

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

Wednesday, September 29, 2021

Hearing Room 1539

10:00 AM

2:00-00000

Chapter 0

#0.00 All hearings scheduled for today will be conducted remotely, using ZoomGov video and audio.

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Docket 0

Courtroom Deputy:

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CONT...

Chapter 0

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:20-10127 Genaro Alvarado

Chapter 7

#1.00 U.S. Trustee's Motion for Fine and/or Disgorgement of Fees against Bankruptcy
Petition Preparer Jesus Lozano; Request for 110(j)(3) Injunction

Docket 19

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

Courtroom Deputy:

ZoomGov Appearance by:

9/28/21 - Ron Maroko

Tentative Ruling:

Grant motion. Enter order fining respondent \$500 for failing to comply with
order to pay debtor \$150 within 30 days and enjoining respondent from acting
as a bankruptcy petition preparer. APPEARANCES WAIVED. APPLICANT
IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE
RULING.

Party Information

Debtor(s):

Genaro Alvarado

Pro Se

Movant(s):

United States Trustee (LA)

Represented By
Ron Maroko

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:20-11547 Gennady Moshkovich

Chapter 7

#2.00 NVSI, Inc's. Motion for Order Approving Payment of Claim for Administrative Expenses (11 U.S.C. § 503(a), 11 U.S.C. § 503(b)(1)(A), 11 U.S.C. § 503 (b)(3), and 11 U.S.C. § 503(b)(4))

fr. 6-9-21, 7-28-21, 8-11-21, 9-1-21

Docket 356

***** VACATED *** REASON: 8/16/21 - ORDER ENTERED - MOTION
WITHDRAWN**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

An attorney for a creditor who makes a substantial contribution to a chapter 11 case pursuant to section 503(b)(3)(D) may recover reasonable compensation for professional services rendered as an administrative expense under section 503(b)(4). In re Mortgages Ltd., 2010 Bankr. LEXIS 5093, 2010 WL 6259981, at *7 (9th Cir. BAP Aug. 4, 2010). The principal test of substantial contribution is "the extent of benefit to the estate." In re Cellular 101, Inc., 377 F.3d 1092, 1096-97 (9th Cir. 2004), citing In re Christian Life Ctr., 821 F.2d 1370, 1373 (9th Cir. 1987); see also Pierson & Gaylen v. Creel & Atwood (In re Consol. Bancshares, Inc.), 785 F.2d 1249, 1253 (5th Cir. 1986) (reaffirming that "services which substantially contribute to a case are those which foster and enhance, rather than retard or interrupt the progress o[f] reorganization"). As stated in In re Catalina Spa & R.V. Resort, Ltd., 97 B.R. 13, 21 (Bankr. S.D. Cal. 1989):

Compensation cannot be freely given to all creditors who take an active role in bankruptcy proceedings, rather, it must be preserved for those rare occasions when the creditor's involvement truly fosters and enhances the administration of the estate. The integrity of § 503(b) can only be maintained by strictly limiting compensation to extra ordinary [sic] creditor actions which lead directly to significant and tangible benefits to the creditors, debtor, [*9] or the estate. While § 503 was enacted to encourage meaningful creditor participation, it should not become a vehicle for reimbursing every creditor

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CONT... **Gennady Moshkovich**
who elects to hire an attorney.

Chapter 7

In re PG&E Corp., No. 19-30088-DM, 2021 Bankr. LEXIS 371, at *8-9 (Bankr. N.D. Cal. Feb. 17, 2021).

None of the subsections of section 503(b) are applicable on the facts of this case. NVSI cannot recover for the costs of negotiating or drafting the sale agreement. This was never within the contemplation of the parties. The debtor did not obtain a sale procedures order authorizing a cost reimbursement to the stalking horse, and NVSI was not the stalking horse. Had the sale closed, or if NSVI had been outbid at a sale, it would not have been able to recover these costs.

The costs that NVSI incurred were not the actual and necessary costs of preserving the estate within the meaning of section 503(b)(1)(A). This fact pattern bears no resemblance to the instances in which fees and expenses have been awarded under this section. And 503(b)(3) does not provide a basis for allowance of the claim here in that it is far from clear that NVSI is a creditor within the meaning of that section and this is not a chapter 9 or chapter 11 case.

Moreover, the Court cannot find on these facts that NVSI provided a substantial contribution to this case. If NVSI had not entered into an agreement to purchase the property by September 25, 2020, the Court would have converted the case to chapter 7 at that time, and the chapter 7 trustee would not have been under the time crunch imposed by the court and NVSI's demands that it close the sale as expeditiously as possible. The court is not ready to conclude that no other alternative would have been available other than a foreclosure by Bobs. And, in any event, that contribution, if there was one, would have been made during the course of the resulting chapter 7 case, not in the chapter 11.

However, the more difficult question is whether there is a basis for the allowance of an expense of administration under the reasoning of Reading Co. v. Brown, 391 U.S. 471 (1968). In that case, the Supreme Court held that damages resulting from the negligence of a receiver acting within the scope of his authority as receiver give rise to actual and necessary costs of a

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CONT... Gennady Moshkovich

Chapter 7

chapter XI arrangement even when there was no actual benefit to the estate. In Reading, the negligence of the receiver and/or a workman retained by the receiver resulted in a fire at the debtor's real property that spread to surrounding properties, causing 146 separate fire damage claims.

