

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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

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Meeting URL: <https://cacb.zoomgov.com/j/1618104522>

Meeting ID: 161 810 4522

Password: 284345

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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9:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

Adv#: 8:19-01078 Bertrand H Dulac and Georgette C Dulac, Trustees o v. Dulac et al

#1.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Validity of
Certain Notes and Deeds of Trust and to Perfect Secured Liens

FR: 7-18-19; 9-19-19; 12-5-19; 2-6-20; 6-4-20; 9-3-20; 11-19-20; 6-17-21

Docket 1

Courtroom Deputy:

**SPECIAL NOTE: Status conference set for 10/21/2021 at 9:30 a.m. re:
Complaint in intervention - td (6/14/2021)**

Tentative Ruling:

July 18, 2019

Continue status conference to September 19, 2019 at 9:30 a.m. to allow the
chapter 7 trustee the opportunity to intervene. (XX)

*Special Note: It appears the complaint is seeking relief against property of
the bankruptcy estate and, therefore, the chapter 7 trustee would be an
indispensable party.*

***Note: If all parties accept the foregoing tentative ruling, appearances at
today's hearing are not required and Plaintiff shall serve notice of the
continued hearing date/time (including service to the chapter 7 trustee).***

September 19, 2019

Continue status conference to December 5, 2019 at 9:30 a.m.; updated
status report must be filed by November 21, 2019. (XX)

Special comment: The court notes that though the Trustee signed the Joint

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CONT... Lillian Sikanovski Dulac

Chapter 7

Status Report on 9/17/19, the Trustee dismissed her Complaint in Intervention on 9/16/19.

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

December 5, 2019

Continue the Status Conference to February 6, 2020 at 9:30 a.m., same date/time as Status Conference now set for Third Party Complaint. Joint Status Report must be filed by January 23, 2020. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

February 6, 2020

Continue status conference to June 4, 2020 at 9:30 a.m.; updated joint status report must be filed by May 21, 2020. Any motion for relief from stay and/or abstention must be filed no later than April 16, 2020 and set for hearing no later than May 7, 2020. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiffs shall lodge a scheduling order consistent with the same.

September 3, 2020

Continue Status Conference to November 19, 2020 at 9:30 a.m.; updated joint status report must be filed by November 5, 2020. (XX)

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**CONT... Lillian Sikanovski Dulac
November 19, 2020**

Chapter 7

Discovery Cut-off Date:	May 14, 2021
Deadline to Attend Mediation:	Apr. 2, 2021
Pretrial Conference Date:	Jun. 17, 2021 at 9:30 a.m.
(XX)	
Deadline to File Joint Pretrial Stipulation:	Jun. 3, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

October 21, 2021

Continue this Status Conference to December 2, 2021 at 9:30 a.m.; updated Status Report must be filed by November 18, 2021 if the remains pending as of such date. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Ronald H. Dulac

Pro Se

Lillian Sikanovski

Pro Se

Plaintiff(s):

Bertrand H Dulac and Georgette C

Represented By
Ronald Appel

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CONT... Lillian Sikanovski Dulac

Chapter 7

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

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9:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

Adv#: 8:19-01078 Bertrand H Dulac and Georgette C Dulac, Trustees o v. Dulac et al

#2.00 CONT'D STATUS CONFERENCE RE: Complaint in Intervention to Determine Estate's Interest in Real Property and Validity and Extent of Liens, and Ancillary Relief

FR: 2-6-20; 6-4-20; 9-3-20; 11-19-20; 6-17-21

Docket 16

Courtroom Deputy:

SPECIAL NOTE: Status conference set for 10/21/2021 at 9:30 a.m. re: Original Complaint - td (6/14/2021)

Tentative Ruling:

February 6, 2020

Continue status conference to June 4, 2020 at 9:30 a.m.; updated joint status report must be filed by May 21, 2020. Any motion for relief from stay and/or abstention must be filed no later than April 16, 2020 and set for hearing no later than May 7, 2020. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiffs shall lodge a scheduling order consistent with the same.

