

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

Tuesday, September 24, 2024

Hearing Room 1539

10:00 AM
2:00-00000

Chapter

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

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Hearing conducted by ZOOMGov.

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

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

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

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:21-15371 Patterson Builders, Inc.

Chapter 7

#1.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: **Dana Gant vs. Richard Frankel, et al; LASC Case no. 22STCV14974**

MOVANT: Dana J Gant

Docket 136

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Opposition apparently overlooks the fact that movant has agreed to proceed only against insurance proceeds and to waive any claim against the estate. On these facts, it is difficult to see how there would be an adverse impact on the estate from the granting of this motion.

Grant with waiver of Rule 4001(a)(3) (in lieu of annulment).

Party Information

Debtor(s):

Patterson Builders, Inc.

Represented By
M. Jonathan Hayes
Matthew D. Resnik

Movant(s):

Dana Gant

Represented By
Rahel Javaheri

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey L Sumpter
Elissa Miller
Steve Burnell

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2:24-14382 Kouji Touya

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **1120 E. 2nd St #1, Long Beach, CA 90802 .**

MOVANT: Farmers and Merchants Trust Company

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Kouji Touya

Represented By
Jill L Kim

Movant(s):

Farmers and Merchants Trust

Represented By
Bruce R Menke

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:24-14966 Justin Stands and Dennis Robbins

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: **29050 S. Western Avenue, units 134 and 137, Rancho Palos Verdes, California 90275.**

MOVANT: R2 Property Group Inc

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

(Judge's copy should not be two-sided.)

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

Party Information

Debtor(s):

Justin Stands

Represented By
Joseph L Pittera

Joint Debtor(s):

Dennis Robbins

Represented By
Joseph L Pittera

Movant(s):

R2 Property Group Inc

Represented By
Kevin J Quock

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:24-15279 **Ricardo D. Martinez and Oralia Martinez**

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2020 Honda Civic, VIN: 19XFC1F34LE205129 .**

MOVANT: TD Bank, N.A.

Docket 33

Courtroom Deputy:

- NONE LISTED -

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):

TD Bank, N.A.

Represented By
Sheryl K Ith

Trustee(s):

Wesley H Avery (TR)

Represented By
Charles Shamash

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2:24-15604 Margarita Contreras

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2023 VOLKSWAGEN TAOS VIN: 3VVCX7B20PM343044**

MOVANT: VW Credit, Inc.

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Margarita Contreras

Represented By
D Justin Harelik

Movant(s):

VW Credit, Inc.,

Represented By
Kirsten Martinez

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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2:24-15990 Fernando Hernandez, Jr.

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: **2016 Audi RS 7, VIN: WUAW2AFC4GN902081**

MOVANT: LOGIX FEDERAL CREDIT UNION

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Fernando Hernandez Jr.

Represented By
Joshua Sternberg

Movant(s):

LOGIX FEDERAL CREDIT

Represented By
Lior Katz

Trustee(s):

John J Menchaca (TR)

Pro Se

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2:24-13201 TREE LANE LLC

Chapter 11

#50.00 Final 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; 8-6-24

Docket 58

Courtroom Deputy:

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).

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TREE LANE LLC

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17. Sustain (lack of foundation/personal knowledge).
18. Sustain (lack of foundation/personal knowledge).
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.

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Tentative Ruling on Merits:

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.

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

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control work for a period of approximately two additional weeks while the parties continue to confer and exchange information concerning the extent 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:

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Chapter 11

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 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.

Final Ruling for August 6, 2024:

Motion granted. Debtor may include in order deadline for prior lender to submit payoff demand of Friday. Appeal filed will be dismissed. There will be a sale process. Continue to September 24, 2024 at 10:30 a.m. for a final hearing. Debtor should file and serve any supplemental papers not later than September 3, 2024. Any oppositions will be due September 10, 2024. Replies by September 17, 2024.