Reading can be read to support the proposition that it is appropriate to grant administrative status to fees arising out of post-petition transactions or contracts with a debtor in possession or a trustee when wrongful conduct on the part of the debtor in possession or trustee injures third parties. However, if there is no wrongful conduct on the part of the trustee, courts are unlikely to allow an administrative claim. See, e.g., Total Minatome Corp. v. Jack/Wade Drilling, Inc. (In re Jack/Wade Drilling, Inc.), 258 F.3d 385 (5th Cir. 2001) (although the trustee's conduct in bringing a breach of contract action that he eventually lost caused a third party to incur expense, as the trustee's conduct was not wrongful, no fee award was appropriate).

So how does this reasoning apply here? Did the debtor engage in wrongful conduct during the course of administering the estate that led NVSI to incur fees and expenses? He made optimistic representations to the court and the parties that it was unlikely that there would be significant capital gains liability if the sale were consummated. He failed to perform under the contract, causing the court to convert the case as a means to put a trustee in place promptly so that the contract could be performed. But is there any legal theory under which NVSI would be entitled to recover its attorneys' fees and expenses now that the orders approving the contract have been vacated? Could NVSI establish damages for fraud? Did the debtor *knowingly* make a false representation about the likelihood that there would be capital gains liability? Is there a contractual theory of recovery for attorneys' fees under the now-unenforceable contract in light of the fact that NVSI did not ultimately become the prevailing party?

In all the cases in which the holding of the Reading case has been used to grant administrative status to a claim asserted against the estate, there was an underlying tort or contract theory that entitled the party asserting the claim to recover. The question was whether or not the claim asserted should be treated as an administrative claim. What is the nonbankruptcy theory of recovery here? In the absence of a workable theory of liability, the Court

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CONT... Gennady Moshkovich

Chapter 7

would not be inclined to extend the holding of Reading to cover this fact pattern.

Hearing required.

6/23/21 -- Court approved stipulation continuing hearing to August 11, 2021 at 11:00 a.m. NO APPEARANCE REQUIRED ON JULY 28, 2021.

7/16/21 -- Court approved stipulation continuing hearing to September 1, 2021 at 11:00 a.m. NO APPEARANCE REQUIRED ON AUGUST 11, 2021.

8/6/21 -- Court approved stipulation continuing hearing to September 29, 2021 at 10:00 a.m. (See order for additional dates.) NO APPEARANCE REQUIRED ON SEPTEMBER 1, 2021.

Motion has been withdrawn by movant. Off calendar. No appearance necessary.

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

NVSI, INC., its successors and/or

Represented By
Joshua L Scheer
Timothy J Silverman

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

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2:20-15392 Gabriel Flores and Zoraya Flores

Chapter 7

#3.00 U.S. Trustee's Motion for Fine and/or Disgorgement of Fees against Bankruptcy Petition Preparer Marion S. Ramon aka Mario Ramon Patino and Quick and Easy Solutions; Request for 110(j)(3) Injunction

Docket 36

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

Courtroom Deputy:

ZoomGov Appearance by:

9/28/21 - Mario Ramon

9/28/21 - Ron Maroko

Tentative Ruling:

Grant motion. Enter order (1) fining respondent \$500 for failing to comply with order to disgorge fees and pay fines and liquidated damages within 30 days and (2) enjoining respondent from acting as a bankruptcy petition preparer. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Gabriel Flores

Represented By
Mark E Brenner

Joint Debtor(s):

Zoraya Flores

Represented By
Mark E Brenner

Movant(s):

United States Trustee (LA)

Represented By
Ron Maroko

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CONT... Gabriel Flores and Zoraya Flores

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

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10:00 AM

2:21-12393 Aaron Viet Lao

Chapter 7

#4.00 Debtor's Motion to Convert Case From Chapter 7 to 13

fr. 8-18-21

Docket 20

***** VACATED *** REASON: 9/22/21 - STIPULATED VOLUNTARY
DISMISSAL OF MOTION FILED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling for August 18, 2021:

Debtor has acted in bad faith by failing to disclose transfers of interests in the house in the year preceding the bankruptcy in his statement of financial affairs. These transfers resulted in a net loss of 16.67% of the property (from 50 percent to 33.33 percent). It is far from clear that the debtor has sufficient disposable income to fund a chapter 13 plan based on his own earnings, and it does not appear that the debtor needs to be in chapter 13 because the loan is in default. The purpose of the chapter 13 is to prevent the chapter 7 trustee from prosecuting a fraudulent transfer action.

Court will not adjudicate the merits of the fraudulent transfer action in connection with a motion to convert. Continue the hearing on the motion approximately 30 days and direct the parties to confer with regard to the prospect of a consensual resolution of their respective disputes.

Motion has been withdrawn by movant. Off calendar. No appearance necessary.

Party Information

Debtor(s):

Aaron Viet Lao

Represented By
Christopher J Langley

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CONT... Aaron Viet Lao

Chapter 7

Movant(s):

Aaron Viet Lao

Represented By
Christopher J Langley
Christopher J Langley

Trustee(s):

Timothy Yoo (TR)

Represented By
Carmela Pagay

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10:00 AM

2:21-15007 Pacific Theatres Exhibition Corp.

Chapter 7

#5.00 GGP Northridge Fashion Center, LP's Motion to Compel Trustee to Abandon Interest in Property of Estate and for Other Appropriate Relief

Docket 55

Courtroom Deputy:

ZoomGov Appearance by:

9/28/21 - Philip Gasteier

Tentative Ruling:

It does not appear that movant has requested the correct form of relief. This chapter 7 case was commenced by the filing of a voluntary chapter 7 petition on June 18, 2021. Therefore, the underlying lease of real property was deemed rejected by operation of law on August 17, 2021. BofA asserts a security interest in some or all of the personal property that remains at the leased premises. Some of the personal property may have become so affixed to the premises that, at this point, the property has become part of the real property and therefore belongs to the lessor, but the court cannot and will not adjudicate in this procedural context which property should be characterized as a fixture and which remains part of BofA's collateral.

