

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:18-15378 Loretha L. Smith

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 408 South Tajauta Avenue, Compton, CA 90220

MOVANT: BANK OF AMERICA, NA

Docket 15

Courtroom Deputy:

10/12/18 - Merdaud Jafarnia, (619)955-1961, has been approved for telephonic appearance on 10/16/18 @ 10am

Tentative Ruling:

Grant request for relief under section 362(d)(1) (without waiver of Rule 4001(a)(3)) due to lack of adequate protection, but deny motion under section 362(d)(1) as debtor has equity in the property.

Party Information

Debtor(s):

Loretha L. Smith

Represented By
Sam Benevento

Movant(s):

Bank of America, N.A.

Represented By
Merdaud Jafarnia

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:18-18371 J Gregorio Gelacio Diezmo Apanecatl

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 SCION IM

MOVANT: US BANK, NA

Docket 10

Courtroom Deputy:

10/4/18 - Megan Lees, (619)501-3503, has been approved for telephonic appearance on 10/16/18 @ 10am

Tentative Ruling:

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

Party Information

Debtor(s):

J Gregorio Gelacio Diezmo

Represented By
Lauren M Foley

Movant(s):

U.S. Bank National Association

Represented By
Robert P Zahradka

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:18-20095 Steven Sohail Geranmayeh

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford Mustang, VIN 1FA6P8CF7H5266270

MOVANT: FORD MOTOR CREDIT COMPANY, LLC.

Docket 8

Courtroom Deputy:

10/9/18 - Jennifer Wang, (714)431-1058, has been approved for telephonic appearance on 10/16/18 @ 10am

Tentative Ruling:

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

Party Information

Debtor(s):

Steven Sohail Geranmayeh

Represented By
Brian J Soo-Hoo

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

Trustee(s):

Peter J Mastan (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:18-20916 Lucie Idleman

Chapter 7

#4.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Attesa Properties vs. Lucie Idleman

MOVANT: HALLSTROM, KLEIN & WARD, LLP.

Docket 10

Courtroom Deputy:

10/9/18 - David Ward, (949)450-8500, has been approved for telephonic appearance on 10/16/18 @ 10am

Tentative Ruling:

Grant relief from stay pursuant to section 362(d)(1) (with waiver of Rule 4001(a)(3)) for limited purpose of permitting movant to prosecute/litigate to a final order its motion for leave to withdraw as counsel of record.

(Trustee has filed notice of nonopposition.)

Party Information

Debtor(s):

Lucie Idleman

Represented By
Suzette Douglas

Movant(s):

Hallstrom, Klein & Ward, LLP

Represented By
Paul J Kurtzhall

Trustee(s):

Jason M Rund (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:18-20916 Lucie Idleman

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 3400 Palos Verdes Drive East, Rancho Palos Verdes, CA 9275

MOVANT: ATTESSA PROPERTIES

fr. 10-2-18

Docket 12

Courtroom Deputy:

10/2/18 - Jason Rund, (310) 640-1200, has been approved for telephonic appearance on 10/2/18 @ 10am

Tentative Ruling:

Tentative Ruling for October 2, 2018:

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

Final Ruling for October 2, 2018:

Continue hearing to October 16, 2018 at 10:00 a.m. Trustee shall have to and including October 12, 2018 to file and serve any supplemental opposition to the motion. Any supplemental reply shall be filed and served by October 15, 2018.

Tentative Ruling for October 16, 2018:

Court has reviewed the trustee's supplemental opposition. Court agrees that relief from stay should not be granted to permit anyone to proceed with an unlawful detainer action, but court wants to discuss with parties whether it is appropriate to grant relief from stay to the extent necessary to permit the litigation concerning title to the property to continue. In the alternative, these issues could be resolved in bankruptcy court, as this court has exclusive jurisdiction to determine what is, or is not, property of the estate, but the action would need to be removed to this court or a new adversary proceeding commenced to resolve these issues.

Party Information

Debtor(s):

Lucie Idleman

Represented By

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

CONT... Lucie Idleman

Chapter 7

Suzette Douglas

Movant(s):

Atessa Properties

Represented By
Sharon Y Adams

Trustee(s):

Jason M Rund (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:18-21392 Karen Iris McCan

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 9050 Reading Avenue, # 9052, Los Angeles, CA 90045

MOVANT: 9050 READING, LLC.

