

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM
2:00-00000

Chapter

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

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<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Phone/Video Appearances."

Hearing conducted by ZOOMGov.

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

ZoomGov meeting number: 161 6109 0855

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**United States Bankruptcy Court
Central District of California
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Courtroom 1539 Calendar**

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

CONT...

Chapter

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

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

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-16517 Moto Holding, LLC

Chapter 7

#1.00 Chapter 7 Trustee's Omnibus Motion for Order Under 11 USC 542(a), (e) for Turnover of Estate Property and Recorded Information

Docket 70

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Andrew Cummings

Tentative Ruling:

Grant.

Party Information

Debtor(s):

Moto Holding, LLC

Represented By
Marc Weitz

Movant(s):

Peter J Mastan (TR)

Represented By
Ronald Cheng
Hugh M Ray

Trustee(s):

Peter J Mastan (TR)

Represented By
Ronald Cheng
Hugh M Ray

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-18452 DW Trust Investments LLC

Chapter 11

#2.00 Motion For Order Authorizing Use of Cash Collateral

Docket 22

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Sydney Murkaoka

12/3/24 - Sanaz Bereliani

12/3/24 - David Shevitz

Tentative Ruling:

Provided service is adequate, authorize debtor to use cash collateral generated by each piece of property solely for the purpose of paying insurance, real property taxes, operating expenses and, to the extent that sufficient funds are available, mortgage(s) with regard to that property. Any excess rents shall be held in a segregated, interest-bearing account. Debtor shall not use rents generated by one property to pay expenses associated with any other piece of property. (Debtor should revise budgets to reflect what happens when income from each property is kept separate and spent only on expenses for that project, as each property has different secured creditors.) All lenders shall receive replacement lien on post-petition rents to secure the diminution in value of their prepetition collateral. Post-petition liens shall have the same validity and priority as prepetition liens.

Use of rents generated by a piece of property for the purpose of paying expenses associated with maintaining that property is itself adequate protection. If secured creditors believe that there are grounds for relief from stay, they should bring a motion for relief from the automatic stay. Court is not yet ready to conclude that debtor will not be able to propose a feasible plan within a reasonable period, so absence of an equity cushion is not dispositive at this phase. There is no need for an evidentiary hearing as to value of the property and, if the value of a given piece of property is not

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

CONT... DW Trust Investments LLC

Chapter 11

declining, adequate protection does not necessarily require that the debtor make monthly payments to secured creditors. Note: However, if debtor is not making required payments to a senior secured creditor (or to taxing authorities) and there is a junior creditor, adequate protection will require that payments be made to the senior lienholder and that real estate taxes be paid in a timely manner so that the collateral available to junior secured creditor does not diminish.

Party Information

Debtor(s):

DW Trust Investments LLC

Represented By
Michael Jay Berger

Movant(s):

DW Trust Investments LLC

Represented By
Michael Jay Berger

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-18452 DW Trust Investments LLC

Chapter 11

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

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Sydney Murkaoka

12/3/24 - Sanaz Bereliani

12/3/24 - David Shevitz

Tentative Ruling:

Set deadline for serving notice of bar date and bar date. Continue case status conference until shortly after bar date.

Party Information

Debtor(s):

DW Trust Investments LLC

Represented By
Michael Jay Berger

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-18457 Los Angeles Korean 1st Presbyterian Church Corpora

Chapter 11

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

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

11/22/2024 - Marina Fineman

12/3/24 - David Shevitz

Tentative Ruling:

Did debtor serve order setting scheduling and case management conference as required by terms of order? Did debtor file required case status report?

Continue case status conference to December 6, 2024 at 10:00 a.m. to be heard concurrently with US Trustee's motion to dismiss or convert.
APPEARANCES WAIVED ON DECEMBER 4, 2024.

Party Information

Debtor(s):

Los Angeles Korean 1st Presbyterian

Represented By
Matthew Harrison

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-18458 3160 8th LLC

Chapter 11

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

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

11/22/2024 - Marina Fineman

12/3/24 - David Shevitz

Tentative Ruling:

Did debtor serve order setting scheduling and case management conference as required by terms of order? Did debtor file required case status report?

Continue case status conference to December 6, 2024 at 10:00 a.m. to be heard concurrently with US Trustee's motion to dismiss or convert.
APPEARANCES WAIVED ON DECEMBER 4, 2024.

Party Information

Debtor(s):

3160 8th LLC

Represented By
Matthew Harrison

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-19127 Unrivaled Brands, Inc.