In any event, "abandonment" does not appear to be the correct remedy on these facts. First, the motion does not contain a sufficient evidence to permit the court to determine that the remaining personal property is burdensome to the estate or of inconsequential value. The court has no idea what the value of any such property, inventory or equipment may be. Moreover, the concept of "abandonment" as contemplated by section 554 of the bankruptcy code is not the same thing as a literal abandonment of the property. When an estate abandons its interest in property under the bankruptcy code, the property is abandoned to someone who has an interest in the property, which, as discussed above, may be either the lessor or BofA. It appears that what the landlord really wants is to be able to treat the property as literally having been abandoned by the former tenant within the meaning of applicable nonbankruptcy law so that the lessor can utilize the remedies that would

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CONT... Pacific Theatres Exhibition Corp. Chapter 7

otherwise be available to a lessor under state law. In other words, the lessor wants relief from the automatic stay to exercise its rights and remedies with regard to any personal property that has not become a fixture. (As to fixtures, it may well be that the lessor already has relief from stay by virtue of the deemed rejection.) Court agrees that the lessor must use the mandatory form motion in order to seek such relief.

However, to the extent that the trustee takes the position that the estate retains ownership of some or all of the property that remains on the premises, this means that the trustee has not actually vacated the premises and, therefore, that the estate is incurring post-petition liability for the use of the premises even after the date of the alleged surrender or deemed rejection. (Court expresses no view as to the appropriate standard for measuring the value of such possession -- whether there is a presumption that the rental rate under the lease is the correct amount or whether the trustee can demonstrate that a lesser rental (or storage) rate is applicable.)

Accordingly, deny motion without prejudice to the filing of a motion for relief from stay on the court's mandatory forms.

Party Information

Debtor(s):

Pacific Theatres Exhibition Corp.

Represented By
Erin N Brady

Movant(s):

GGP Northridge Fashion Center, LP

Represented By
William W Huckins

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

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10:00 AM

2:21-15007 Pacific Theatres Exhibition Corp.

Chapter 7

#6.00 Trustee's Motion To Approve Sale Of Right, Title And Interest In Liquor License (Pasadena), Free And Clear Of Liens, Claims And Interests; Approving Overbid Procedures

Docket 71

Courtroom Deputy:

ZoomGov Appearance by:

9/27/21 - Jason Kho

9/28/21 - Philip Gasteier

Tentative Ruling:

Grant motion. Approve overbid procedures (if there are any overbidders) and sale to highest bidder. Make 363(m) finding, approve consultant's fee and waive provisions of Rule 6004(h).

Party Information

Debtor(s):

Pacific Theatres Exhibition Corp.

Represented By
Erin N Brady

Movant(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

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2:14-21184 Tower General Contractors

Chapter 11

#7.00 Debtor's Motion to Approve Compromise of Controversy Between The Reorganized Debtor and Pasadena Hospital Association, LTD., dba Huntington Hospital & Authorize Payments

Docket 333

Courtroom Deputy:

ZoomGov Appearance by:

9/28/21 - Jeffrey Shinbrot

Tentative Ruling:

Grant motion. Approve compromise. Does reorganized debtor agree with calculations in EWB's response?

Party Information

Debtor(s):

Tower General Contractors

Represented By
Jeffrey S Shinbrot

Movant(s):

Tower General Contractors

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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2:21-10826 Kfir Gavrieli

Chapter 11

#8.00 Chapter 11 Trustee's Application to Amend Orders Approving Employment of Certain Estate Professionals Effective as of July 28, 2021 re ECF Nos. 100-101, 250-251

Docket 422

Courtroom Deputy:

ZoomGov Appearance by:

9/24/21 - Robert Kors, (310)614-8754

9/24/21 - Mark Shinderman, (424)386-4411

9/24/21 - William Schumacher, (424)386-4347

9/28/21 - Peter Gilhuly

9/28/21 - Daniel Schechter

9/28/21 - Edward McNeilly

9/28/21 - Jeffrey Reisner

9/28/21 - Najah Shariff

Tentative Ruling:

Firm is to be retained as special litigation counsel, not general insolvency counsel. Court is satisfied that firm has no conflict of interest that is relevant to the matter for which it is to be retained and that the substantial history and experience that the firm has in connection with the subject matter of the litigation would result in a significant cost savings as compared with requiring the trustee to retain new counsel and permit that counsel to get up to speed. Moreover, court is confident that the trustee will have the ability to control the firm sufficiently to ensure that its prior "scorched earth" tactics do not continue unless the trustee deems such measures to be appropriate. Overrule objection and grant motion.

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CONT... Kfir Gavrieli

Chapter 11

Party Information

Debtor(s):

Kfir Gavrieli

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

Movant(s):

Robert Allan Kors (TR)

Represented By
William Schumacher
Mark Shinderman
Mohammad Tehrani

Trustee(s):

Robert Allan Kors (TR)

Represented By
William Schumacher
Mark Shinderman
Mohammad Tehrani

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2:21-10826 Kfir Gavrieli

Chapter 11

#9.00 Debtor's Second Amended Disclosure Statement for Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the Bankruptcy Code

fr. 6-16-21, 7-14-21, 8-18-21

Docket 308

***** VACATED *** REASON: CONT'D. TO 10/27/21 @ 10AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Continue hearing for not less than 30 to 45 days to give trustee appointed an opportunity to assess whether or not to support the debtor's plan of reorganization.

6/12/21 -- Court approved stipulation continuing hearing to July 14, 2021 at 11:00 a.m. OFF CALENDAR FOR JUNE 14, 2021.