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

Party Information

Debtor(s):

Karen Iris McCan

Pro Se

Movant(s):

9050 READING LLC

Represented By
Richard Sontag

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

10:00 AM

2:17-23205 Joseph Michael Garcia
Adv#: 2:18-01023 Cunjak v. Garcia

Chapter 7

#7.00 Defendant's Motion to Quash or Modify Subpoena Duces Tecum Issued on
Non-Parties
[OST]

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Deny motion. Later bank records are relevant to establish whether debtor is
in fact hiding or failing to disclose assets or underreporting income.

Party Information

Debtor(s):

Joseph Michael Garcia

Represented By
John Asuncion

Defendant(s):

Joseph Michael Garcia

Represented By
Sevan Gorginian

Plaintiff(s):

Michael Cunjak

Represented By
Sanaz S Bereliani

Trustee(s):

Peter J Mastan (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:13-25661 Chonghee Jane Kim

Chapter 7

Adv#: 2:17-01277 Wolkowitz v. TD Foreclosure Services, Inc. et al

#200.00 Status Conference re: 14 (Recovery of money/property - other)),(91 (Declaratory judgment)),(21 (Validity, priority or extent of lien or other interest in property)),(72 (Injunctive relief - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) Complaint by Edward M Wolkowitz against TD Foreclosure Services, Inc., GB Inland Properties, LLC, Benjamin Hooshim, Alexandre Oh, Julie A Taberdo, Lynn Wolcott, Chonghee Jane Kim

fr. 7-25-17, 11-14-17, 11-28-17, 1-9-18, 4-3-18, 4-11-18, 6-26-18, 7-17-18

Docket 1

***** VACATED *** REASON: CONT'D. TO 11/27/18 @ 2PM**

Courtroom Deputy:

6/27/17 - Request for entry of default against Julie Taberdo

6/27/17 - Request for entry of default against Lynn Wolcott

6/27/17 - Request for entry of default against TD Foreclosure Services, Inc.

Tentative Ruling:

Defaults have been entered as against Lynn Wolcott, Julie Taberdo and TD Foreclosure Services.

The trustee is of the opinion that there are legal issues that can be resolved through a motion for partial summary adjudication. Set deadline for the filing of such motions and continue status conference to a date that can serve as a date for hearing on those motions.

9/20/17 -- Court approved scheduling order continuing status conference to November 14, 2017 at 2:00 p.m., ordering parties to file a joint status report not later than October 31, 2017, ordering trustee to file and serve his motion for partial summary judgment against GB Inland Properties not later than September 26, 2017 and set it for hearing on November 14, 2017 at 2:00

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chonghee Jane Kim

Chapter 7

p.m. and directing that any motion to vacate a default be filed not later than September 26, 2017 and set for hearing on or before November 14, 2017 at 2:00 p.m.

Tentative Ruling for November 14, 2017:

Why didn't the trustee comply with the court's directive to file his motion for partial summary judgment in time to have it heard on November 14, 2017? That motion is currently set for November 28, 2017.

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

Tentative Ruling for November 28, 2017:

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

Tentative Ruling for January 9, 2018:

Set deadline for filing amended complaint and deadline for filing response to complaint.

Tentative Ruling for April 11, 2018:

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

6/22/18 -- Court signed order approving stipulation continuing hearing to July 17, 2018 at 2:00 p.m. OFF CALENDAR FOR JUNE 26, 2018.

Tentative Ruling for July 17, 2018:

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

Tentative Ruling for October 16, 2018:

(Where is status report that should have been filed October 2, 2018?)
Plaintiff has now filed third amended complaint and defendants have answered. Defendants have brought motion for summary judgment that is

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... Chonghee Jane Kim

Chapter 7

set for hearing on November 27, 2018 at 2:00 p.m. Continue status conference to November 27, 2018 at 2:00 p.m. to be held concurrently with motion for summary judgment. APPEARANCES WAIVED ON OCTOBER 16, 2018.

Party Information

Debtor(s):

Chonghee Jane Kim

Represented By
Young K Chang
Rosendo Gonzalez

Defendant(s):

TD Foreclosure Services, Inc.