September 3, 2020

Continue Status Conference to November 19, 2020 at 9:30 a.m.; updated joint status report must be filed by November 5, 2020. (XX)

November 19, 2020

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CONT... Lillian Sikanovski Dulac

Chapter 7

Discovery Cut-off Date:	May 14, 2021
Deadline to Attend Mediation:	Apr. 2, 2021
Pretrial Conference Date:	Jun. 17, 2021 at 9:30 a.m.
(XX)	
Deadline to File Joint Pretrial Stipulation:	Jun. 3, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff in Intervention shall serve/lodge a scheduling order consistent with the same.

October 21, 2021

Continue this Status Conference to December 2, 2021 at 9:30 a.m.; updated Status Report must be filed by November 18, 2021 if the remains pending as of such date. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Ronald H. Dulac

Pro Se

Lillian Sikanovski Dulac

Pro Se

Plaintiff(s):

Bertrand H Dulac and Georgette C

Represented By
Ronald Appel

**United States Bankruptcy Court
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CONT...

Lillian Sikanovski Dulac

Michael Jones

Chapter 7

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

**United States Bankruptcy Court
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9:30 AM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:20-01161 Kurtin v. Elieff

#3.00 CONT'D PRE-TRIAL CONFERENCE RE: Complaint To Determine
Dischargeability of Debt and Denial of Discharg 11 U.S.C. Section 523(a)(2)(A);
11 U.S.C. Section 727(a)

FR: 2-4-21; 7-22-21; 9-16-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 9:30 A.M.,
Per Order Entered 9/13/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 12/16/2021 at 9:30 a.m.,
Per Order Entered 913/2021 (XX) - td (9/13/2021)**

Tentative Ruling:

February 4, 2021

Discovery Cut-off Date:	June 1, 2021
Deadline to file Summary Jgmt Motion:	March 4, 2021
Pretrial Conference Date:	July 22, 2021 at 9:30 a.m.
(XX)	
Deadline to file Joint Pretrial Stipulation:	July 8, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson

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CONT...

Bruce Elieff

Chapter 7

Robert P Goe

Defendant(s):

Bruce Elieff

Pro Se

Plaintiff(s):

Todd Kurtin

Represented By
Lewis R Landau

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

**United States Bankruptcy Court
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9:30 AM

8:21-10323 Andrew Michael Murphy

Chapter 7

Adv#: 8:21-01021 Murphy v. Granite State Management et al

#4.00 CON'TD STATUS CONFERENCE RE: Complaint/Motion to Include Student Loan and Bar Study Loan in Discharge §523(a)(8)

FR: 8-12-21

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Another Summons
Issued 8/16/2021; New Status Conference Set for 11/4/2021 at 9:30 am (XX)-
jl/td (8/16/2021)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued 8/16/2021; New Status
Conference Set for 11/4/2021 at 9:30 am (XX) - jl/td (8/16/2021)**

Tentative Ruling:

August 12, 2021

Continue this Status Conference to October 21, 2021 at 9:30 a.m. to allow Plaintiff the opportunity to re-serve the summons and complaint in accordance with Federal Rules of Bankruptcy Procedure 7004(b)(3). Continue the hearing on the Motion for Default Judgment now improperly set for August 20, 2020 to October 21, 2021 at 9:30 a.m. (XX)

Basis for Tentative Ruling:

1. The proof of service re service of the Summons and Complaint indicate that both corporate defendants were improperly served. FRBP 7004(b)(3) requires that a complaint filed against a corporate entity must be served by mailing a copy of the summons and complaint "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. Plaintiff needs to research the appropriate person to be served as to both defendants, as well as the proper address.

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CONT... Andrew Michael Murphy

Chapter 7

2. In order to re-serve the summons and complaint, Plaintiff must request the issuance of Another Summons from the court's clerk's office.

3. The motion for default judgment is also improperly served per FRBP 7004(b)(3). Further, the motion for default judgment will not be considered until the summons and complaint have been properly served and no responsive pleadings by the defendants have been filed.