Tentative Ruling for September 24, 2024:

Lydda Lud has objected to the proposed financing on the ground that the proposed financing would permit new funding of up to \$9.25M to be put ahead of its loan without a showing of adequate protection. Court agrees that some of the purposes for which the financing is to be used would not increase the value of the real property; however, the proposed financing is part of a larger compromise proposed by the debtor and Skylark pursuant to which Skylark is agreeing to reduce its (senior) secured loan from \$39,123,723 to \$19.9 million. But for approval of the proposed compromise, including the new financing, Lydda Lud's junior lien would be behind almost \$40 million in secured debt. By virtue of the proposed compromise and financing, even if

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the full amount of the post-petition loan were advanced, Lydda Lud's junior lien will be behind approximately \$30 million in secured debt rather than \$40 million. This is a significant *improvement* in its position. Accordingly, overrule Lydda Lud's adequate protection argument.

However, the proposed compromise includes a March 1, 2025 deadline for a sale before Skylark has the option to foreclose or credit bid. Does broker believe that this time frame will give it enough time to close a sale of the property?

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 Application to Employ Keen-Summit Capital Partners LLC as Real Estate Broker

Docket 192

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

NOTE: Court would prefer that oppositions to different motions be filed separately rather than combined into a single document.

Court agrees that compensation arrangements may be problematic. Court recognizes that existence of secured creditor(s) with ability to credit bid may result in reduced interest on the part of third-party buyers, but how would the estate pay a \$250,000 fee in the event of a credit bid? Is Skylark agreeing that it would pay this fee if it decides to credit bid? And if the broker is unable to locate any buyer at all (and Skylark does not want to credit bid), how would the estate pay this fee?

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

#52.00 Motion for Order Approving Compromise of Controversies Between Debtor Tree Lane LLC and Skylark (UK), LLC and Skylark (UK) Servicing, LLC Pursuant to Bankruptcy Rule 9019

Docket 196

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

See tentative ruling for financing motion. There does not appear to be any opposition to the compromise motion. Provided the Court grants the financing motion, grant motion to approve compromise.

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

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#53.00 Scheduling and Case Management Conference in a Chapter 11 Case
fr: 5-29-24; 6-13-24; 6-20-24; 7-17-24; 8-6-24

Docket 1

Courtroom Deputy:

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.

8/13/24 -- Court approved order setting bar date of October 21, 2024. Debtor
must serve notice of bar date by August 16, 2024.

Tentative Ruling for September 24, 2024:

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

Party Information

Debtor(s):

TREE LANE LLC

Represented By

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Sandford L. Frey
Ronald N Richards

Movant(s):

TREE LANE LLC

Represented By
Sandford L. Frey
Ronald N Richards

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2:17-22698 Jose Antonio Zamora

Chapter 7

Adv#: 2:22-01149 Gonzalez, Chapter 7 Trustee v. De La Madrid

#200.00 Status Conference re: 11 (Recovery of money/property - 542 turnover of property),(72 (Injunctive relief - other)) against Danniell De La Madrid, LLamas Estate, LLC, Muziknewum, LTD, Castizo Holdings, LLC, Muzikneum Nevada Irrevocable Spendthrift Trust.

fr: 9-27-22; 11-9-22; 1-24-23; 4-18-23; 5-2-23; 6-6-23; 9-12-23; 1-9-24; 5-14-24

Docket 1

***** VACATED *** REASON: CONTINUED TO 1-28-2025 AT 2PM.
APPEARANCES WAIVED.**

Courtroom Deputy:

Tentative Ruling:

Tentative Ruling from November 9, 2022:

Continue status conference to January 24, 2023 at 2:00 p.m. Parties should file updated status report not later than January 10, 2023. (If district court still has not acted on report and recommendation, trustee may file unilateral report.) If trustee wants to grant an extension of time for defendants to file a response to the complaint in this action, he should lodge an order that provides for such an extension.

Tentative Ruling for January 24, 2023:

Court has reviewed trustee's status report. Continue hearing to April 18, 2023 at 2:00 p.m. to give District Court a further opportunity to act on this Court's report and recommendation. Parties are to file status report not later than April 4, 2023. (If District Court has not issued ruling, report may be unilateral.)