Represented By
Michael A Coletti

GB INLAND PROPERTIES, LLC

Represented By
Kirsten A Worley

Benjamin Hooshim

Represented By
Andrew Edward Smyth
Stephen S Smyth

Alexandre Oh

Represented By
Andrew Edward Smyth
Stephen S Smyth

Julie A Taberdo

Represented By
Michael A Coletti

Lynn Wolcott

Represented By
Michael A Coletti

Chonghee Jane Kim

Represented By
Andrew Edward Smyth
Stephen S Smyth

Plaintiff(s):

Edward M Wolkowitz

Represented By

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... Chonghee Jane Kim

Chapter 7

Matthew Abbasi

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Matthew Abbasi

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:14-12860 WELCOME MANAGEMENT CORP.

Chapter 7

Adv#: 2:15-01545 Mastan v. Kim et al

#201.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (14 (Recovery of money/property - other)) Complaint by Peter J Mastan against Sang Hyun Kim, Helen Pak, Loren Chang, Hope Healthcare Management, Inc.

fr. 4-25-17, 8-1-17, 10-3-17, 11-14-17, 12-19-17, 1-30-18, 2-13-18, 5-15-18, 7-31-18

Docket 1

***** VACATED *** REASON: CONT'D. TO 11/13/18 @ 2PM**

Courtroom Deputy:

10/9/18 - Kyra Andrassy, (714)445-1017, has been approved for telephonic appearance on 10/16/18 @ 2pm

Tentative Ruling:

A notation on the file reflects that Judge Donovan set August 1, 2017 as a discovery cutoff and instructed plaintiff to lodge a scheduling order. Was such an order ever lodged?

Where is the joint (or collective) status report that should have been filed two weeks prior to the April, 2017 status conference? The most recent status report that the Court was able to locate was dated February 15, 2017 and was prepared for a March 1, 2017 status conference.

Order the parties to complete a day of mediation prior to the date of the next status conference.

4/28/17 -- Court approved scheduling order with following dates:

Discovery cutoff -- 10/2/17

L/D to lodge order appointing mediator -- 5/30/17

L/D to complete mediation -- 8/1/17

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... WELCOME MANAGEMENT CORP.

Chapter 7

Cont'd status conference -- August 1, 2017 at 2:00 p.m.
L/D to file joint status report -- July 18, 2017

6/9/17 -- Court approved stipulation continuing deadline to complete mediation and discovery cutoff to October 3, 2017 and continuing status conference to October 3, 2017 at 2:00 p.m.

8/23/17 -- Court approved order appointing mediators.

9/7/17 -- Court approved stipulation continuing discovery cutoff to October 31, 2017 and continuing status conference to November 14, 2017 at 2:00 p.m.
OFF CALENDAR FOR OCTOBER 3, 2017.

10/12/17 -- Court approved stipulation continuing discovery cutoff to November 30, 2017 and continuing status conference to December 19, 2017 at 2:00 p.m. OFF CALENDAR FOR NOVEMBER 14, 2017.

12/1/17 -- Court approved stipulation continuing discovery cutoff to January 15, 2018 and continuing status conference to January 30, 2018 at 2:00 p.m.
OFF CALENDAR FOR DECEMBER 19, 2017.

1/3/18 -- Court approved stipulation continuing discovery cutoff to February 13, 2018 and continuing status conference to February 13, 2018 at 2:00 p.m.
OFF CALENDAR FOR JANUARY 30, 2018.

Tentative Ruling for February 13, 2018:

Where is the joint status report that was due two weeks before the status conference? What is the status of this matter? Hearing required.

2/9/18 -- Court approved stipulation continuing hearing to May 15, 2018 at 2:00 p.m. OFF CALENDAR FOR FEBRUARY 13, 2018.

5/11/18 -- Court approved stipulation continuing status conference to July 31, 2018 at 2:00 p.m. and continuing discovery cutoff to July 31, 2018. OFF CALENDAR FOR MAY 15, 2018.

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... WELCOME MANAGEMENT CORP.

Chapter 7

6/13/18 -- Court approved compromise that calls for payments over time to trustee.

7/6/18 -- Court approved stipulation dismissing action as against Loren Chang.

Tentative Ruling for July 31, 2018:

What, if anything, is left of this action? Hearing required.

