

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2: -

ZOOM INFORMATION

Chapter

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... ZOOM INFORMATION

Chapter

**United States Bankruptcy Court
Central District of California
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Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:24-10895 Zhengri Song

Chapter 7

#1.00 Hearing RE: [9] Motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 FORD F-150, VEHICLE IDENTIFICATION #: 1FTEW1E50JFA45355 .

Docket 9

Tentative Ruling:

No tentative ruling. This is a **FINAL RULING**. This motion was set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. *Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Their defaults are entered and the court will resolve the matter without oral argument. LBR 9013-1(j)(3). **NO APPEARANCE IS NECESSARY.**

GRANT under 11 U.S.C. § 362(d)(1) and (d)(2).
GRANT as binding despite conversion.
GRANT waiver of FRBP 4001(a)(3) stay.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Zhengri Song

Represented By
Frank Hwu

Movant(s):

COMMUNICATION FEDERAL

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... Zhengri Song

Chapter 7

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:24-10019 Stephanie Drew

Chapter 7

#2.00 CONT'D Hearing RE: [26] Motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 920 Venice Boulevard # 224, Venice, CA 90291 fr. 3-28-24

Docket 26

Tentative Ruling:

There is no reply. Does the movant intend to proceed?

Party Information

Debtor(s):

Stephanie Drew

Pro Se

Movant(s):

KMK Management Company

Represented By
Agop Gary Arakelian

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:21-14537 Levant Group

Chapter 7

#3.00 CONT'D Chapter 7 Trustee's Final Report, Application for Compensation and Application(s) for Compensation of Professionals filed on behalf of Trustee John P. Pringle

fr. 1-18-24, 2-22-24

Docket 160

***** VACATED *** REASON: Cont'd from 4/18/24 to 7/11/24 at 11:30 a.m. by court.**

Tentative Ruling:

Can the trustee explain how payments were made to counsel for the debtor?
It appears counsel's pro rata payment will be higher than payment for other administrative expenses.

Party Information

Debtor(s):

Levant Group

Represented By
Roseann Frazee

Trustee(s):

John P Pringle (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:22-14782 Kenneth Elwood Kaufman

Chapter 7

#4.00 Chapter 7 Trustee's Final Report, Application for Compensation and Application(s) for Compensation of Professionals filed on behalf of Trustee Timothy Yoo.

Docket 47

Tentative Ruling:

The Trustee's final report and applications for compensation were properly noticed in accordance with FRBP 2002 and set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the Court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. The Court will resolve the matter without oral argument. LBR 9013-1(j)(3). NO APPEARANCE IS NECESSARY.

GRANT all relief requested. The final report and proposed distributions, compensation and reimbursement are approved.

Trustee to submit order within seven days.

Party Information

Debtor(s):

Kenneth Elwood Kaufman

Pro Se

Trustee(s):

Timothy Yoo (TR)

Represented By
Carmela Pagay
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:22-14708 William Holdings, LLC

Chapter 7

#5.00 Chapter 7 Trustee's Final Report, Application for Compensation and Application(s) for Compensation of Professionals filed on behalf of Trustee Howard M. Ehrenberg

Docket 0

Tentative Ruling:

The Trustee's final report and applications for compensation were properly noticed in accordance with FRBP 2002 and set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the Court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. The Court will resolve the matter without oral argument. LBR 9013-1(j)(3). NO APPEARANCE IS NECESSARY.

GRANT all relief requested. The final report and proposed distributions, compensation and reimbursement are approved.

Trustee to submit order within seven days.

Party Information

Debtor(s):

William Holdings, LLC

Pro Se

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:23-16320 Michael Zeledon

Chapter 7

#6.00 Hearing RE: [31] Motion to Approve Assignment Agreement between the Trustee and the Debtor for the Trustee's Conveyance of the Estate's Interest in 2017 Honda Pilot

Docket 31

Tentative Ruling:

grant, subject to overbid at the hearing

Party Information

Debtor(s):

Michael Zeledon

Represented By
Benjamin Heston

Movant(s):

Peter J Mastan (TR)

Pro Se

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:24-11780 Alta Vista Gardens, Inc.

Chapter 11

#7.00 Status Hearing RE: [1] Chapter 11 Subchapter V Voluntary Petition Non-Individual. Inc.

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alta Vista Gardens, Inc.

