

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2: -

ZOOM INFORMATION

Chapter

#0.00 All hearings on this calendar will offer remote connection, using ZoomGov video and audio.

Parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below.

Observers/members of the public may connect to the audio feed only.

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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, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-17877 Francisco Manuel Gil

Chapter 7

#1.00 Hearing RE: [9] Motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2002 Ford F150 Supercrew Cab 1FTRW07352KC80589 Under 11 U.S.C. § 362.

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):

Francisco Manuel Gil

Represented By
Neil R Hedtke

Movant(s):

Westlake Services, LLC d/b/a

Represented By
Dane W Exnowski

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

CONT... Francisco Manuel Gil

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-18465 Bryan Julian Barroso

Chapter 7

#2.00 Hearing RE: [9] Motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2023 Dodge Challenger, VIN: 2C3CDZBT2PH559041 .

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):

Bryan Julian Barroso

Represented By
Daniel King

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

CONT... Bryan Julian Barroso

Chapter 7

Trustee(s):

Timothy Yoo (TR)

Pro Se

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-18525 Ana Marina Leiva

Chapter 7

#3.00 Hearing RE: [9] Motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2021 TOYOTA PRIUS .

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) only (inadequate record regarding equity).

GRANT as binding despite conversion.

GRANT waiver of FRBP 4001(a)(3) stay.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ana Marina Leiva

Represented By
Lauren M Foley

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

CONT... Ana Marina Leiva

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-16038 Meredith Blake

Chapter 7

#4.00 Hearing RE: [88] Chapter 7 Trustee's Motion to Approve Compromise with Claimant Jeremiah Langer Pursuant to FRBP 9019 fr. 11-14-24, 12-5-24

Docket 88

Tentative Ruling:

The court needs additional information to assess the motion and proposed compromise. Please be prepared to address timing for a supplemental brief, opposition, and reply on these points:

With respect to whether the Trustee seeks to settle postpetition claims that may not be property of the estate, the Debtor argues that "[t]he basis for some of Debtor's claims in the Domestic Violence Complaint arose after the Petition Date," and that other allegations relate to omissions that began prepetition but continued postpetition. (Opposition, 2:13-15). The argument makes sense, but the Motion did not attach a copy of the complaint in the Lawsuit that the Trustee proposes to dismiss with prejudice. And while the Opposition and the Reply both include argument regarding the allegations of that complaint, neither of those documents attach it either. The Reply refers to a paragraph of the complaint being attached, and the declaration of Mr. Langer says the amended complaint is attached, but it is not attached to the filed document – the referenced Exhibit 2 is simply not there. The court needs to see the complaint and citations to the relevant portions.

With respect to the Debtor's claim in the Opposition that Mr. Langer should not be allowed to fund a settlement payment with funds awarded to the Debtor by the family court, the Reply does not appear to respond directly. However, it is not clear whether the Opposition is conflating the \$39,000 payment by Mr. Langer to the estate with the agreement by Mr. Langer to turn over \$30,042.31 awarded to the Debtor by the family court. Both sides need to supplement their papers on this issue.

The Trustee also does not clearly address the Debtor's claim that the balance of funds in Mr. Langer's counsel's trust account, which the settlement

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

CONT...

Meredith Blake

Chapter 7

proposes be paid to Mr. Langer, are community property/estate property. The Debtor argues that this disturbs the Code's priority scheme. In response, the Trustee asserts that Mr. Langer would be paid first based on § 507 as a domestic support claim. The record currently before the court doesn't support this assertion. The proof of claim filed by Mr. Langer is not clearly a domestic support obligation. The addendum to Claim 5 states that it consists of: (1) estimated spousal equalization payment; (2) unsettled separate property contributions; and (3) indemnification by the Debtor. The Trustee does not explain how any of these elements of the filed claim are within the scope of first priority domestic support obligations under § 507(a)(1)(A). Claim 5 also asserts that it is for \$350,000 plus "any further amounts ordered by the Family Law Court." The Trustee needs to provide evidence and authority to support the arguments made regarding priority of the Langer claim.

The Debtor also argues that, upon withdrawal by Mr. Langer of Claim 5 pursuant to the settlement, his adversary proceeding against the Debtor should be dismissed because he would no longer be a creditor. The Trustee responds to this argument by asserting that "[Mr. Langer's] claim against the Estate has nothing to do with his claims against the Debtor individually as asserted in his adversary case against her." (Reply, 5:3-5). But the pending nondischargeability proceeding (2:23-ap-01494-DS) requests, among other things, a determination of nondischargeability as to amounts awarded to Mr. Langer by the family court. Again, the record needs to be supplemented here with authority and evidence to support the contention that Claim 5 and the adversary proceeding have nothing to do with each other.