Chapter 11

#6.00 Application to Employ Marcus & Millichap Real Estate Investment Services, Inc.
And Stream Realty-Orange County GP, Inc as Real Estate Brokers

Docket 18

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Robert Goe

12/2/24 - Reem Bello

12/2/24 - Deron Colby

Tentative Ruling:

Grant motion. Approve employment of brokers.

Party Information

Debtor(s):

Unrivaled Brands, Inc.

Represented By
John-Patrick M Fritz
Robert Carrasco

Movant(s):

Unrivaled Brands, Inc.

Represented By
John-Patrick M Fritz
John-Patrick M Fritz
Robert Carrasco
Robert Carrasco

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

2:24-19127 Unrivald Brands, Inc.

Chapter 11

#7.00 Motion For An Order: (1) Approving The Sale Of The Debtors Real Property Free And Clear Of All Liens, Claims, Encumbrances, And Interests; (2) Finding That The Buyer Is A Good Faith Purchaser; (3) Authorizing And Approving The Payment Of Certain Claims From Sale Proceeds; (4) Waiving The Fourteen-Day Stay Period Set Forth In Bankruptcy Rule 6004(H); And (5) Providing Related Relief

Docket 10

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Robert Goe

12/2/24 - Reem Bello

12/2/24 - Deron Colby

Tentative Ruling:

Court is confused as to intended sharing of commissions. Sale motion refers to 3 percent each for the buyer's and seller's agents. Employment application contemplated a three-way split of 6 percent commissions -- 2 percent to each of the seller's two brokers and 2 percent to buyer's agent. Which is accurate?

Rulings on Evidentiary Objections:

General Objections: (I) The fact that the debtor contends testimony is inaccurate or has been contradicted by other facts in the record is not a basis to declare testimony inadmissible; (II) Court will address the specific objections individually and exclude any testimony that is inappropriate.

Colby Declaration

1. Sustain (lack of foundation). It is insufficient to simply assert that declarant has personal knowledge of relevant facts without providing an explanation as to how declarant possesses such knowledge.

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

CONT... **Unrivaled Brands, Inc.**

Chapter 11

2. Overrule. Court understands declarant to be testifying as to the fact that a lawsuit was filed and what the lawsuit contends -- and not to the truth of the alleged fact that there was a breach of promissory note.
3. Sustain as to the legal conclusions. Overrule to the extent that declarant is merely authenticating the deed of trust under which People's claims a lien against the property.
4. Sustain as to the legal conclusion "properly" for lack of foundation.
5. Sustain (lack of foundation).
6. Sustain (lack of foundation/personal knowledge).
7. Sustain (lack of foundation/personal knowledge).
8. Sustain (lack of foundation).
9. Sustain. This is argument, not testimony. Lack of personal knowledge.
10. Sustain (lack of foundation) as to all but first sentence.
11. Sustain. This is argument, not testimony.
12. Sustain. This is argument, not testimony.
13. Sustain (speculation, lack of personal knowledge, lack of foundation) as to all but authentication of exhibits.
14. Sustain. This is argument, not testimony.
15. Sustain (relevance).
16. Sustain (lack of foundation).
17. Sustain as to paragraphs 20 through 23 (relevance). Overrule as to paragraphs 24 and 25.
18. Overrule as to paragraph 28. Sustain (best evidence) as to sections that discuss what the agreement requires debtor to do. Sustain as to last two sentences for lack of foundation/personal knowledge. Sustain as to paragraphs 30 and 31 (best evidence rule).
19. Sustain (speculation/lack of personal knowledge).
20. Sustain (best evidence rule).
21. Sustain (lack of foundation/personal knowledge).
22. Sustain (lack of personal knowledge/best evidence rule) as to paragraph 37.
37. Sustain (best evidence rule) as to paragraph 38.

23. Sustain as to paragraph 39 (lack of foundation). Sustain as to paragraph 40 (speculation, lack of foundation, relevance). Sustain as to paragraph 41 (lack of foundation). Sustain as to paragraph 42 (speculation, lack of foundation). Sustain as to paragraph 43 (lack of personal knowledge, lack of foundation).

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

CONT... **Unrivaled Brands, Inc.**

Chapter 11

24. Sustain (lack of foundation, best evidence).
25. Sustain (hearsay -- to the extent that declarant is testifying as to the truth of the matter asserted).
26. Sustain (lack of personal knowledge).
27. Sustain. This is argument, not testimony. Best evidence rule.
28. Sustain as to paragraph 50 (best evidence rule). As to paragraph 51, sustain (lack of personal knowledge) as to whether client received the September interest payment. Overrule as to fact that People's sent notices dated October 13, 2023 and November 7, 2023. Sustain as to balance (lack of personal knowledge, best evidence).
29. Sustain. This is argument, not evidence.
30. Sustain. This is argument, not evidence.
31. Sustain (best evidence rule and this is argument, not evidence).
32. Sustain (best evidence rule and this is argument, not evidence).
33. Sustain (best evidence, lack of personal knowledge, speculation, relevance).
34. Sustain. This is argument, not evidence.
35. Sustain (best evidence rule and this is argument, not evidence).

Tentative Ruling on the Merits

There is a ruling from the state court (the effectiveness of which has not been stayed) finding that the May 2023 foreclosure sale was invalid. State court had enjoined the sale from proceeding. Debtor still holds title to the property and not merely record title. Thus, the estate can move to sell the property under section 363.

People's lien is the subject of a bona fide dispute, so a sale free and clear of that lien is appropriate. The other lienholders have not objected to the proposed sale terms. Court will not permit credit-bidding where there is a genuine issue as to the validity of the lien that People's wants to credit bid; however, has anyone expressed an interest in overbidding? Is People's interested in overbidding if it must pay in cash?

Grant motion. Authorize debtor to sell property. Make good faith finding and waive 6004(h) stay.

Party Information

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

Wednesday, December 4, 2024

Hearing Room 1539

10:00 AM

CONT... Unrivaled Brands, Inc.

Chapter 11

Debtor(s):

Unrivaled Brands, Inc.

Represented By
John-Patrick M Fritz
Robert Carrasco

Movant(s):

Unrivaled Brands, Inc.

Represented By
John-Patrick M Fritz
John-Patrick M Fritz
Robert Carrasco
Robert Carrasco

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

2:24-14650 Decereeh Jean Ordonez Viudez

Chapter 7

#100.00 Order To Show Cause Why Sofi Bank, N.A. Should Not Be Held In Contempt For Violating The Automatic Stay And The Discharge Injunction

fr: 11-13-24

Docket 17

*** VACATED *** REASON: CONTINUED TO 1-8-25 AT 11:30 AM

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

10/31/2024 -- Court granted SoFi's motion for a continuance, setting following new dates:

1. The Show Cause hearing scheduled for November 13, 2024 at 11:30 a.m. is continued to December 4, 2024 at 11:00 a.m.;
2. Defendant, SoFi Bank, N.A., shall file and serve an opposition to the Show Cause hearing not later than November 20, 2024; and
3. Debtor, Decereeh Jean Ordonez Viudez, shall file and serve a reply in response to Defendant's opposition not later than November 27, 2024.

OFF CALENDAR FOR NOVEMBER 13, 2024.

11/19/24 -- Court approved stipulation continuing hearing to January 8, 2025, at 11:30 a.m. OFF CALENDAR FOR DECEMBER 4, 2024.

Party Information

Debtor(s):

Decereeh Jean Ordonez Viudez

Represented By
Sevan Gorginian

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT... Decreeh Jean Ordonez Viudez

Chapter 7

Trustee(s):

Timothy Yoo (TR)

Pro Se

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

2:22-14832 Karyn Anne Silver

Chapter 11

#101.00 Motion to Voluntarily Dismiss Bankruptcy Case

Docket 212

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Vanessa Haberbush

12/2/24 - Alan Martin

12/2/24 - Stella Havkin

12/3/24 - David Shevitz

Tentative Ruling:

The only party who has objected is the debtor's husband, who does not appear to be a net creditor. The court is not inclined to require the debtor to remain in chapter 11 if she does not want to be there and there is no reason to believe on these facts that there is any need for conversion to chapter 7 to protect the interests of the debtor's actual creditors, particularly in light of the \$2,000,000 payment that Mr. Silver has provided.

Overrule objection. Grant motion. Dismiss bankruptcy case.

Party Information

Debtor(s):

Karyn Anne Silver

Represented By

Stella A Havkin

Vanessa M Haberbush

Movant(s):

Karyn Anne Silver

Represented By

Stella A Havkin

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT...

Karyn Anne Silver

Vanessa M Haberbush

Chapter 11

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

2:22-14832 Karyn Anne Silver

Chapter 11

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

fr: 10-26-22; 2-8-23; 4-19-23; 5-3-23; 8-9-23; 11-8-23; 2-7-24; 4-17-24; 7-10-24;
9-25-24

Docket 11

Courtroom Deputy:

ZoomGov Appearance by:

12/2/24 - Vanessa Haberbusch

12/2/24 - Alan Martin

12/2/24 - Stella Havkin

12/3/24 - David Shevitz

Tentative Ruling:

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

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

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

Tentative Ruling for February 8, 2023:

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

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT... **Karyn Anne Silver**
former husband?