Represented By
Matthew D. Resnik

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:21-19016 STEVEN J. RIFKIND

Chapter 11

#8.00 CONT'D Post Confirmation Status Conference
fr. 7-14-22, 10-13-22, 3-9-23, 3-23-23, 10-5-23, 1-18-24

Docket 98

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

STEVEN J. RIFKIND

Represented By
Keith C Owens
Nicholas A Koffroth

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:22-13026 Flavia Lanini

Chapter 7

Adv#: 2:22-01167 Morai et al v. Lanini

#9.00 CONT'D Status Hearing RE: [1] Adversary case 2:22-ap-01167. Complaint by Carla Morai, Shirlei Silva against Flavia Lanini. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))
fr. 11-10-22, 5-11-23, 8-17-23, 11-2-23, 1-25-24

Docket 1

Tentative Ruling:

The court is happy to continue the status conference to May 30, June 6, or June 13 to give the parties time to document a settlement. Please contact chambers with a preferred date. No need to appear on April 18.

Party Information

Debtor(s):

Flavia Lanini

Represented By
Anthony A. Friedman

Defendant(s):

Flavia Lanini

Pro Se

Plaintiff(s):

Carla Morai

Represented By
Matthew A Lesnick
Toni J Jaramilla

Shirlei Silva

Represented By
Matthew A Lesnick
Toni J Jaramilla

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:23-12942 Richard Trujillo

Chapter 7

Adv#: 2:23-01317 Adamson v. Trujillo

#10.00 CONT'D Status Hearing RE: [1] Adversary case 2:23-ap-01317. Complaint by Scott Adamson against Richard Trujillo. (d),(e)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))
fr. 8-31-23, 11-16-23

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Trujillo

Represented By
Antonio John Ibarra

Defendant(s):

Richard Trujillo

Pro Se

Plaintiff(s):

Scott Adamson

Represented By
Stella A Havkin

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:23-15040 Maureen Ojose

Chapter 7

Adv#: 2:23-01492 Pringle v. Ojose et al

#11.00 CONT'D Status Hearing RE: [1] Adversary case 2:23-ap-01492. Complaint by John P. Pringle against Elohor Ojose, Kessiena Ojose, Eseoghene Ojose, Ejiroghene Ojose. (\$350.00 Fee Charge To Estate). for: 1) Avoidance of Unauthorized Post-Petition Transfer and Recovery of Same [11 U.S.C. §§ 549, 550]; 2) Preservation of Avoided Transfers [11 U.S.C. § 551]; and 3) Disallowance of Claims [11 U.S.C. § 502(d)] Nature of Suit: (14 (Recovery of money/property - other)),(91 (Declaratory judgment)) fr. 2-15-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maureen Ojose

Represented By
Marc A Goldbach

Defendant(s):

Elohor Ojose

Pro Se

Kessiena Ojose

Pro Se

Eseoghene Ojose

Pro Se

Ejiroghene Ojose

Pro Se

Plaintiff(s):

John P. Pringle

Represented By
Lynda T Bui

Trustee(s):

John P Pringle (TR)

Represented By
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... Maureen Ojose

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

2:22-12552 Global Alliance Distributors, Inc.

Chapter 7

#12.00 Hearing RE: [311] TRUSTEE'S MOTION FOR AN ORDER: (1) AUTHORIZING PROCEDURES FOR THE SALE OF ESTATE PROPERTY, (2) APPROVING THE SALE OF ASSETS FREE AND CLEAR OF LIENS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363, (3) MAKING A GOOD FAITH FINDING PURSUANT TO 11 U.S.C. § 363, AND (4) APPROVING THE FORM AND MANNER OF NOTICE

Docket 311

Tentative Ruling:

There are a lot of problems with this motion. Deny without prejudice.

The trustee, after notice and a hearing, may sell, other than in the ordinary course of business, property of the estate. 11 U.S.C. § 363(b)(1). The sale must be in the best interests of the estate and the price must be fair and reasonable. *In re The Canyon P'ship*, 55 B.R. 520 (Bankr. S.D. Cal. 1985). In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an arms-length transaction. *In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991).

The trustee may sell property free and clear of any interest in such property other than the estate, only if – (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest; (2) such entity consents; (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property; (4) such interest is in a bonafide dispute; or (5) such entity could be compelled in a legal or equitable proceeding, to accept a money satisfaction of such interest. 11 U.S.C. § 363(f).

The Motion is very light on details and gives inadequate notice of the property being sold. Parts of the Motion appear to have errors or confusing

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... Global Alliance Distributors, Inc. Chapter 7

references to dates and a "closing date" perhaps because the Trustee copied from other motions he has filed in the past (e.g., Motion, 11:27-12:2, referring to an auction "to be conducted between on [sic] August 22, 2023."

The Motion defines "Business Assets" as collectively everything the Debtor scheduled (Motion, 2:15-18). But the Motion only ever refers to selling "equipment" and "essentially the forklifts," and says unspecified other property should be abandoned. The Notice of Sale (Docket No. 313) does not help, as it just says the property being sold is set forth in the motion. No schedule of the assets being sold is attached to the Motion or the notice (Docket No. 312).