7/26/18 -- Court approved stipulation continuing discovery cutoff to October 16, 2018 and continuing status conference to October 16, 2018 at 2:00 p.m.
OFF CALENDAR FOR JULY 31, 2018.

10/10/18 -- Court approved stipulation continuing hearing to November 13, 2018 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 16, 2018.

Party Information

Debtor(s):

WELCOME MANAGEMENT

Represented By
Phillip H Kwon

Defendant(s):

Sang Hyun Kim

Represented By
Peter A Kim

Helen Pak

Represented By
Peter A Kim

Loren Chang

Represented By
Patricia M Bakst

Hope Healthcare Management, Inc.

Represented By
Peter A Kim

Plaintiff(s):

Peter J Mastan

Represented By

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... WELCOME MANAGEMENT CORP.

Chapter 7

Kyra E Andrassy

Trustee(s):

Peter J Mastan (TR)

Represented By
Lei Lei Wang Ekvall
Kyra E Andrassy

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:17-17477 JUNG SHUP SIM

Chapter 7

Adv#: 2:18-01031 Golden, Chapter 7 Trustee v. SIMLIM et al

#202.00 Status Conference re: 11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (13 (Recovery of money/property - 548 fraudulent transfer)), (41 (Objection / revocation of discharge - 727(c),(d),(e))), (65 (Dischargeability - other)) Complaint by Jeffrey I. Golden, Chapter 7 Trustee against Mija Simlim, Beom Sik Kim, Jung Shup Sim

fr. 4-10-18,8-14-18

Docket 1

***** VACATED *** REASON: CONT'D. TO 12/18/18 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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

4/16/18 -- Court approved scheduling order with following dates:

Cont'd status conference -- August 14, 2018 at 2:00 p.m.

L/D to file status report -- July 31, 2018

L/D to complete mediation -- August 14, 2018

L/D to lodge order appointing mediators -- May 18, 2018

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5/22/18 -- Court approved order appointing mediators.

Tentative Ruling for August 14, 2018:

Did the parties attend mediation on August 9? If not, why not?

10/3/18 -- Court approved stipulation continuing status conference to December 18, 2018 at 2:00 p.m. OFF CALENDAR FOR OCTOBER 16, 2018.

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... JUNG SHUP SIM

Chapter 7

Party Information

Debtor(s):

JUNG SHUP SIM

Represented By
Jaenam J Coe

Defendant(s):

MIJA SIMLIM

Represented By
Jaenam J Coe

BEOM SIK KIM

Represented By
Christian T Kim

JUNG SHUP SIM

Represented By
Jaenam J Coe

Plaintiff(s):

Jeffrey I. Golden, Chapter 7 Trustee

Represented By
Sonia Singh
Eric P Israel

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Eric P Israel
Sonia Singh

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:18-15497 Evelyn Yangmi Kim

Chapter 7

Adv#: 2:18-01262 Jindi Fshion INC, a California Corporation v. Kim

#203.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) Complaint by Jindi Fshion INC, a California Corporation against Evelyn Yangmi Kim

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Where is joint status report that should have been filed by October 2, 2018? How long do the parties think they need to complete discovery? Does either party anticipate any pretrial motions at this point? Is this an appropriate matter to be sent to an early mediation? Hearing required.

Party Information

Debtor(s):

Evelyn Yangmi Kim

Represented By
Dale J Park

Defendant(s):

Evelyn Yangmi Kim

Represented By
Dale J Park

Plaintiff(s):

Jindi Fshion INC, a California

Represented By
Yong Bom Lee

Trustee(s):

Timothy Yoo (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:17-24801 Viken Manjikian

Chapter 11

Adv#: 2:18-01263 Manjikian v. Triskell Restorations Inc a California corporation

#204.00 Status Conference re: 11 (Recovery of money/property - 542 turnover of property)) ,(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) Complaint by Viken Manjikian against Triskell Restorations Inc a California corporation , Rick Lubeski an individusl , Andrew Fairbanks an individual , American Contractors Indemnity Company a California corporation

Docket 1

***** VACATED *** REASON: CONT'D. TO 12/4/18 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

9/21/18 -- Court signed order approving extension of time for defendant to respond to complaint to October 31, 2018.

Tentative Ruling for October 16, 2018:

In light of above-referenced stipulation, defendant has not yet filed a response. Continue status conference to December 4, 2018 at 2:00 p.m. Parties should file a joint status report not later than November 20, 2018. APPEARANCES WAIVED ON OCTOBER 16, 2018.

Party Information

Debtor(s):

Viken Manjikian

Represented By
Daniel J Weintraub
Nina Z Javan
James R Selth

Defendant(s):

Triskell Restorations Inc a California

Represented By
Jerry D Hemme

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... Viken Manjikian

Chapter 11

Rick Lubeski

Represented By
Jerry D Hemme

Andrew Fairbanks

Represented By
Jerry D Hemme

American Contractors Indemnity

Pro Se

Plaintiff(s):

Viken Manjikian

Represented By
Matthew D Taylor

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:14-30748 Paisano Meats, Inc.

Chapter 7

Adv#: 2:16-01164 Wolkowitz, Chapter 7 Trustee v. Lopez et al

#205.00 Pretrial Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (91 (Declaratory judgment)) Complaint by Edward M Wolkowitz, Chapter 7 Trustee against Yesenia Lopez, Alexis Wholesale, Inc.

fr. 12-20-16, 2-14-17, 8-15-17, 2-13-18, 9-11-18

Docket 1

***** VACATED *** REASON: 10/9/18 - ADV. DISMISSED**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

12/7/16 -- court continued pretrial conference to February 14, 2017 at 2:00 p.m. in light of parties' proposed settlement. OFF CALENDAR FOR DECEMBER 20, 2016.

1/3/17 -- Court granted motion approving compromise (payments over time).

7/24/17 -- Court approved stipulation continuing hearing to February 13, 2018 at 2:00 p.m. OFF CALENDAR FOR AUGUST 15, 2017.

2/2/18 -- Court approved stipulation continuing hearing to September 11, 2018 at 2:00 pm. OFF CALENDAR FOR FEBRUARY 13, 2018.

Tentative Ruling for September 11, 2018:

Matter has been settled. Is defendant current on settlement payments?

10/9/18 -- Court approved stipulation re dismissal. OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... Paisano Meats, Inc.

Chapter 7

Debtor(s):

Paisano Meats, Inc.

Represented By
Jeffrey S Shinbrot

Defendant(s):

Yesenia Lopez

Represented By
Baruch C Cohen

Alexis Wholesale, Inc.

Represented By
Baruch C Cohen

Plaintiff(s):

Edward M Wolkowitz, Chapter 7

Represented By
Marc Weitz

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Marc Weitz

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

2:17-14019 Paulina Velasco

Chapter 7

Adv#: 2:17-01372 Velasco v. RBS Citizens Bank et al

#206.00 Pre-Trial Conference re: 63 (Dischargeability - 523(a)(8), student loan))
Complaint by Paulina Velasco against U.S. Department of Education, RBS
Citizens Bank, VL Funding LLC.

fr. 10-3-17, 1-23-18, 4-10-18, 7-17-18

Docket 1

***** VACATED *** REASON: 8/31/18 - ORDER SIGNED APPROVING
STIPULATION**

Courtroom Deputy:

8/8/17 - Amended Complaint filed.

8/8/17 - Another summons issued.

8/17/17 - Another summons issued

Tentative Ruling:

Continue status conference approximately 90 days. Set discovery cutoff for
March of 2018.

10/5/17 -- Court signed scheduling order with following dates:

Cont'd status conference -- January 23, 2018 at 2:00 p.m.

L/D to file joint status report -- January 9, 2018

Discovery cutoff -- March 30, 2018.

Tentative Ruling for January 23, 2018:

Both parties report that they will be done with discovery in April, 2018. Are
they requesting an extension of the discovery cutoff or does the current
March 30 date work?

Parties have indicated that they do not want to be sent to mediation. When

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... Paulina Velasco

Chapter 7

would mediation be appropriate in this case, if at all? Hearing required.

3/6/18 -- Court signed order dismissing action as against defendant VL Funding only.

3/23/18 -- Court approved stipulated order dismissing action as against another defendant. RBS Citizen's Bank remains as a defendant.

4/16/18 -- Court approved scheduling order with following dates:

Cont'd status conference -- July 17, 2018 at 2:00 p.m.