Chapter 11

Is the debtor currently working? Does she have any source of income other than selling her belongings and obtaining money from relatives? What steps does debtor plan to take in order to be in a position to sell the marital home? Does debtor believe that there is equity in the house?

Hearing required.

Final Ruling for February 8, 2023:

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

Tentative Ruling for April 19, 2023:

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

Tentative Ruling for May 3, 2023:

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

Final Ruling for May 3, 2023:

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

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT... Karyn Anne Silver

Chapter 11

should file updated status report not later than July 28, 2023.

Tentative Ruling for August 9, 2023:

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

Final Ruling from August 9, 2023:

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

Tentative Ruling for November 8, 2023:

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

Final Ruling for November 8, 2023:

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

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

Tentative Ruling for February 7, 2024:

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

Discuss with debtor the likely future of this case if the pending sale efforts fail to

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT... Karyn Anne Silver

Chapter 11

produce a buyer prior to May 15, 2024.

Tentative Ruling for April 17, 2024:

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

Final Ruling for April 17, 2024:

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

Tentative Ruling for July 10, 2024:

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

Final Ruling for July 10, 2024:

Continue case status conference to September 25, 2024 at 11:00 a.m. Debtor should file status report not later than September 13, 2024.

Tentative Ruling for September 25, 2024:

What, if anything, does the debtor intend to accomplish with this chapter 11 case? Does she still need to be in bankruptcy? If so, why? Hearing required.

Tentative Ruling for December 4, 2024:

If court grants motion to dismiss, take case status conference off calendar.

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT... Karyn Anne Silver

Chapter 11

Party Information

Debtor(s):

Karyn Anne Silver

Represented By
Stella A Havkin

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

2:24-15376 Kinetic Entropy, LLC.

Chapter 11

#103.00 Motion in Individual Ch 11 Case for Order Employing Professional (LBR 2014-1): Anerio V. Altman, Esq. of Lake Forest Bankruptcy II, APC as General Insolvency Counsel

Docket 20

Courtroom Deputy:

ZoomGov Appearance by:

12/3/24 - David Shevitz

Tentative Ruling:

This application was filed back in August. Why didn't proposed counsel ever file a notice of nonopposition and lodge an order granting the motion? Hearing required.

NOTE: Debtor has also filed application to employ real estate agent. Deadline to object to this application will run shortly. Debtor is encouraged to file a notice of nonopposition and lodge an order granting motion in a timely manner.

Party Information

Debtor(s):

Kinetic Entropy, LLC.

Represented By
Anerio V Altman

Movant(s):

Kinetic Entropy, LLC.

Represented By
Anerio V Altman

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

2:24-15376 Kinetic Entropy, LLC.

Chapter 11

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

fr: 8-28-24; 10-10-24

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

12/3/24 - David Shevitz

Tentative Ruling:

Tentative Ruling for August 28, 2024:

Has the debtor managed to acquire homeowners insurance? What is the status of the debtor's efforts to file its missing tax returns? Is the debtor's real property currently occupied? How does the debtor intend to go about deciding whether to rent, refinance or sell the property?

Hearing required.

Final Ruling for August 28, 2024:

Continue case status conference to October 10, 2024 at 10:30. Debtor should file updated status report by September 30, 2024.

Tentative Ruling for October 10, 2024:

Bankruptcy was filed July 8, 2024. Plan should have been filed by October 6 (or 7), 2024. In status report, debtor reports that plan will be filed by the 90-day deadline. Was plan filed?

When does debtor anticipate that it will be in a position to move for authority to employ a real estate broker?

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

Wednesday, December 4, 2024

Hearing Room 1539

11:00 AM

CONT... Kinetic Entropy, LLC.

Chapter 11

Hearing required.

Final Hearing for October 10, 2024:

Continue case status conference to December 4, 2024 at 11:00 a.m. Debtor should file updated status report not later than November 27, 2024.

Tentative Ruling for December 4, 2024:

At debtor's request, continue case status conference to February 5, 2025 at 11:00 a.m. Debtor in possession should file updated status report not later than January 27, 2025. APPEARANCES WAIVED ON DECEMBER 4, 2024.

Party Information

Debtor(s):

Kinetic Entropy, LLC.

Represented By
Anerio V Altman

Movant(s):

Kinetic Entropy, LLC.

Represented By
Anerio V Altman

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se