6/30/21 -- Court approved stipulation continuing hearing to August 18, 2021 at 10:00 a.m. OFF CALENDAR FOR JULY 14, 2021.

8/12/21 -- Court approved stipulation continuing hearing to September 29, 2021 at 10:00 a.m. OFF CALENDAR FOR AUGUST 18, 2021.

9/21/21 -- Court approved stipulation continuing hearing to October 27, 2021 at 10:00 a.m. OFF CALENDAR FOR SEPTEMBER 29, 2021.

Party Information

Debtor(s):

Kfir Gavrieli

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

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CONT... Kfir Gavrieli

Chapter 11

Trustee(s):

Robert Allan Kors (TR)

Represented By

William Schumacher

Mark Shinderman

Mohammad Tehrani

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2:21-10826 Kfir Gavrieli

Chapter 11

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

fr. 3-31-21, 5-5-21, 6-16-21, 7-14-21, 8-18-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

9/24/21 - Robert Kors, (310)614-8754

9/24/21 - Mark Shinderman, (424)386-4411

9/24/21 - William Schumacher, (424)386-4347

9/28/21 - Peter Gilhuly

9/28/21 - Daniel Schechter

9/28/21 - Edward McNeilly

9/28/21 - Jeffrey Reisner

9/28/21 - Najah Shariff

Tentative Ruling:

Continue status for not less than 30 to 45 days to give trustee appointed an opportunity to acquaint himself/herself with the case.

6/12/21 -- Court approved stipulation continuing hearing to July 14, 2021 at 11:00 a.m. OFF CALENDAR FOR JUNE 14, 2021.

6/30/21 -- Court approved stipulation continuing hearing to August 18, 2021 at 10:00 a.m. OFF CALENDAR FOR JULY 14, 2021.

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CONT... Kfir Gavrieli

Chapter 11

Tentative Ruling for August 18, 2021:

At trustee's request, continue case status conference to September 29, 2021 at 10:00 a.m. to be heard concurrently with other matters scheduled for that date and time. (No new status report required.)

With regard to trustee's request that the court set a hearing on September 8, 2021 at 2:00 p.m. for a hearing on interim and monthly fee applications, court is confused. The order granting the debtor's motion and establishing monthly payment procedures (docket no. 103) does not contemplate a hearing when there has been an objection to a monthly fee application. Instead, the debtor is to pay 80 percent of the undisputed amount of the fees and 100 percent of the costs and the court is to consider any disputed amounts at the next interim fee hearing or at such other time as may be noticed by the professional whose monthly fee application was the subject of an objection. If the trustee wants final fee applications to be heard on October 13, 2021, wouldn't it make more sense to have the pending applications and objections heard at that time?

Tentative Ruling for September 29, 2021:

Hearing required.

Party Information

Debtor(s):

Kfir Gavrieli

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

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2:21-11188 Glenroy Coachella, LLC

Chapter 11

#11.00 U.S. Real Estate Credit Holdings III-A, LP's Motion to Excuse State Court Receiver, Edwin Leslie, From Turnover of Assets Under 11 U.S.C. Section 543

fr. 3-10-21, 4-7-21, 5-5-21, 7-7-21, 7-28-21, 8-18-21, 8-31-21

Docket 42

Courtroom Deputy:

ZoomGov Appearance by:

9/16/21- Marsha Houston

9/16/21- Christopher Rivas

9/27/21 - Timothy laquer

9/28/21 - Mark Horoupian

9/28/21 - Carolyn Djang

Tentative Ruling:

Tentative Ruling from March 10, 2021:

It is not the case that appointment of a trustee moots this motion. Debtor only owns a portion of the title to the affected real property as a tenant in common. There are three other owners who are not in bankruptcy. The receiver was not appointed for the debtor. The receiver was appointed to take charge of the property. It makes no sense to have the receiver controlling three of the undivided interests in the property and the debtor's trustee controlling the other. If there are concerns about the choice of Mr. Leslie as the receiver, the court will grant relief from stay to permit the trustee that the court will appoint in response to the motion on calendar as number 4 to litigate those concerns on behalf of the debtor, should he or she elect to do so.

Final Ruling from March 10, 2021:

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CONT... Glenroy Coachella, LLC

Chapter 11

Court appointed trustee in response to related motion. Court continued hearing on this motion to April 7, 2021 at 10:00 a.m. to give the trustee an opportunity to consider his/her position with regard to this motion. Order continuing hearing should clarify that receiver may remain in possession pending outcome of the hearing on this motion.

3/26/21 -- Court approved stipulation continuing hearing to May 5, 2021 at 10:00 a.m. OFF CALENDAR FOR APRIL 7, 2021.

Tentative Ruling for May 5, 2021:

Trustee requests a continuance to July 7, 2021 at 10:00 a.m. and that the status quo be maintained in the interim. Grant trustee's request. Continue hearing to July 7, 2021 at 10:00 a.m. Authorize receiver to remain in possession in the interim. (Counsel for receiver should lodge order to this effect.)

Movant objects and claims that the trustee should abandon the estate's interest in the real property. But that is not the relief requested by this motion. If the movant would like the trustee to abandon the property and the trustee is not willing to do so, the lender should bring a motion to compel abandonment. The granting of a motion to permit the lender to remain in possession would not amount to the abandonment of the estate's interest in the property, nor would it result in termination of the automatic stay. It would simply permit the receiver to remain as the custodian of the property while the trustee continues to administer the estate.