L/D to file status report -- July 3, 2018

Discovery cutoff -- June 30, 2018

Tentative Ruling for July 17, 2018:

It appears from the status report that discovery is now complete. Set deadline for filing pretrial motions and pretrial conference date. Order parties to complete a day of mediation before deadline for lodging pretrial order.

7/26/18 -- Court approved scheduling order setting pretrial conference for October 16, 2018 at 2:00 p.m. and directing parties to lodge joint pretrial order by September 26, 2018, lodge order appointing mediator by July 31, 2018 and complete a day of mediation by September 14, 2018.

7/31/18 -- Court approved order appointing mediators.

8/31/18 -- Court approved stipulation resolving action and discharging loan.
OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Paulina Velasco

Represented By
Christine A Kingston

Defendant(s):

RBS Citizens Bank

Represented By

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT... Paulina Velasco

Chapter 7

Scott S Weltman

Citizens Bank, N.A.

Represented By
Scott S Weltman

Plaintiff(s):

Paulina Velasco

Represented By
Christine A Kingston

Trustee(s):

Jason M Rund (TR)

Pro Se

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

Chapter 0

:
Adv#: 2:18-01220 Stillwater Liquidating LLC v. Degma Investing, LLC et al

#207.00 Defendants Motion to Dismiss Adversary Proceeding , or, in the Alternative, for
a More Definitive Statement

fr. 10-2-18

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The parties have stipulated that the motion to dismiss "shall be adjourned to a date to be mutually agreed upon by the Parties and convenient for the Court during the week of November 12, 2018, with such date to be set at the hearing on the remand motion and the venue motion.

Continue hearing to October 16, 2018 at 2:00 p.m. as a holding date, at which point, the court will further continue this hearing. APPEARANCES WAIVED ON OCTOBER 2, 2018.

Tentative Ruling for October 16, 2018:

Revisit status of motion after conclusion of related matters on calendar. If judge retains action, set further hearing date and briefing schedule.

Party Information

Defendant(s):

Degma Investing, LLC

Represented By
Abigail V O'Brient

The Parking Mall, L.L.C.

Represented By
Abigail V O'Brient

LTAP1, LLC

Represented By
Abigail V O'Brient

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chapter 0

SDC Remainder LLC

Represented By
Abigail V O'Brient

G.M.A. Industrial Corp.

Represented By
Abigail V O'Brient

Mark Buntzman

Pro Se

Movant(s):

Degma Investing, LLC

Represented By
Abigail V O'Brient

The Parking Mall, L.L.C.

Represented By
Abigail V O'Brient

LTAP1, LLC

Represented By
Abigail V O'Brient

SDC Remainder LLC

Represented By
Abigail V O'Brient

G.M.A. Industrial Corp.

Represented By
Abigail V O'Brient

Plaintiff(s):

Stillwater Liquidating LLC

Represented By
Tony Tootell

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

Chapter 0

:
Adv#: 2:18-01220 Stillwater Liquidating LLC v. Degma Investing, LLC et al

#208.00 Motion for Remand to State Court Or, in the Alternative, for Abstention
fr. 10-2-18

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

9/12/18 -- Court approved stipulation continuing hearing to October 16, 2018 at 2:00 p.m. and moving related dates. OFF CALENDAR FOR OCTOBER 2, 2018.

Judge Bluebond's husband is employed by GlassRatner. It is unclear from the papers filed with the court the extent to which plaintiff's are currently being managed by GlassRatner or one of its partners. It appears from a quick review of the plan that, post-confirmation, the claims in question are to be administered by the Plan Administrator. Court cannot determine whether the Plan Administrator is currently a partner of GlassRatner. In light of the prospect of an appearance of impropriety, court will not proceed unless parties confirm outside the presence of the court that all parties are comfortable with Judge Bluebond resolving these motions. If any party is not, this adversary proceeding will be randomly reassigned to another judge in this division. (Judge Bluebond should not be told which of the parties is willing or unwilling to permit her to proceed.)