4. If no answer or other responsive pleading is filed after proper service of the summons and complaint, any motion for default judgment must be supported by a declaration, along with any evidence in support of the complaint in order to establish a *prima facie* case for entry of default judgment.

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's Status Conference is not required.

Party Information

Debtor(s):

Andrew Michael Murphy	Pro Se
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Defendant(s):

Granite State Management	Pro Se
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Sallie Mae	Pro Se
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Plaintiff(s):

Andrew Murphy	Pro Se
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Trustee(s):

Weneta M.A. Kosmala (TR)	Pro Se
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**United States Bankruptcy Court
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10:00 AM

8:18-13073 Bonifacio A. Baquiran and Virginia Prenda Baquiran

Chapter 13

#5.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

SERVICING, INC.

VS.

DEBTORS

FR: 7-15-21; 9-2-21

Docket 65

***** VACATED *** REASON: Order Approving Stipulation for APO
Entered 10/20/21**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation for APO Entered 10/20/21-
mp/td (10/20/21)**

Tentative Ruling:

July 15, 2021

If Debtor is now current with postpetition payments, immediate relief from stay will be denied but an adequate protection order will be granted. The court encourages the parties to work out the terms of any adequate protection order.

September 2, 2021

The parties are to advise the court re the status of this matter. If more time is required to work out an APO, the hearing may be continued one final time to September 30, 2021 at 10:00 a.m. by making a request during the calendar roll call just prior to today's hearing.

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CONT... Bonifacio A. Baquiran and Virginia Prenda Baquiran

Chapter 13

October 21, 2021

At least one of the parties needs to appear and advise the court re the status of this matter.

Party Information

Debtor(s):

Bonifacio A. Baquiran

Represented By
Tina H Trinh

Joint Debtor(s):

Virginia Prenda Baquiran

Represented By
Tina H Trinh

Movant(s):

Select Portfolio Servicing Inc., as

Represented By
Jenelle C Arnold

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:19-12509 Scott T. Vu and Thu M. Nguyen

Chapter 13

#6.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Grant the motion with waiver of 4001(a)(3) unless the Moving Party is willing to enter into an adequate protection order with Debtor. If more time is needed regarding an APO, the matter may be continued to November 18, 2021 at 10:00 a.m. by requesting a continuance during the clerk's calendar roll call prior to the hearing.

Party Information

Debtor(s):

Scott T. Vu

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Thu M. Nguyen

Represented By
Christopher J Langley
Michael Smith

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CONT... Scott T. Vu and Thu M. Nguyen

Chapter 13

Movant(s):

THE BANK OF NEW YORK

Represented By

Katie M Parker

Julian T Cotton

Mary D Vitartas

Dane W Exnowski

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:20-10778 Angel Munoz Torres

Chapter 13

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

CALIBER HOME LOANS, INC.

VS.

DEBTOR

Docket 37

Courtroom Deputy:

SPECIAL NOTE: Maria Hehr, Attorney for Debtor and Cassandra Richey, Attorney for Movant, will make an appearance and request a continuance of the hearing due to loan modification application, per Maria Hehr, Attorney for Debtor unless stipulation is filed and Order lodged prior to hearing - td (10/19/2021)

Tentative Ruling:

October 21, 2021

Continue this hearing to December 9, 2021 at 10:00 a.m. in light of the pending loan modification application. (XX)

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Angel Munoz Torres

Represented By
Maria C Hehr

Movant(s):

Caliber Home Loans, Inc.

Represented By

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CONT... **Angel Munoz Torres**

Chapter 13

Darlene C Vigil
Christina J Khil
Cassandra J Richey

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:21-11341 Sean Thanh Dao

Chapter 7

#8.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

ARIEL SHEENA SHAKERI

VS.

DEBTOR

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Grant with 4001(a)(3) waiver and annulment; deny requests for 180-day prospective relief and relief from stay in future cases due to insufficient grounds stated for such extraordinary relief..