NOTE: Movant complains that the co-tenants are demanding concessions in exchange for their willingness to convey their interests to the estate, but what obligation do they have to convey these interests to the estate? The trustee could no doubt file an adversary proceeding under section 363(h), but that would entail expense and delay.

6/28/21 -- Court approved stipulation continuing hearing to July 28, 2021 at 10:00 a.m. and excusing receiver from turnover in the interim. OFF CALENDAR FOR JULY 7, 2021.

**United States Bankruptcy Court
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10:00 AM

CONT... Glenroy Coachella, LLC

Chapter 11

7/16/21 -- Court approved stipulation continuing hearing to August 18, 2021 at 10:00 a.m. and excusing receiver from turnover in the interim. OFF CALENDAR FOR JULY 28, 2021.

8/6/2021 -- Court approved stipulation continuing hearing to August 31, 2021 at 2:00 p.m. and excusing receiver from turnover in the interim. OFF CALENDAR FOR AUGUST 18, 2021.

8/23/2021 -- Court approved stipulation continuing hearing to September 29, 2021 at 10:00 a.m. and excusing receiver from turnover in the interim. OFF CALENDAR FOR AUGUST 31, 2021.

Tentative Ruling for September 29, 2021:

When does current stipulation expire? Hearing should be continued to September 30, 2021 at 10:00 a.m. as holding date, but receiver should be excused from turnover in the interim (and, if court approves sale, until sale closes).

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Movant(s):

U.S. Real Estate Credit Holdings III-

Represented By
Marsha A Houston
Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
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Hearing Room 1539

10:00 AM

2:21-11188 Glenroy Coachella, LLC

Chapter 11

#12.00 U.S. Real Estate Credit Holdings III-A, LP's Motion For Determination Of The Value Of The Alleged Secured Claims Of Constructure, Inc. And Siteone Landscape Supply, And For The Expungement Of Mechanics Liens [11 U.S.C. § 506(A); Bankruptcy Rule 3012]

Docket 430

Courtroom Deputy:

ZoomGov Appearance by:

9/16/21- Marsha Houston

9/16/21- Christopher Rivas

9/27/21 - Timothy laquer

9/28/21 - Mark Horoupian

9/28/21 - Carolyn Djang

Tentative Ruling:

Grant motion. Enter order declaring identified mechanics' liens to be unenforceable in light of the fact that lawsuits to foreclose the liens were not filed within 90 days of the recordation of the liens.

As court explained at the prior hearing, although it might be argued that an adversary proceeding is required under FRBP 7001 to adjudicate the validity of a lien, Cal. Civ. Code section 8460 explains that, if the holder of a recorded mechanic's lien fails to commence an action to foreclose that lien within 90 days, "the claim of lien expires and is unenforceable." Under Cal. Civ. Code section 8480, any holder of an interest in the property may petition the court for an order to release the lien from the property. While this would require the commencement of an action in state court (as the court would have to open a docket, assign a judge, etc.), the filing of a petition is different from the commencement of an action and was clearly designed to be an expedited

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CONT... Glenroy Coachella, LLC

Chapter 11

procedure. Under these circumstances, where the applicable nonbankruptcy law says there is no lien based on facts of which the court can take judicial notice, no one has opposed the motion and there is no dispute as to the underlying facts, this court concludes that an adversary proceeding is not required.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Movant(s):

U.S. Real Estate Credit Holdings III-

Represented By
Marsha A Houston
Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
D Edward Hays

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Hearing Room 1539

11:00 AM

2:21-10943 Mr. Holmes, Inc.

Chapter 7

#100.00 Trustee's Omnibus Motion to:

- 1) Approve Compromise with JPMorgan Chase Bank
- 2) Approve Compromise with AP Highland Park LP and Authorize Lease Rejection of Los Angeles Premises
- 3) Approve Compromise with Gaetani Real Estate, Inc. for Steve Tappe et al. and Authorize Lease Rejection of San Francisco Premises
- 4) Authorize Sale Free and Clear of Liens of Estate's Right, Title and Interest in Intangible Assets including Assignment of Executory Contracts
- 5) Authorize Sale Free and Clear of Liens of Estate's Right, Title and Interest in Personal Property located at Los Angeles Premises
- 6) Authorize Sale Free and Clear of Liens of Estate's Right, Title and Interest in Personal Property located at San Francisco Premises
- 7) Authorize Abandonment of Property Remaining in Leased Premises

fr. 6/30/21, 8-11-21, 9-8-21

Docket 37

Courtroom Deputy:

ZoomGov Appearance by:

9/27/21 - Joseph Delmotte

9/27/21 - Mark Romeo

9/28/21 - Ron Bender

9/28/21 - Vijay Pillai

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11:00 AM

CONT... Mr. Holmes, Inc.

Chapter 7

9/28/21 - Alphamorlai Kebeh

9/28/21 - Zev Shechtman

9/28/21 - Danielle Gabai

9/28/21 - Laura Reid

9/28/21 - Orlee Rabin

9/28/21 - Richard Reese

Tentative Ruling:

Tentative Ruling for June 30, 2021:

Are all agreements conditioned on approval of each and every agreement?
Are any of the agreements conditioned on approval of any other agreement?
Court appreciates the desire of the trustee to economize, but, except to the extent that the effectiveness of a given agreement is conditioned on approval of another agreement (and perhaps not even then), the court would prefer that separate compromises be the subject of separate motions. The trustee has combined too much into a single motion here, as a result, the motion is slight on detail and confusing.

What are the tangible assets being sold? Is there an inventory of them anywhere or is there just the general description contained in the body of the motion and the agreement? What steps has the trustee taken in an effort to market the tangible assets?

What are the debtor's franchise rights? Is the debtor the franchisor or a franchisee? Are these agreements even assignable? Copies of these agreements are not attached. Are there any arrearages under the agreements to be assumed and assigned? Exhibit A to Exhibit 5 identifies the contracts to be assigned as franchise agreements and multi-use development agreements in Singapore, Kuwait, Saudi Arabia, Bahrain, Qatar and the UAE. Were the counterparties to these agreements even served with

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CONT... Mr. Holmes, Inc.

Chapter 7

this motion? Is there any description of what these rights actually are anywhere in the motion?

Why is Exhibit 5 not even completed or signed? Has Vijay Pillai signed this agreement? (Debtor has now filed a signed copy of this agreement.)

What is the trustee's response to Chase's notice of conditional nonopposition?

Hearing required.

Final Ruling for June 30, 2021:

Motion granted in part and continued in part.

Compromise with Chase was approved, subject to modifications discussed on the record concerning a carveout for Financial Pacific.

Court granted balance of relief requested by motion, with the exception of the abandonment/sale of the San Francisco equipment. Hearing on that portion of the relief requested by the motion continued to August 11, 2021 at 11:00. Any supplemental papers must be filed by August 2, 2021.

With regard to sale of intangibles, after negotiations at hearing, court approved sale by trustee to two different purchasers for a total of \$150,000 -- one for rights in the Middle East, Europe and the UK and including Instagram and website; the other for Asia and the United States and balance of intellectual property. (Rights in other parts of the world to be held jointly unless parties agree to different division.) Court set holding date of July 13, 2021 at 10:00 for a continued hearing on the form of the order concerning the sale of intangibles.) Trustee should lodge an order on balance of relief and note in that order that the trustee's sale of intangibles will be addressed in a separate order.

7/6/21 -- Court approved order memorializing June 30, 2021 rulings.

Final Ruling from July 13, 2021:

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11:00 AM

CONT... Mr. Holmes, Inc.

Chapter 7

Hearing on form of order can be taken off calendar. Parties have agreed upon and are circulating approved form of order.

7/15/21 -- Court approved order on sale of intangibles.

Tentative Ruling for August 11, 2021:

What, if anything, has transpired since June 30, 2021 with regard to the San Francisco equipment? Hearing required.

Final Ruling for August 11, 2021:

Trustee is still trying to sell San Francisco equipment. At trustee's request, continue hearing to September 8, 2021 at 10:00 a.m.

Tentative Ruling for September 8, 2021:

What, if anything, has transpired since June 30, 2021 with regard to the San Francisco equipment? Hearing required.

Tentative Ruling for September 29, 2021:

Grant motion. Approve sale to highest bidder.

Party Information

Debtor(s):

Mr. Holmes, Inc.

Represented By
David B Zolkin

Movant(s):

Rosendo Gonzalez (TR)

Represented By
Zev Shechtman
Alphamorlai Lamine Kebeh

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CONT... Mr. Holmes, Inc.

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Represented By

Zev Shechtman

Alphamorlai Lamine Kebeh

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Wednesday, September 29, 2021

Hearing Room 1539

11:00 AM

2:20-20876 Airport Van Rental, Inc., a California corporation and

Chapter 11

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

fr. 1-27-21, 4-7-21, 4-21-21, 7-14-21, 7-28-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

9/28/21 - Zev Shechtman

9/28/21 - Alphonse Kebeh

9/28/21 - Danielle Gabai

Tentative Ruling:

12/17/20 -- At hearing held this date, Court advised parties that this status conference would be called at 11:00 a.m. instead of 10:00 a.m.

Tentative Ruling for January 27, 2021:

Set deadline for service of notice of bar date and bar date. Continue case status conference for approximately 90 days.

2/1/21 -- Court approved scheduling order with following dates:

Cont'd status conference -- April 7, 2021 at 11:00 a.m.

L/D to serve notice of bar date -- February 1, 2021

Bar date -- March 19, 2021

L/D to file updated status report -- March 26, 2021

3/26/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. OFF CALENDAR FOR APRIL 7, 2021.

Tentative Ruling for April 21, 2021:

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11:00 AM

CONT... Airport Van Rental, Inc., a California corporation and

Chapter 11

(Debtors need not continue answering the same questions in subsequent status reports. Debtors should include in its status report a general discussion of the status of the case and the debtors' efforts to reorganize their affairs.)

Now that a number of states have lifted or reduced restrictions and travel is increasing, has the debtors' business been improving? When are the debtors' projecting that their business will have "normalized"? Hearing required.

Tentative Ruling for July 14, 2021:

Court has reviewed debtor in possession's status report. Continue case status conference (as a holding date) to July 28, 2021 at 10:00 a.m. to be heard concurrently with other matters on calendar for that date. No new status report required for July 28 hearing. APPEARANCES WAIVED ON JULY 14, 2021.

Tentative Ruling for July 28, 2021:

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

9/1/21 -- Court granted motion extending exclusivity periods to October 8, 2021 and December 7, 2021, respectively.

Tentative Ruling for September 29, 2021:

There is one thing that was not addressed in the status report -- how is business? How are the debtor's operations doing? Hearing required.

Party Information

Debtor(s):

Airport Van Rental, Inc., a California

Represented By
Zev Shechtman
John N Tedford IV
Michael G D'Alba

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11:00 AM

CONT...

Airport Van Rental, Inc., a California corporation and

Alphamorlai Lamine Kebeh

Chapter 11

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Wednesday, September 29, 2021

Hearing Room 1539

11:00 AM

2:21-11994 Clifford Passage, LLC

Chapter 11

#102.00 Scheduling and Case Management Conference in a Chapter 11 Case
fr. 4-28-21, 7-28-21

Docket 1

***** VACATED *** REASON: CONT'D. TO 12/1/21 @ 11AM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

(Debtor filed status report late.) Set bar date and deadline for serving notice of bar date. When does debtor anticipate that it will be filing application to employ counsel and real estate broker? Hearing required.