Tentative Ruling for May 2, 2023:

Court has reviewed the District Court's ruling on its report and

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Jose Antonio Zamora

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recommendation in the related adversary proceeding. Did plaintiff comply with the District Court's direction that it lodge a proposed form of judgment in that action?

Trustee in his status report recommends that the Court continue this hearing and defendant's deadline to respond to complaint for a period of approximately 4 months to see if defendants comply with the trustee's efforts to market and sell the property. Court agrees with this approach; however, court would nevertheless like the parties to appear at the May 2 hearing to discuss dates and procedures.

Tentative Ruling for June 6, 2023:

Set continued status conference date for same date and time as continued hearing on matter no. 209.

Tentative Ruling for September 12, 2023:

At trustee's request, continue status conference to January 9, 2024 at 2:00 p.m. Parties should file joint status report not later than 14 days prior to continued status conference. APPEARANCES WAIVED ON SEPTEMBER 12, 2023.

Tentative Ruling for January 9, 2024:

At trustee's request, continue status conference to May 14, 2024 at 2:00 p.m. Parties should file joint status report not later than 14 days prior to continued status conference. APPEARANCES WAIVED ON JANUARY 9, 2024.

Tentative Ruling for May 14, 2024:

Where is status report that should have been filed two weeks before status conference? What, if any, progress has been made toward selling the subject property? Is defendant still cooperating with trustee's efforts to sell property? Hearing required.

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At trustee's request, continue hearing to January 28, 2025 at 2:00 p.m.
Trustee should file updated status report not later than January 14, 2025.
APPEARANCES WAIVED ON SEPTEMBER 24, 2024.

Party Information

Debtor(s):

Jose Antonio Zamora Pro Se

Defendant(s):

Daniel De La Madrid Pro Se

Joint Debtor(s):

Martha Delia Zamora Pro Se

Plaintiff(s):

Rosendo Gonzalez, Chapter 7 Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR) Represented By
Rosendo Gonzalez

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01080 Richard A. Marshack, solely in his capacity as Cha v. ASR Development

#201.00 Order to Show Cause Re Sanctions On Victor Vilaplana, Esq

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court has reviewed Mr. Vilaplana's response to the Court's OSC. Vacate OSC.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

ASR Development Co., a California

Pro Se

Abraham Stuart Rubin

Pro Se

Joseph Rubin

Represented By
Joseph Boufadel

Plaintiff(s):

Richard A. Marshack, solely in his

Represented By
Ryan D O'Dea

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
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CONT...

Glenroy Coachella, LLC

Leonard M Shulman

Chapter 7

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01080 Richard A. Marshack, solely in his capacity as Cha v. ASR Development

#202.00 Order to Show Cause Re Striking Defendants Abraham Stuart Rubin And ASR Development Co.'s Answer And Allowing Plaintiff To Proceed By Way Of Default

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court has not received a response to this OSC. Court notes that no counsel has formally appeared for ASR Development, a California corporation, and that a corporation is not permitted to appear without counsel in an adversary proceeding.

Both defendants (Abraham Stuart Rubin and ASR Development) failed to appear at the last status conference and failed to participate in the preparation of a joint status report. According to Mr. Vilaplana, they have also refused to authorize him to provide their contact information to plaintiff's counsel so that he may contact them directly.

Strike defendants' answer to complaint and authorize plaintiff to proceed by way of default.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

ASR Development Co., a California

Pro Se

Abraham Stuart Rubin

Pro Se

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CONT... Glenroy Coachella, LLC
Joseph Rubin

Chapter 7

Represented By
Joseph Boufadel

Plaintiff(s):

Richard A. Marshack, solely in his

Represented By
Ryan D O'Dea

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays
Leonard M Shulman

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2:21-11188 Glenroy Coachella, LLC

Chapter 7

Adv#: 2:23-01080 Richard A. Marshack, solely in his capacity as Cha v. ASR Development

#203.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other) Complaint by Richard Marshack against ASR Development Co., a California corporation, Desert Medical Properties, Inc., a California corporation, Abraham Stuart Rubin, Joseph Rubin, Elliot B Lander, Gary Stiffelman

fr: 5-2-23; 7-11-23; 11-14-23; 1-16-24; 1-23-24; 5-14-24; 7-2-24; 8-27-24

Docket 1

Courtroom Deputy:

Tentative Ruling:

Have any requests for entry of default been filed? Has trustee now met and conferred with defendant Stiffelman?