AFTER FOREGOING DISCLOSURE, COURT CONTACTED PARTIES. PLAINTIFF CONFIRMS THAT GLASSRATNER IS STILL INVOLVED, BUT PARTIES CONFERRED WITHOUT COURT'S INVOLVEMENT AND HAVE CONFIRMED THAT THEY DO NOT OBJECT TO JUDGE BLUEBOND'S ADJUDICATING THESE MOTIONS.

Based on the foregoing, the Court has issued the following tentative ruling:

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chapter 0

Tentative Ruling on the Merits:

Court cannot grant both the remand motion and the motion to transfer venue. The two motions are essentially flip sides of the same coin, which, together, pose the question: which is the most appropriate forum for the resolution of this adversary proceeding -- the Los Angeles Superior Court or the United States Bankruptcy Court for the Southern District of New York. It is theoretically possible that this Court could deny both motions and retain jurisdiction itself, but that seems unlikely. If there is a sufficient nexus to the bankruptcy case to make a bankruptcy forum preferable, the Southern District of New York would appear to be the more appropriate forum.

Movants on matter no. 208 have sought an alternate form of relief -- abstention -- but that form of relief is not available on these facts in this circuit in light of the language of the statute itself, which requires that an action have been commenced and be capable of being timely adjudicated in state court. Security Farms v. Int'l Brotherhood of Teamsters, 124 F.3d 1000 (9th Cir. 1997). Unless this court grants the motion to remand, there cannot be a timely adjudication of the action in state court.

The court should transfer venue of this action to the Southern District of New York if, doing so, would be in the interest of justice and the convenience of the parties, considering such factors as: (1) the proximity of the creditors to the court; (2) the proximity of the debtor to the court; (3) the proximity of the witnesses to the court; (4) the location of the assets; (5) the economic administration of the estate; (6) the necessity for ancillary administration should liquidation result; (7) judicial economy; (8) timeliness; and (9) fairness. And, of course, it goes without saying that the Court should not transfer the action to the bankruptcy court in the Southern District of New York if that court lacks jurisdiction to adjudicate the matter.

The court can remand on any equitable ground and should remand the action to the Los Angeles Superior Court if, in the exercise of its discretion, it finds that the following factors weigh in favor of remand: (1) the effect, or lack thereof, on the efficient administration of the bankruptcy; (2) the extent to which state laws predominate; (3) the difficult or unsettled nature of

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chapter 0

applicable law; (4) the presence of related proceedings commenced in state court or other nonbankruptcy court; (5) whether the bankruptcy court has a basis for jurisdiction other than 28 U.S.C. section 1334; (6) the degree of relatedness or remoteness to the main bankruptcy proceeding; (8) the feasibility of severing state claims from bankruptcy claims so that judgments may be entered in state court and enforced by bankruptcy court; (9) the burden on the bankruptcy court's docket; (10) the likelihood that commencement of the proceeding in bankruptcy court (or the removal of the action to bankruptcy court) involves forum shopping; (11) the existence of a right to a jury trial; (12) the presence of nondebtor parties in the proceeding; (13) comity; and (14) the possibility of prejudice to other parties.

In this action, a number of these factors are inapplicable and those that are applicable weigh heavily in favor of denying the motion to transfer venue and remanding the action to state court. In the first instance, it is worthy of note that the plan of reorganization was confirmed more than 4 years ago and that the scope of the jurisdiction that it is appropriate for a bankruptcy court to retain post-confirmation is significantly more restricted than the scope of what would be appropriate during the pendency of the bankruptcy case. And it cannot be argued here that, in order to adjudicate the action, the court would be called upon to interpret the orders of the bankruptcy court or the plan of reorganization. Although there will be an impact on the estate, in that 40 percent of the net proceeds will be available for distribution under the plan, this is an insufficient basis taken alone for a bankruptcy court to exercise post-confirmation jurisdiction. Absent a close nexus to issues such as this, it is far from clear that the bankruptcy court could exercise jurisdiction over this matter.

As the plan has already been confirmed and has already been substantially consummated, there will be no adverse impact on the administration of the bankruptcy estate from a remand of this action to a nonbankruptcy court. The claims arise under nonbankruptcy law and are against parties who were doing business in California and had their principal places of business in California when the conduct in question occurred. There is a pending probate proceeding already in the Los Angeles Superior Court with regard to the defendants and there is no reason to believe that the Southern District of New York would be a more convenient forum for defendants or that evidence

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chapter 0

would be more easily acquired in New York than in California. There is no basis for federal jurisdiction other than section 1334, and one or more of the parties has asserted a right to a jury trial, meaning that, in all likelihood, the matter would not end up being resolved by the bankruptcy court in any event.