Party Information

Debtor(s):

Meredith Blake

Represented By
Larry D Simons

Trustee(s):

Wesley H Avery (TR)

Represented By
Stella A Havkin

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-16465 11824 Ocean Park Partners LLC

Chapter 11

#5.00 Hearing RE: [158] Final Application by RHM LAW LLP, General Bankruptcy Counsel for the Debtor, for Allowance of Fees and Reimbursement of Costs for the Period June 1, 2024, Through November 12, 2024; Period: 6/1/2024 to 11/12/2024, Fee: \$57,605, Expenses: \$537.90.

Docket 158

Tentative Ruling:

The interim application for approval of fees and reimbursement of expenses was properly noticed in accordance with FRBP 2002 and Local Bankruptcy Rule ("LBR") 2016-1(a) and set for hearing in accordance with LBRs 2016-1(a) and 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 relief sought in the application. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the application contains the information required in LBR 2016-1(a) and a *prima facie* case has been established in support of the application, 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 interim application is approved and payment of the requested amounts is approved.

Applicant to submit order within seven days.

Party Information

Debtor(s):

11824 Ocean Park Partners LLC

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

CONT... 11824 Ocean Park Partners LLC

Chapter 11

Movant(s):

11824 Ocean Park Partners LLC

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-14143 Sunny Way Trucking Inc.

Chapter 11

#6.00 CONT'D Status Hearing RE: [1] Chapter 11 Subchapter V Voluntary Petition
Non-Individual.
fr. 7-11-24, 8-27-24, 10-29-24

Docket 1

Tentative Ruling:

The court thanks the trustee for the status report.

Party Information

Debtor(s):

Sunny Way Trucking Inc.

Represented By
Stella A Havkin

Trustee(s):

Arturo Cisneros (TR)

Pro Se

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-16266 Icon Collective, LLC

Chapter 11

#7.00 Hearing RE: [67] Motion to Appoint Chapter 11 Trustee Christopher Wights
fr. 12-10-24

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Icon Collective, LLC

Represented By
David B Shemano

Movant(s):

Christopher Wight

Represented By
Derrick Talerico

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-16266 Icon Collective, LLC

Chapter 11

#8.00 Hearing RE: [72] Motion of the debtor and David Alexander Valencia for order (1) approving disclosure statement, and (2) confirming plan of reorganization

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Icon Collective, LLC

Represented By
David B Shemano

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-16953 Freedom 26, LLC

Chapter 11

#9.00 Hearing RE: [240] Motion for order: (a) approving sale of the estate's and co-owners' interests pursuant to 11 U.S.C. § 363(h) in the Santa Monica/Brockton properties free and clear of all claims, liens, interests and encumbrances pursuant to 11 U.S.C. §363(f); (b) approving notice and bid procedures; (c) granting 11 U.S.C. §363(m) protection to buyer as a good faith purchaser; and (d) waiving bankruptcy rule 6004 stay

Docket 240

Tentative Ruling:

The procedures are reasonable and approved.
If there are multiple bidders, counsel for the debtor will conduct the auction.

Party Information

Debtor(s):

Freedom 26, LLC

Represented By
Raymond H. Aver

Movant(s):

Freedom 26, LLC

Represented By
Raymond H. Aver

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-16953 Freedom 26, LLC

Chapter 11

#9.10 Hearing RE: [262] Motion filed Jointly by Debtors and Debtors In Possession, Behnam Rafalian and Freedom 26, LLC for Order Approving Settlement Agreement by and Among the Debtors, Winhall 5, LLC, Salar Investments, LLC, Behrooz Rafalian, Ebrahim Rafalian, Salar Family Investment LLC, ER&GR LLC and Malibu LLC Pursuant to Bankruptcy Rule 9019

Docket 262

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Freedom 26, LLC

Represented By
Raymond H. Aver

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-17417 Behnam Rafalian

Chapter 11

#9.20 Hearing RE: [412] Motion filed Jointly by Debtors and Debtors In Possession, Behnam Rafalian and Freedom 26, LLC for Order Approving Settlement Agreement by and Among the Debtors, Winhall 5, LLC, Salar Investments, LLC, Behrooz Rafalian, Ebrahim Rafalian, Salar Family Investment LLC, ER&GR LLC and Malibu LLC Pursuant to Bankruptcy Rule 9019

Docket 412

Tentative Ruling:

The copies of the settlement agreement attached to the Motion (Docket No. 412 in the Rafalian case and Docket No. 262 in the Freedom 26 case) appear to be missing signature pages for Behrooz Rafalian, Ebrahim Rafalian, ER&GR LLC, and Malibu LLC. The Debtors need to file the missing signature pages.

Once the signature pages are filed, the court will be delighted to grant the motion and approve the proposed compromise. The A&C Properties factors weigh heavily in favor of approval.

Party Information

Debtor(s):

Behnam Rafalian

Represented By
Sandford L. Frey
Robyn B Sokol

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-17417 Behnam Rafalian

Chapter 11

#10.00 Hearing RE: [393] First Interim Application of Leech Tishman for Compensation of Fees and Reimbursement of Expenses Incurred on Behalf of the Debtor and Debtor in Possession; Period: 11/8/2023 to 10/31/2024, Fee: \$1,160,659.50, Expenses: \$5,889.51.

Docket 393

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Behnam Rafalian

Represented By
Sandford L. Frey
Robyn B Sokol

Movant(s):

Leech Tishman Fuscaldo & Lampl,

Represented By
Sandford L. Frey

Leech Tishman Fuscaldo & Lampl,

Represented By
Robyn B Sokol

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-17417 Behnam Rafalian

Chapter 11

#11.00 Hearing RE: [398] First Interim Application for Jacob N. Segura, Esq. and Jacob N. Segura, A Law Corporation, for compensation for fees and reimbursement of expenses incurred on behalf of the debtor and debtor in possession, Period: 12/17/23 to 10/31/24, Fee: \$104950.00, Expenses: \$124.52.

Docket 398

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Behnam Rafalian

Represented By
Sandford L. Frey
Robyn B Sokol

Movant(s):

Jacob N. Segura, A Law Corporation

Represented By
Jacob N Segura

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-17417 Behnam Rafalian

Chapter 11

#12.00 Hearing RE: [400] First Interim Application of Cox, Castle & Nicholson LLP for compensation of fees and reimbursement of expenses incurred on behalf of the debtor and debtor in possession; Period: 11/8/23 to 10/31/24, Fee: \$191069.00, Expenses: \$1047.55.

Docket 400

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Behnam Rafalian

Represented By
Sandford L. Frey
Robyn B Sokol

Movant(s):

Cox, Castle & Nicholson LLP

Pro Se

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-17417 Behnam Rafalian

Chapter 11

Adv#: 2:24-01090 Rafalian v. Refalian et al

#13.00 Hearing RE: [18] Motion for Summary Judgment

Docket 18

*** VACATED *** REASON: Cont'd from 12/19/24 to 2/11/25 at 1:00 p.m.
per stip & order entered on 12/4/24.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Behnam Rafalian

Represented By
Sandford L. Frey
Robyn B Sokol

Defendant(s):

Behrooz Refalian

Represented By
Gregory D Hagen

Ebrahim Rafalian

Represented By
Gregory D Hagen

ER & GR, LLC

Represented By
Gregory D Hagen

Malibu, LLC

Represented By
Gregory D Hagen

Freedom 26, LLC

Pro Se

Movant(s):

Behnam Rafalian

Represented By
Robyn B Sokol

Plaintiff(s):

Behnam Rafalian

Represented By

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

CONT...

Behnam Rafalian

Robyn B Sokol

Chapter 11

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

Thursday, December 19, 2024

Hearing Room 1639

1:00 PM

2:22-11420 Timkev International, Inc.

Chapter 7

Adv#: 2:24-01060 Pringle v. JP MORGAN CHASE BANK, N.A.

#14.00 CONT'D Status Hearing RE: [1] Adversary case 2:24-ap-01060. Complaint by John P Pringle against JP MORGAN CHASE BANK, N.A.. (\$350.00 Fee Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)) fr. 5-23-24, 8-15-24,10-17-24

Docket 1

*** VACATED *** REASON: Order dismissing adversary proceeding entered on 12/13/24.

Tentative Ruling:

No appearances on 10/17. Continued to 12/19/24 at 1pm.

Party Information

Debtor(s):

Timkev International, Inc.

Represented By
Joon M Khang

Defendant(s):

JP MORGAN CHASE BANK, N.A.

Pro Se

Plaintiff(s):

John P Pringle

Represented By
Toan B Chung

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, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-11085 DVD Factory, Inc.

Chapter 11

#15.00 Hearing RE: [329] Motion to Modify Plan of Reorganization
fr. 12-18-24

Docket 329

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DVD Factory, Inc.

Represented By
Michael Jay Berger

Movant(s):

DVD Factory, Inc.

Represented By
Michael Jay Berger

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, December 19, 2024

Hearing Room 1639

1:00 PM

2:23-11085 DVD Factory, Inc.

Chapter 11

#16.00 CONT'D Post Confirmation Status Conference
fr. 4-11-24, 6-13-24, 7-23-24, 11-7-24, 12-18-24

Docket 222

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DVD Factory, Inc.

Represented By
Michael Jay Berger

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, December 19, 2024

Hearing Room 1639

1:00 PM

2:24-18962 Kesi Armstrong

Chapter 7

#17.00 Hearing RE: Motion to commence loan modification management program

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kesi Armstrong

Pro Se

Trustee(s):

Brad D Krasnoff (TR)

Pro Se