Hearing required.

7/14/23 -- Court approved scheduling order with following dates:

L/D to complete mediation -- November 14, 2023

L/D to lodge order appointing mediators -- August 4, 2023

Cont'd status conference -- November 14, 2023 at 2

L/D to file joint status report -- October 31, 2023

8/15/23 -- Court approved order appointing Meredith Jury as mediator.

8/28/23 -- Court approved stipulation setting aside default of Joseph Rubin, conditioned on his reimbursing trustee \$250 for cost of having his default entered. Response to complaint due September 11, 2023.

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CONT... Glenroy Coachella, LLC

Chapter 7

9/15/23 -- Court approved stipulation setting aside defaults of Stuart Rubin and ASR Development.

Tentative Ruling for November 14, 2023:

Parties were ordered to complete a day of mediation by the date of this status conference. Has anyone filed a declaration evidencing the efforts that the parties have made to comply with this deadline? Hearing required.

Tentative Ruling for January 23, 2024:

Has a date been scheduled for mediation yet? If not, why not? Court ordered the parties to complete a day of mediation months ago. Hearing required.

Final Ruling for January 23, 2024:

Continue status conference to May 14, 2024 at 2:00 p.m. Parties should file joint status report not later than April 30, 2024.

5/8/24 -- Court approved stipulation continuing status conference to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR MAY 14, 2024.

6/27/24 -- Court approved stipulation dismissing Gary Stiffleman, individual and as trustee of the Stiffelman Family Trust, Desert Medical Properties, LLC and Elliot Lander as defendants in this action.

Tentative Ruling for July 2, 2024:

Court has reviewed the parties' joint status report. Has the trustee received the materials he is expecting from Joseph Rubin's counsel?

Hearing required.

Final Ruling for July 2, 2024:

Continue status conference to August 27, 2024 at 2:00 p.m. Parties should

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CONT... **Glenroy Coachella, LLC**

Chapter 7

file updated status report by August 13, 2024.

Tentative Ruling for August 27, 2024:

Has the trustee decided how he intends to proceed with regard to Joseph Rubin yet?

Mr. Vilaplana appeared in this action at least on behalf of Stuart Rubin, if not on behalf of ASR Development. The docket does not reflect a substitution of attorney. If he is now refusing to participate in this action and claims that he doesn't represent these defendants, issue OSC why sanctions should not be imposed against him for refusing to either represent his clients or provide contact information for them if they are now unrepresented.

Hearing required.

Tentative Ruling for September 24, 2024:

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

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Defendant(s):

ASR Development Co., a California	Pro Se
Desert Medical Properties, Inc., a	Pro Se
Abraham Stuart Rubin	Pro Se
Joseph Rubin	Pro Se
Elliot B Lander	Pro Se
Gary Stiffelman, as trustee for the	Pro Se

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CONT... Glenroy Coachella, LLC

Chapter 7

Plaintiff(s):

Richard A. Marshack, solely in his

Represented By
Ryan D O'Dea

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

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2:23-10779 Silva Chamanian

Chapter 7

Adv#: 2:24-01184 Leslie, Chapter 7 Trustee v. Gonzalez et al

#204.00 Status Conference re: Complaint for: (1) Avoidance of Fraudulent Transfer; (2) Recovery of Avoided Transfer; and (3) Automatic Preservation of Avoided Transfer (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(21 (Validity, priority or extent of lien or other interest in property))

Docket 1

***** VACATED *** REASON: CONTINUED TO 12-17-2024 AT 2PM.
APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court has reviewed the parties' joint status report. Continue status conference to December 17, 2024 at 2:00 p.m. Order parties to complete a day of mediation prior to the continued status conference on December 17, 2024. Parties should file a joint status report not later than December 3, 2024 and lodge an order appointing mediators not later than September 30, 2024. APPEARANCES WAIVED ON SEPTEMBER 24, 2024, but plaintiff should lodge a scheduling order with these dates.