There are no specific bidding procedures outlined – the Trustee says that bidders may be able to see the property being sold and start placing bids "approximately seven (7) days prior to the closing date" (whatever "closing date" means here). The Motion says that the Trustee will "conduct" the sale "on May 1, 2024 at 10:00 a.m." But it also suggests that the auction will conclude on May 1, 2024 at 10:00 a.m.¹ In one place, it says the auction will "take place and be concluded by May 1, 2024, starting at 10:00 a.m." (Motion, 9:1-3). Is the auction taking place for seven days (starting at an unspecified date and time) and ending at 10.

The Motion includes no discussion of how the Auctioneer will market the property to be sold and no argument that such efforts are appropriate and sufficient to generate the highest offers for the property.

There is no attached agreement or specific bidding procedures. The Trustee's application to employ the Auctioneer had an attached agreement, but it did not include bidding procedures or discuss marketing efforts. At least that document identified six forklifts (though it also said "number of units to be determined"). None of the Motion, the notice, or the notice of sale identified those forklifts. The application to employ the Auctioneer also included a proposal from the Auctioneer relating to an entirely different bankruptcy case and sale of assets in that case (Vista Studios, 2:23-bk-13187-NB).

The discussion of a sale free and clear of liens includes no discussion of whether the Trustee believes there are any creditors asserting an asset in the property to be sold (whatever property that is). He just asserts that a sale free and clear of liens and interests, with such liens and interests to attach to

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... Global Alliance Distributors, Inc. Chapter 7

the proceeds, is appropriate under § 363(f) without identifying a subsection of that provision.

Based on the court's own research, the following secured claims were filed:

- Hybrid Advance (Claim 1), which asserted a claim secured by all assets
- Kapitus (Claim 2) – which the court understands was paid in full (see Docket No. 230)
- The SBA (Claim 3), which asserted a claim secured by all tangible and intangible personal property
- Wells Fargo Bank (Claim 7), which asserted a claim secured by a vehicle. Wells Fargo recently obtained relief from stay with respect to this claim
- HYG Financial Services, Inc. (Claim 11), which asserted a claim secured by a used forklift
- Everest Business Funding (Claim 16), which asserted a claim secured by receivables
- Fusion Funding, LLC (Claim 17), which asserted a claim secured by all assets
- Crestmark Vendor Finance (Claim 18), which asserted a claim secured by a forklift

Two secured claims were also scheduled for Ascentium Capital, each secured by a forklift. Ascentium Capital obtained relief from stay by an order entered on 6/16/23. The court does not know if these forklifts remain in estate possession or whether they are within the scope of assets the Trustee seeks to sell.

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... **Global Alliance Distributors, Inc.**

Chapter 7

So, at least three creditors had claims filed or scheduled as secured by forklifts, and other creditors filed claims asserting security interests in all of the Debtor's property. No effort is made in the Motion to address these claims – particularly those for creditors that apparently financed forklifts possibly among those the Trustee proposes to sell. There is no discussion of the possible price to be realized relative to the amount of the claims or any other relevant information.

The notice of motion, not the Motion, was served on all creditors. However, FRBP 6004(c) requires notice of a motion for sale free and clear of liens and other interests to be served on the parties holding liens and interests under FRBP 9014 (so, as a summons and complaint under FRBP 7004). Here, secured creditors were not served with the Motion (except NEF recipients) at all, much less as required by FRBP 7004.

The request for a finding of good faith under § 363 doesn't mention § 363(m), but that is presumably what the Trustee means to request. The support for that request is simply an assertion that no one associated with the Trustee or the Auctioneer will be permitted to participate (the Debtor isn't mentioned).

Finally, the Motion mentions a stipulation for a carve-out agreement with the SBA. Presumably such an agreement is necessary to justify selling whatever property it is the Trustee proposes to sell. But the court has no information about any agreement with the SBA, and the fact that such an agreement is apparently necessary but has not been disclosed calls into question whether the court should be approving any proposed auction.

In short – the Motion does not disclose what is being sold, it does not clearly disclose when or how it will be sold, it does not explain why a sale is appropriate, it does not discuss how the property is being marketed to realize the best value, it was not properly served on parties asserting liens or interests in the property being sold, and it does not explain why the property can be sold free and clear of such liens and interests.

Party Information

Debtor(s):

Global Alliance Distributors, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Thursday, April 18, 2024

Hearing Room 1639

11:30 AM

CONT... Global Alliance Distributors, Inc.

Chapter 7

Sheila Esmaili

Trustee(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez