girgis

Represented By
Lane K Bogard

Movant(s):

Ryan Magdi Girgis

Represented By
Lane K Bogard

Plaintiff(s):

Richard Larson

Represented By
Michael A Wallin
Justin O. Walker

Paragon Six LLC

Represented By
Michael A Wallin
Justin O. Walker

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

Adv#: 2:23-01358 Larson et al v. Girgis

#216.00 Defendant Ryan Girgis' Motion for an Order Abating the Adversary Proceeding

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23; 1-23-24; 4-2-24; 7-2-24

Docket 8

***** VACATED *** REASON: CONTINUED to 11-5-24 AT 2PM**

Tentative Ruling:

9/13/23 -- Court approved stipulation continuing hearing to October 17, 2023 at 2:00 p.m. (See order for additional dates.)

10/3/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for November 7, 2023:

Court agrees that it would not be an efficient use of this Court's time to examine the extent to which a particular judgment does, or does not, dispose of the issues that need to be adjudicated in this matter if/when the defendant is challenging the state court judgment on appeal. Court will not set any additional deadlines (other than a date for the filing of a further amended complaint) until the appeal has been resolved; however, court will schedule periodic status conferences while the appeal is pending. Parties can report in their joint status report on the status of the appeal and request a further continuance to permit the appeal to be resolved if necessary.

12/6/23 -- Court approved stipulation continuing hearing to January 23, 2024 at 2:00 P.M. OFF CALENDAR FOR DECEMBER 12, 2023.

1/8/24 -- Court approved stipulation continuing hearing to April 2, 2024 at 2:00 P.M. OFF CALENDAR FOR JANUARY 23, 2024.

3/14/24 -- Court approved stipulation continuing hearing to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 2, 2024.

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CONT... Ryan Magdi Girgis Chapter 11

6/20/24 -- Court approved stipulation continuing hearing to August 6, 2024 at 2:00 p.m. OFF CALENDAR FOR JULY 2, 2024.

8/1/24 -- Court approved stipulation continuing hearing to November 5, 2024 at 2:00 p.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By
David R Haberbush
Vanessa M Haberbush
Lane K Bogard

Defendant(s):

Ryan Magdi Girgis

Represented By
Lane K Bogard
Vanessa M Haberbush

Movant(s):

Ryan Magdi Girgis

Represented By
Lane K Bogard
Vanessa M Haberbush

Plaintiff(s):

Richard Larson

Represented By
Michael A Wallin
Justin O. Walker

Paragon Six LLC

Represented By
Michael A Wallin
Justin O. Walker

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:23-12276 Ryan Magdi Girgis

Chapter 11

Adv#: 2:23-01358 Larson et al v. Girgis

#217.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury) Complaint by Richard Larson, Paragon Six LLC against Ryan Magdi Girgis.

fr: 9-26-23, 10-17-23; 11-7-23; 12-12-23; 1-23-24; 4-2-24; 7-2-24

Docket 1

***** VACATED *** REASON: CONTINUED to 11-5-24 AT 2PM**

Tentative Ruling:

9/13/23 -- Court approved stipulation continuing hearing to October 17, 2023 at 2:00 p.m. (See order for additional dates.)

10/3/23 -- Court approved stipulation continuing hearing to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 17, 2023.

Tentative Ruling for November 7, 2023:

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

12/6/23 -- Court approved stipulation continuing hearing to January 23, 2024 at 2:00 P.M. OFF CALENDAR FOR DECEMBER 12, 2023.

1/8/24 -- Court approved stipulation continuing hearing to April 2, 2024 at 2:00 P.M. OFF CALENDAR FOR JANUARY 23, 2024.

3/14/24 -- Court approved stipulation continuing hearing to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR APRIL 2, 2024.

6/20/24 -- Court approved stipulation continuing hearing to August 6, 2024 at 2:00 p.m. OFF CALENDAR FOR JULY 2, 2024.

8/1/24 -- Court approved stipulation continuing hearing to November 5, 2024 at 2:00 p.m. OFF CALENDAR FOR AUGUST 6, 2024.

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2:00 PM

CONT... Ryan Magdi Girgis

Chapter 11

Party Information

Debtor(s):

Ryan Magdi Girgis

Represented By
David R Haberbush
Vanessa M Haberbush
Lane K Bogard

Defendant(s):

Ryan Magdi Girgis

Pro Se

Plaintiff(s):

Richard Larson

Represented By
Michael A Wallin
Justin O. Walker

Paragon Six LLC

Represented By
Michael A Wallin
Justin O. Walker

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

2:24-11373 Elena Katherine James

Chapter 7

Adv#: 2:24-01076 James v. Educational Credit Management Corp.

#218.00 Status Conference re: 63 (Dischargeability - 523(a)(8), student loan) Complaint by Elena Katherine James against Educational Credit Management Corp.

fr: 5-28-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 10-1-24 AT 2PM**

Tentative Ruling:

At request of parties, continue status conference to August 6, 2023 at 2:00 p.m. Parties should file updated joint status report not later than July 23, 2024. APPEARANCES WAIVED ON MAY 28, 2024.

7/17/24 -- Court approved stipulation continuing hearing to October 1, 2024 at 2:00 p.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Elena Katherine James

Represented By
David S Hagen

Defendant(s):

Educational Credit Management

Pro Se

Plaintiff(s):

Elena Katherine James

Represented By
David S Hagen

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1539

2:00 PM

2:21-10826 Kfir Gavrieli

Chapter 11

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

#219.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) Complaint by Dikla Gavrieli, Dikla Gavrieli, derivatively on behalf of Gavrieli Brands, LLC d/b/a Tieks by Gavrieli, a California limited liability company, Dean Unatin against Kfir Gavrieli, Gavrieli Brands LLC.

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

Docket 1

***** VACATED *** REASON: CONTINUED TO 8-27-24 AT 2PM**

Tentative Ruling:

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

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

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

7/13/21 -- Court approved stipulation continuing hearing to September 14, 2021 at 2:00 p.m. See order for additional provisions. APPEARANCES WAIVED ON AUGUST 10, 2021.

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CONT...

Kfir Gavrieli

Chapter 11

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

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

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

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

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

Tentative Ruling for January 4, 2022:

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

Tentative Ruling for March 16, 2022:

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

Tentative Ruling for May 25, 2022:

At status conference held March 16, 2022, court continued this hearing to

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CONT... Kfir Gavrieli

Chapter 11

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

Tentative Ruling for August 2, 2022:

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

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

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

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

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

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

Tentative Ruling for December 6, 2022:

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

Tentative Ruling for March 28, 2023:

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

Tentative Ruling for May 9, 2023:

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

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Hearing Room 1539

2:00 PM

CONT...

Kfir Gavrieli

Chapter 11

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

Tentative Ruling for August 10, 2023:

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

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

Discovery cutoff -- January 31, 2024

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

L/D to file status report -- November 28, 2023

Tentative Ruling for December 12, 2023:

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

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

Hearing required.

12/14/23 -- Court approved scheduling order setting the following dates:
Cont'd discovery cutoff -- March 31, 2024

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CONT...

Kfir Gavrieli

Chapter 11

Cont'd status conference (as a holding date) -- January 10, 2024 at 10:00 a.m.

Requirement of a status report waived.

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

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

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

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

4/29/24 -- Court approved stipulation extending fact discovery cutoff to August 12, 2024, continuing status conference to August 6, 2024 at 2:00 p.m. and continuing plaintiff's deadline to serve responses and objections to defendant's interrogatories to June 28, 2024. OFF CALENDAR FOR JUNE 4, 2024.

5/2/24 -- Court approved stipulation continuing hearing to August 27, 2024 at 2:00 p.m. OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Kfir Gavrieli

Represented By

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Los Angeles
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Hearing Room 1539

2:00 PM

CONT... Kfir Gavrieli

Chapter 11

Jeffrey M. Reisner
Kerri A Lyman
William N Lobel

Defendant(s):

Kfir Gavrieli

Represented By
William N Lobel

Gavrieli Brands LLC

Pro Se

Plaintiff(s):

Dikla Gavrieli

Represented By
Amy Quartarolo
Peter Gilhuly
Daniel S Schecter

Dikla Gavrieli, derivatively on

Represented By
Amy Quartarolo
Peter Gilhuly
Daniel S Schecter

Dean Unatin

Represented By
Amy Quartarolo
Peter Gilhuly
Daniel S Schecter

Trustee(s):

Robert Allan Kors (TR)

Represented By
William Schumacher
Mark Shinderman
Mohammad Tehrani

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Hearing Room 1539

2:00 PM

2:21-10826 Kfir Gavrieli

Chapter 11

Adv#: 2:22-01042 Kors et al v. Unatin et al

#220.00 Status Conference re: 81 (Subordination of claim or interest)) Complaint by Robert A. Kors, Official Committee of Unsecured Creditors of Kfir Gavrieli against Dikla Unatin, Dean Unatin

fr: 4-19-22; 4-26-22; 6-30-22, 6-28-22; 9-14-22; 11-17-22; 12-1-22; 2-9-23; 2-16-23; 3-16-23; 4-6-23; 6-6-23; 7-12-23; 10-17-23; 2-13-24; 2-27-24; 6-11-24; 7-9-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 9-10-24 AT 2PM**

Tentative Ruling:

3/11/22 -- Court approved stipulation continuing status conference to April 26, 2022 at 2:00 p.m. OFF CALENDAR FOR APRIL 19, 2022.

Tentative Ruling for April 26, 2022:

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

5/31/22 -- Court approved stipulation advancing hearing date to June 28, 2022 at 10:00 a.m. OFF CALENDAR FOR JUNE 30, 2022.

Tentative Ruling for June 28, 2022:

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

7/28/22 -- Court approved stipulation continuing hearing and adversary status conference to November 17, 2022 at 11:00 a.m. See order for additional dates.

9/29/22 -- Court approved stipulation continuing hearing and adversary status conference to December 1, 2022 at **10:00 a.m.** See order for additional dates.

10/12/22 -- Court approved stipulation continuing hearing and adversary

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CONT...

Kfir Gavrieli

Chapter 11

status conference to February 9, 2023 at **10:00 a.m.** See order for additional dates.

10/24/22 -- Court approved stipulation continuing hearing and adversary status conference to February 16, 2023 at **10:00 a.m.** OFF CALENDAR FOR FEBRUARY 9, 2023.

12/13/22 -- Court approved stipulation continuing hearing and adversary status conference to March 16, 2023 at **10:00 a.m.** OFF CALENDAR FOR FEBRUARY 16, 2023. (See order for additional provisions.)

1/27/23 -- Court approved stipulation continuing hearing and adversary status conference to April 6, 2023 at **10:00 a.m.** OFF CALENDAR FOR MARCH 16, 2023. (See order for additional provisions.)

Tentative Ruling for April 6, 2023:

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

Tentative Ruling for June 6, 2023:

Court waived the requirement of a written status report for this status conference, but have the parties met and conferred regarding scheduling issues as directed in the court's order on the summary judgment motion? If so, what if any proposals do the parties have with regard to scheduling? Hearing required.

Final Ruling for June 6, 2023:

Continue status conference to July 12, 2023 at 11:00 a.m. to give parties an opportunity to meet and confer with regard to scheduling. Parties should file updated joint status report not later than June 28, 2023.

Tentative Ruling for July 12, 2023:

It is unclear whether further efforts to meet and confer with regard to

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

Tuesday, August 6, 2024

Hearing Room 1539

2:00 PM

CONT... Kfir Gavrieli

Chapter 11

scheduling or to exchange information informally will be productive. Court agrees that the scope of discovery could be limited if the parties are able to agree on stipulated facts. Perhaps they should start the process of attempting to prepare a proposed joint pretrial order now to see which facts end up on which lists (agreed or disputed). In the interim, it may make more sense for the parties to serve formal discovery requests on one another.

Set discovery cutoff for late 2023 and continued status conference for approximately 90 to 120 days.

7/11/23 -- Court approved stipulation continuing status conference to October 17, 2023 at 2:00 p.m. OFF CALENDAR FOR JULY 12, 2023.

Tentative Ruling for October 17, 2023:

Set discovery cutoff for February 20, 2024 and continue status conference to February 13, 2024 at 2:00 p.m. Parties should file updated status report not later than January 30, 2024. APPEARANCES WAIVED ON OCTOBER 17, 2024. PLAINTIFF SHOULD LODGE SCHEDULING ORDER WITH NEW DATES.

10/18/23 -- At parties' request, court continued status conference to February 27, 2024 at 2:00 p.m. instead of February 13, 2024. Parties should file updated status report not later than February 13, 2024. APPEARANCES WAIVED ON FEBRUARY 13, 2024.

10/23/23 -- Court revised scheduling order lodged by parties at court's request to accommodate their request for a different date. (Hearing is now February 27, 2024 at 2:00 p.m.) Discovery cutoff set for February 20, 2024.

1/17/24 -- Court approved stipulation setting following dates:
Continued fact discovery cutoff -- May 24, 2024
L/D to file joint status report -- May 14, 2024
Cont'd status conference -- June 11, 2024 at 2:00 p.m.

OFF CALENDAR FOR FEBRUARY 27, 2024.

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2/14/24 -- Court approved stipulation setting following dates:
Continued fact discovery cutoff -- June 21, 2024
L/D to file joint status report -- June 25, 2024
Cont'd status conference -- July 9, 2024 at 2:00 p.m.

OFF CALENDAR FOR JUNE 11, 2024.

2/27/24 -- Court approved stipulation setting following dates:
Continued fact discovery cutoff -- July 5, 2024
Cont'd status conference -- August 6, 2024 at 2:00 p.m.

OFF CALENDAR FOR JULY 9, 2024.

4/4/24 -- Court approved stipulation setting following dates:
Continued fact discovery cutoff -- August 5, 2024
Cont'd status conference -- September 10, 2024 at 2:00 p.m.

OFF CALENDAR FOR AUGUST 6, 2024.

Party Information

Debtor(s):

Kfir Gavrieli

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

Defendant(s):

Dikla Unatin

Pro Se

Dean Unatin

Pro Se

Plaintiff(s):

Robert A. Kors

Represented By
Richard Lee Wynne

Official Committee of Unsecured

Represented By
Richard Lee Wynne

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Trustee(s):

Robert Allan Kors (TR)

Represented By
William Schumacher
Mark Shinderman
Mohammad Tehrani