Party Information

Debtor(s):

Silva Chamanian

Represented By
Juliet Y. Oh
David L. Neale

Defendant(s):

Alejandro Gonzalez

Pro Se

G5 Consulting and Management,

Pro Se

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CONT... Silva Chamanian

Chapter 7

Plaintiff(s):

Sam S. Leslie, Chapter 7 Trustee

Represented By
Nancy H Zamora

Trustee(s):

Sam S Leslie (TR)

Represented By
Nancy H Zamora

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2:00 PM

2:23-10779 Silva Chamanian

Chapter 7

Adv#: 2:24-01185 Leslie, Chapter 7 Trustee v. Singer et al

#205.00 Status Conference re: Complaint for: (1) Avoidance of Fraudulent Transfers; and (2) Recovery of Avoided Transfers (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Docket 1

***** VACATED *** REASON: CONTINUED TO 12-17-2024 AT 2PM.
APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Court has reviewed the parties' joint status report. Continue status conference to December 17, 2024 at 2:00 p.m. Order parties to complete a day of mediation prior to the continued status conference on December 17, 2024. Parties should file a joint status report not later than December 3, 2024 and lodge an order appointing mediators not later than September 30, 2024. APPEARANCES WAIVED ON SEPTEMBER 24, 2024, but plaintiff should lodge a scheduling order with these dates.

9/12/2024 -- Court approved order appointing mediators.

Party Information

Debtor(s):

Silva Chamanian

Represented By
Juliet Y. Oh
David L. Neale

Defendant(s):

Caroline Singer

Pro Se

Raffi Tchamanian

Pro Se

Alen Petrosyan

Pro Se

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CONT... Silva Chamanian
Falcon Group, LLC

Pro Se

Chapter 7

Plaintiff(s):

Sam S. Leslie, Chapter 7 Trustee

Represented By
Nancy H Zamora

Trustee(s):

Sam S Leslie (TR)

Represented By
Nancy H Zamora

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2:00 PM

2:23-17855 Enjoli T Maeweather

Chapter 7

Adv#: 2:24-01171 Maeweather v. United States Department of Education

#206.00 Status HearingRE: [1] Adversary case 2:24-ap-01171. Complaint by Enjoli T Maeweather against United States Department of Education . (\$350.00 Fee Not Required). Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)) (SCX)

Docket 1

***** VACATED *** REASON: CONTINUED TO 12-3-24 AT 2PM.
APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

8/26/24 -- Court approved stipulation continuing status conference to December 3, 2024 at 2:00 p.m. APPEARANCES WAIVED ON SEPTEMBER 24, 2024.

Party Information

Debtor(s):

Enjoli T Maeweather

Represented By

Thomas B Ure

Suzanne Dombkowski

Defendant(s):

United States Department of

Pro Se

Plaintiff(s):

Enjoli T Maeweather

Represented By

Suzanne Dombkowski

Trustee(s):

John P Pringle (TR)

Pro Se

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2:00 PM

2:24-10986 Esperanza Valencia Ortiz

Chapter 7

Adv#: 2:24-01148 AVERY v. REYES et al

#207.00 Chapter 7 Trustee's Notice of Motion and Motion for Default Judgment Against Cesar Reyes, Maribel Valencia, Jose Luis Valencia-Cardenas and Maria F Ortiz De Valencia

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

There are numerous badges of fraud here. The transfer was made for no consideration to relatives of the debtor. The codebtors continued to reside at the property after the transfer. The transfer occurred shortly after Citibank brought a lawsuit against the debtor. The transfer represented all or a substantial portion of the debtor's assets. The debtor failed to disclose the transfer on his statement of financial affairs. Moreover, this is a single-family residence that cannot be partitioned and is unlikely to sell if only a one-half interest is sold.

Grant motion. Enter judgment avoiding the transfer and authorizing the trustee to sell the entirety of the property.

Party Information

Debtor(s):

Esperanza Valencia Ortiz

Represented By
Melody D. Morris

Defendant(s):

CESAR REYES

Pro Se

MARIBEL VALENCIA

Pro Se

JOSE LUIS VALENCIA-

Pro Se

MARIA F ORTIZ DE VALENCIA

Pro Se

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CONT... Esperanza Valencia Ortiz

Chapter 7

Joint Debtor(s):

Ricardo Perez Avalos

Represented By
Melody D. Morris

Movant(s):

WESLEY H AVERY

Represented By
Toan B Chung

Plaintiff(s):

WESLEY H AVERY

Represented By
Toan B Chung

Trustee(s):

Wesley H Avery (TR)

Represented By
Toan B Chung

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2:24-10986 Esperanza Valencia Ortiz

Chapter 7

Adv#: 2:24-01148 AVERY v. REYES et al

#208.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)),(11 (Recovery of money/property - 542 turnover of property)),(14 (Recovery of money/property - other)),(14 (Recovery of money/property - other)),(31 (Approval of sale of property of estate and of a co-owner - 363(h) Complaint by Wesley H Avery Against Cesar Reyes, Maribel Valencia, Jose Luis Valencia-Cardenas, Maria F Ortiz De Valencia.

fr: 8-27-24

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Continue status conference to September 24, 2024 at 2:00 p.m. to be heard concurrently with plaintiff's motion for default judgment. APPEARANCES WAIVED ON AUGUST 27, 2024.

Tentative Ruling for September 24, 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):

Esperanza Valencia Ortiz

Represented By
Melody D. Morris

Defendant(s):

CESAR REYES

Pro Se

MARIBEL VALENCIA

Pro Se

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CONT... Esperanza Valencia Ortiz

Chapter 7

JOSE LUIS VALENCIA-

Pro Se

MARIA F ORTIZ DE VALENCIA

Pro Se

Joint Debtor(s):

Ricardo Perez Avalos

Represented By
Melody D. Morris

Plaintiff(s):

WESLEY H AVERY

Represented By
Toan B Chung

Trustee(s):

Wesley H Avery (TR)

Represented By
Toan B Chung

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2:00 PM

2:22-10994 Better 4 You Breakfast, Inc.

Chapter 11

Adv#: 2:23-01301 Better 4 You Breakfast, Inc. v. Intrepid Investment Bankers LLC

#209.00 Motion for Leave to File Plaintiff's Second Amended Complaint

fr: 9-10-24

Docket 97

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

9/9/2024 -- Court granted emergency motion to continue hearing. Hearing (and adversary status conference) have been moved to September 24, 2024 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 10, 2024.

Tentative Ruling for September 24, 2024:

Grant. There is no evidence of undue delay or prejudice. The Court is not ready to conclude that the proposed amendment would be futile. The debtor cannot lose a claim by failing to disclose it when it did not know that such a claim existed and could in any event assert such a claim by way of affirmative defense. Although a party cannot receive more than one recovery on account of a single claim and cannot re-litigate a matter that has already been adjudicated as between the parties, there is no prohibition on pleading the same claim in two actions.

Party Information

Debtor(s):

Better 4 You Breakfast, Inc.

Represented By
Kerri A Lyman
Jeffrey M. Reisner
Allen B Felahy

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CONT... Better 4 You Breakfast, Inc.

Chapter 11

Defendant(s):

Intrepid Investment Bankers LLC

Represented By
Eric J Fromme
Sharon Z. Weiss

Movant(s):

Better 4 You Breakfast, Inc.

Represented By
Farbod Nourian
Allen B Felahy

Better 4 You Breakfast, Inc.

Pro Se

Better 4 You Breakfast, Inc.

Pro Se

Plaintiff(s):

Better 4 You Breakfast, Inc.

Represented By
Farbod Nourian
Allen B Felahy

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2:22-10994 Better 4 You Breakfast, Inc.