5/7/21 -- Court approved scheduling order with following dates:

L/D for debtor to serve notice of bar date -- May 7, 2021

Bar date -- July 9, 2021

Cont'd status conference -- July 28, 2021 at 11:00 a.m.

L/D to file updated status report -- July 16, 2021

Tentative Ruling for July 28, 2021:

Where is the updated status report that should have been filed by July 16, 2021? The debtor's only asset is 143 acres of vacant land in Tehachapi. Debtor's initial status report asserted that its intention was to sell the property in order to pay its creditors. Why hasn't the debtor filed a motion to employ a real estate broker? Has any progress been made in this case since it was filed on March 12, 2021?

Issue OSC why case should not be dismissed or converted.

Final Ruling for July 28, 2021:

Continue status conference to September 29, 2021 at 11:00 a.m. Debtor

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11:00 AM

CONT... Clifford Passage, LLC

Chapter 11

should file and serve status report by September 17, 2021.

Tentative Ruling for September 29, 2021:

Once again, the debtor has filed its status report late. At debtor's request, continue status conference to December 1, 2021 at 11:00 a.m. **Debtor should file updated status report not later than November 19, 2021.**
APPEARANCES WAIVED ON SEPTEMBER 29, 2021.

Party Information

Debtor(s):

Clifford Passage, LLC

Represented By
Matthew Abbasi

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11:00 AM

2:19-21726 Grandview Hills LLC

Chapter 11

#103.00 Order to Show Cause Why the Court should not order the Clerk of the Court to sign on Tymeout's behalf such documents as may be necessary to permit escrow to close on the sale of the real property from Tymeout to Plentywood

Docket 190

Courtroom Deputy:

ZoomGov Appearance by:

9/27/21 - Louis Esbin

Tentative Ruling:

There has been no written response to the Court's Order to Show Cause. What, if anything, has transpired with regard to the close of escrow since the Court's order was entered? Do we know whether the appropriate parties ever received a copy of the Court's order?

Hearing required.

Party Information

Debtor(s):

Grandview Hills LLC

Represented By
Louis J Esbin

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Hearing Room 1539

11:00 AM

2:19-21726 Grandview Hills LLC

Chapter 11

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

fr. 12-4-19, 3-4-20, 7-1-20, 10-7-20, 1-6-21, 4-7-21, 6-16-21, 8-18-21, 9-15-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

9/27/21 - Louis Esbin

Tentative Ruling:

Tentative Ruling for December 4, 2019:

Debtor owns 80 percent of the Real Property as a tenant in common with whom? Do the managing member's parents own the other 20 percent as joint tenants? And the debtor itself is 80 percent owned by George Gabriel and 20 percent owned by his father? When was the deed of trust held by Tymeout recorded in the first place? What were the proceeds of the loan used for?

Set bar date and deadline for serving notice of bar date.

12/11/19 -- Court approved order setting following dates:
L/D to serve notice of bar date -- 12/13/19
Bar date -- 1/31/20
Cont'd case status conference -- 03/04/20 at 11:00 a.m.
L/D to file updated case status report -- 02/21/20.

Tentative Ruling for March 4, 2020:

Status report was filed late (on February 27, 2020). Discuss with debtor pending litigation in state court concerning the parties' respective priorities. Set deadline for debtor to commence litigation in this court to resolve these issues. Explore whether ordering the parties to mediation would be useful.

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11:00 AM

CONT... Grandview Hills LLC

Chapter 11

Hearing required.

Tentative Ruling for July 1, 2020:

What is currently happening at the property? Who is collecting rents? Are tenants paying rent? Did debtor seek and obtain any stays pending appeal? Hearing required.

NOTE: There are a number of inaccurate or misleading statements in the case status report. For example, there is no mention made of the prior in rem order for relief. Instead, the report makes it appear that the first time Tymeout obtained relief from stay was in the April 28, 2020 order, which was not the case. And the statement that the debtor, "of course" obtained a stay of the foreclosure proceedings by filing this case is inconsistent with the court's prior rulings in this matter.

Tentative Ruling for October 7, 2020:

Discuss with the parties whether to grant the debtor's request that the debtor and Tymeout be ordered to mediation. Hearing required.

10/16/20 -- Court approved order directing parties to complete a day of mediation not later than January 5, 2021 and setting the following additional dates:

Cont'd case status conference -- January 6, 2021 at 11:00
L/D to file updated case status report -- December 27, 2020
L/D to lodge order appointing mediators -- October 26, 2020. (If Tymeout fails to cooperate in selection of mediator, debtor may file declaration to this effect and lodge unilateral order appointing mediators of its choosing. If Tymeout fails to participate in mediation, debtor should file declaration to this effect and court will issue an order to show cause why Tymeout should not be held in contempt.)

11/13/20 -- Court approved order appointing mediators.

Tentative Ruling for January 6, 2021:

Court has not approved a settlement agreement, so it is not in a position to issue an order to show cause why someone should, or should not, be held in breach of that

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Hearing Room 1539

11:00 AM

CONT...

Grandview Hills LLC

Chapter 11

agreement. The debtor is a party to the proposed agreement. Does it intend to seek court approval of the agreement? If not, why not? Hearing required.

Tentative Ruling for April 7, 2021:

At debtor's request, continue case status conference to June 16, 2021 at 11:00 a.m. to give escrow an opportunity to close and debtor an opportunity to request dismissal of this case. APPEARANCES WAIVED ON APRIL 7, 2021.