Deny motion to transfer venue. Grant motion to remand.

Party Information

Defendant(s):

Degma Investing, LLC	Represented By Abigail V O'Brient
The Parking Mall, L.L.C.	Represented By Abigail V O'Brient
LTAP1, LLC	Represented By Abigail V O'Brient
SDC Remainder LLC	Represented By Abigail V O'Brient
G.M.A. Industrial Corp.	Represented By Abigail V O'Brient
Mark Buntzman	Pro Se

Movant(s):

Stillwater Liquidating LLC	Represented By Tony Tootell
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Plaintiff(s):

Stillwater Liquidating LLC	Represented By Tony Tootell
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**United States Bankruptcy Court
Central District of California
Los Angeles
Chief Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

Chapter 0

Adv#: 2:18-01220 Stillwater Liquidating LLC v. Degma Investing, LLC et al

#209.00 Motion to Change Venue/Inter-district Transfer Adversary to the United States Bankruptcy Court for the Southern District of New York

fr. 8-28-18, 10-2-18

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

8/3/18 -- Court approved stipulation continuing hearing to October 2, 2018 at 2:00 p.m. OFF CALENDAR FOR AUGUST 28, 2018.

9/12/18 -- Court approved stipulation continuing hearing to October 16, 2018 at 2:00 p.m. and moving related dates. OFF CALENDAR FOR OCTOBER 2, 2018.

Tentative Ruling for October 16, 2018:

See tentative ruling for matter no. 208.

Party Information

Defendant(s):

Degma Investing, LLC	Represented By Abigail V O'Brient
The Parking Mall, L.L.C.	Represented By Abigail V O'Brient
LTAP1, LLC	Represented By Abigail V O'Brient
SDC Remainder LLC	Represented By Abigail V O'Brient

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chapter 0

G.M.A. Industrial Corp.

Represented By
Abigail V O'Brient

Mark Buntzman

Pro Se

Movant(s):

Degma Investing, LLC

Represented By
Abigail V O'Brient

The Parking Mall, L.L.C.

Represented By
Abigail V O'Brient

LTAP1, LLC

Represented By
Abigail V O'Brient

SDC Remainder LLC

Represented By
Abigail V O'Brient

G.M.A. Industrial Corp.

Represented By
Abigail V O'Brient

Plaintiff(s):

Stillwater Liquidating LLC

Represented By
Tony Tootell

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

Chapter 0

:
Adv#: 2:18-01220 Stillwater Liquidating LLC v. Degma Investing, LLC et al

#210.00 Status Conference re: Notice of Removal of Action Under 28 U.S.C. Section 1452(a), Federal Rule of Bankruptcy Procedure 9027, and Local Bankruptcy Rule 9027-1 by Stillwater Liquidating LLC.

fr. 8-28-18, 10-2-18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

7/16/18 -- Court approved stipulation extending defendants' time to respond to complaint to July 23, 2018.

8/3/18 -- Court approved stipulation continuing hearing to October 2, 2018 at 2:00 p.m. OFF CALENDAR FOR AUGUST 28, 2018.

9/12/18 -- Court approved stipulation continuing hearing to October 16, 2018 at 2:00 p.m. and moving related dates. OFF CALENDAR FOR OCTOBER 2, 2018.

Tentative Ruling for October 16, 2018:

Revisit status of adversary proceeding after conclusion of related matters on calendar.

Party Information

Defendant(s):

Degma Investing, LLC

Represented By
Abigail V O'Brient

The Parking Mall, L.L.C.

Represented By
Abigail V O'Brient

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

Tuesday, October 16, 2018

Hearing Room 1539

2:00 PM

CONT...

Chapter 0

LTAP1, LLC

Represented By
Abigail V O'Brient

SDC Remainder LLC

Represented By
Abigail V O'Brient

G.M.A. Industrial Corp.

Represented By
Abigail V O'Brient

Mark Buntzman

Pro Se

Plaintiff(s):

Stillwater Liquidating LLC

Represented By
Tony Tootell