Chapter 11

Adv#: 2:23-01301 Better 4 You Breakfast, Inc. v. Intrepid Investment Bankers LLC

#210.00 Status Conference re: 91 (Declaratory judgment) Complaint by Better 4 You Breakfast, Inc. against Intrepid Investment Bankers LLC

fr: 8-29-23; 11-7-23, 1-9-24; 1-30-23; 6-18-24; 6-20-24; 7-2-24; 9-10-24

Docket 1

Courtroom Deputy:

8/28/23 - Amended Complaint filed

9/29/23 - Counterclaim and Jury Demand filed by Defendant

Tentative Ruling:

8/15/23 -- At hearing held this date on motion to dismiss, Court continued status conference to November 7, 2023 at 2:00 p.m. OFF CALENDAR FOR AUGUST 29, 2023. NO APPEARANCE REQUIRED.

8/18/23 -- Court entered an order granting defendant's motion to dismiss on following terms: Plaintiff's claim seeking refund or return of the \$75,000 non-refundable fee paid to Intrepid upon execution of the Engagement Agreement between Intrepid and Plaintiff (Dkt. No. 1, Ex. A.) is dismissed without leave to amend. Balance of the claims are dismissed WITH leave to amend. Plaintiff must file its amended complaint no later than August 28, 2023. Defendant must file its response to Plaintiff's amended complaint no later than September 27, 2023. The parties are directed to file a joint status report required by Local Bankruptcy Rule 7026-1 by no later than October 24, 2023. The court will conduct a status conference in this matter on November 7, 2023 at 2:00 p.m.

Tentative Ruling for November 7, 2023:

This may be styled as an action by the debtor, but the substance of the action is an objection to claim -- an action for declaratory relief as to the extent to which

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CONT... Better 4 You Breakfast, Inc.

Chapter 11

creditor's proof of claim should be allowed as a general unsecured claim in this bankruptcy case. Defendant has filed a proof of claim and has therefore waived any right to a jury trial. As this is a core matter, the court can enter final orders, and creditor's consent is not required.

In the future, court would like the parties to use its mandatory joint status report form. How long do the parties need to complete their discovery? Do the parties contemplate any pretrial motions? Is this an appropriate matter to be sent to mediation?

Hearing required.

Tentative Ruling for January 9, 2024:

Why is the status report filed unilateral? Where is the declaration that should accompany a unilateral status report?

Continue status conference approximately 90 to 120 days and order parties to complete a day of mediation prior to date of continued status conference.

Final Ruling for January 9, 2024:

Court imposed sanctions of \$250 on counsel for Intrepid for failing to cooperate in preparation of joint status report and failing to appear at January 9, 2024 status conference. Court continued status conference to January 30, 2024 and waived requirement that new status report be submitted.

Tentative Ruling for January 30, 2024:

Tentative ruling from January 9, 2024 remains unchanged.

2/5/24 -- Court approved scheduling order with following dates:

Cont'd status conference -- June 18, 2024 at 2:00 pm

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CONT... Better 4 You Breakfast, Inc.

Chapter 11

L/D to file joint status report -- June 4, 2024

L/D to complete mediation -- June 18, 2024

L/D to lodge order appointing mediators -- February 16, 2024

2/16/24 -- Court approved order appointing mediators.

6/4/24 -- At hearing held this date, Court continued status conference to July 2, 2024 at 2:00 p.m. OFF CALENDAR FOR JUNE 20, 2024.

Tentative Ruling for July 2, 2024:

Did the parties complete a day of mediation as directed by the Court? If not, why not? Hearing required.

Tentative Ruling for September 10, 2024:

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

9/9/2024 -- Court granted emergency motion to continue hearing on motion for leave to amend. Hearing on that motion (and adversary status conference) have been moved to September 24, 2024 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 10, 2024.

Tentative Ruling for September 24, 2024:

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

Party Information

Debtor(s):

Better 4 You Breakfast, Inc.

Represented By
David A. Tilem
Kerri A Lyman
Jeffrey M. Reisner
Allen B Felahy

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CONT... Better 4 You Breakfast, Inc.

Chapter 11

Defendant(s):

Intrepid Investment Bankers LLC

Pro Se

Plaintiff(s):

Better 4 You Breakfast, Inc.

Represented By
Farbod Nourian
Allen B Felahy