(NOTE: Court signed order granting motion for approval of global compromise on April 2, 2021.)

Tentative Ruling for June 16, 2021:

Case needs to be dismissed, but not until escrow has closed. At debtor's request, continue status conference to August 18, 2021 at 10:00 a.m. to give escrow an opportunity to close. Debtor should file updated status report not later than August 6, 2021. APPEARANCES WAIVED ON JUNE 16, 2021.

Tentative Ruling for August 18, 2021:

Case needs to be dismissed, but not until escrow has closed. At debtor's request, continue status conference to October 27, 2021 at 11:00 a.m. to give escrow an opportunity to close. Debtor should file updated status report not later than October 13, 2021. APPEARANCES WAIVED ON AUGUST 18, 2021; however, if debtor would prefer that court issue OSC why parties have not performed and set a hearing on the OSC for October 27, 2021 at 11:00 a.m. instead, counsel may appear and request such relief.

Final Ruling for August 18, 2021:

Continue hearing to September 15, 2021 at 10:00 a.m. (later moved to 11:00 a.m.) Debtor will file and serve motion to compel by August 25, 2021 and set it for hearing on September 15, 2021 at 10:00 a.m. (later moved to 11:00 a.m.) Requirement of updated status report waived.

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11:00 AM

CONT... Grandview Hills LLC

Chapter 11

Tentative Ruling for September 29, 2021:

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

Party Information

Debtor(s):

Grandview Hills LLC

Represented By
Louis J Esbin

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Hearing Room 1539

2:00 PM

2:18-14217 Julio Villatoro and Maria Villatoro

Chapter 7

#200.00 Trustee's Final Report and Applications for Compensation

Docket 58

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Julio Villatoro

Represented By
Julie J Villalobos

Joint Debtor(s):

Maria Villatoro

Represented By
Julie J Villalobos

Trustee(s):

Carolyn A Dye (TR)

Represented By
Leonard Pena

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Hearing Room 1539

2:00 PM

2:20-13276 Growing Educators, Inc

Chapter 7

#201.00 Trustee's Final Report and Applications for Compensation

Docket 49

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Growing Educators, Inc

Represented By
Sanaz Sarah Bereliani

Trustee(s):

Elissa Miller (TR)

Pro Se

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Hearing Room 1539

2:00 PM

2:21-10943 Mr. Holmes, Inc.

Chapter 7

#202.00 First Interim Application For Compensation And Reimbursement Of Expenses for Danning Gill Israel & Krasnoff LLP, General Counsel, Period: 2/16/2021 to 7/31/2021

[Fees requested: \$110,657.00, Expenses: \$3,950.71]

Docket 60

***** VACATED *** REASON: CONT'D. TO 10/27/21 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

9/17/21 -- Court approved stipulation continuing hearing date to October 27, 2021 at 2:00 p.m. OFF CALENDAR FOR SEPTEMBER 29, 2021.

Party Information

Debtor(s):

Mr. Holmes, Inc.

Represented By
David B Zolkin

Movant(s):

Danning Gill Israel & Krasnoff LLP

Represented By
Zev Shechtman

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Zev Shechtman
Alphamorlai Lamine Kebeh

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2:00 PM

2:21-15214 Community Therapies

Chapter 7

#203.00 Application for Compensation and Reimbursement of Expenses for Susan K Seflin, SubChapter VTrustee Period: 6/25/2021 to 7/30/2021
[Fees requested: \$8437.50, Expenses: \$0]

Docket 87

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant application. Allow on final basis as a chapter 11 expense of administration fees of \$8,437.50 and no costs. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO LODGE ORDER(S) GRANTING APPLICATION(S) ON TERMS CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Community Therapies

Represented By
John D Faucher

Movant(s):

Susan K Seflin (TR)

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Caroline Djang

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Hearing Room 1539

2:00 PM

2:21-14449 Alex A. Khadavi

Chapter 11

#204.00 Application for Compensation and Reimbursement of Expenses for Michael Jay Berger, Debtor's Attorney, Period: 5/28/2021 to 8/26/2021
[Fees requested: \$49,625.50, Expenses: \$600.75]

Docket 78

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

Courtroom Deputy:

ZoomGov Appearance by:

9/24/21 - Michael Jay Berger

Tentative Ruling:

Grant application. Allow on interim basis fees of \$49,625.50 and costs of \$600.75. Ratify payments made to date and authorize payment of remaining balance due on pro rata basis from available funds. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO LODGE ORDER(S) GRANTING APPLICATION(S) ON TERMS CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Alex A. Khadavi

Represented By
Michael Jay Berger

Movant(s):

Alex A. Khadavi

Represented By
Michael Jay Berger
Michael Jay Berger
Michael Jay Berger

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Hearing Room 1539

2:00 PM

2:21-15313 Gary John Neville

Chapter 11

#205.00 First and Final Fee Application for Compensation and Reimbursement of Expenses for Moriah Douglas Flahaut, Subchapter V Trustee Period: 7/1/2021 to 8/20/2021

[Fees requested: \$3,685.00, Expenses: \$0.00]

Docket 39

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant application. Allow on a final basis fees of \$3,685 and no costs. Authorize and direct debtor to pay these amounts from available funds. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO LODGE ORDER(S) GRANTING APPLICATION(S) ON TERMS CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Gary John Neville

Represented By
Dennis E McGoldrick

Movant(s):

Moriah Douglas Flahaut (TR)

Represented By
M Douglas Flahaut

Trustee(s):

Moriah Douglas Flahaut (TR)

Represented By
M Douglas Flahaut