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Sean Thanh Dao

Represented By
Brian J Soo-Hoo

Movant(s):

Ariel Sheena Shakeri

Represented By

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CONT...

Sean Thanh Dao

Chris K Jafari

Chapter 7

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:21-11935 Edith Alatorre

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WILMINGTON TRUST, N.A.

VS.

DEBTOR

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Grant motion without 4001(a)(3) waiver and with co-debtor relief BUT no trustee's sale prior to December 21, 2021.

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Edith Alatorre

Represented By
Sunita N Sood

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:17-10706 John Jean Bral

Chapter 11

#10.00 CON'TD Hearing RE: Reorganized Debtor John Bral's Motion to Extend Time to Object to Cannae Financial, LLC's Proof of Claim [Claim No. 17]

FR: 2-11-21, 2-18-21; 3-4-21; 4-1-21; 5-6-21; 7-22-21

Docket 962

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary Dismissal of a Contested Matter, filed 10/6/2021**

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of a Contested Matter, filed 10/6/2021 - td (10/12/2021)

Tentative Ruling:

May 6, 2021

If the matter is settled, deny motion as moot. Alternatively, Movant may voluntarily withdraw the motion. If the parties require more time to complete the settlement, the hearing may be continued one final time to June 3, 2021 or June 10, 2021 at 10:30 a.m. by requesting a continuance during the calendar roll call just prior to the hearing.

Party Information

Debtor(s):

John Jean Bral

Represented By

Beth Gaschen

Alan J Friedman

William N Lobel

Bobby Samini

Dean A Ziehl

Gary A Pemberton

Shane M Biornstad

**United States Bankruptcy Court
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5A

10:30 AM

8:20-12864 Beck & Chase Enterprises, Inc.

Chapter 11

#11.00 CON'TD Hearing RE: Confirmation of Second Amended Plan of Reorganization for Small Business Under Chapter 11 (Subchapter V)

(Set per Notice of Hearing filed 7/2/21)
FR: 8-5-21; 9-9-21

Docket 83

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 5, 2021

Continue the hearing one final time to September 9, 2021 at 10:30 a.m. to all Debtor to address the following matters:: 1) treatment of the Class 2A claim of ASB and non-compliance with 11 U.S.C. 1129(a)(7); and 2) the comments of the Sub V Trustee to Debtor's Second Amended Plan [dkt. 86]. Debtor to file supplemental brief by August 19, 2021; any response to the same must be filed by August 26 , 2021, and any reply by Debtor must be filed by September 2, 2021. (XX)

Basis for Tentative Ruling

Though Debtor disputes the secured status of ASB, ASB currently holds an allowed secured claim. The Second Amended Plan (SAP) does not provide for interest (i.e., present value), in violation of Section 1129(a)(7). There is also the issue of "fair and equitable treatment" of the ASB claim due to the lack of interest provided. See Sections 1129(b)(2)(A), 1191(b) and 1191(c) (1). Although ASB has not filed an objection to its treatment under the SAP, this court has an independent duty to make a finding that the SAC complies with all applicable provisions of 1129(a).

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CONT... Beck & Chase Enterprises, Inc.

Chapter 11

2. Debtor needs to address the comments/requests for information articulated by the Sub V Trustee in his comments to the SAP. [Dkt # 86]

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.

October 21, 2021

Deny Confirmation.

Basis for Tentative Ruling

1. Debtor failed to file a confirmation brief in support of the Third Amended Plan (TAP). Incredibly, Debtor's counsel, who has appeared before this court on chapter 11 matters for many years, take the position that the August 30, 2021 Order did not require a confirmation brief for the operative plan. The confirmation brief filed five months ago on May 27, 2021 is patently insufficient for an amended plan filed September 16, 2021. Indeed, the information set forth in the May 27, 2021 confirmation order is likely stale. Further, the declaration of Donna Beck and her financial projections attached to the September 16, 2021 Third Amended Plan is dated February 26, 2021, *eight months ago*.

2. Debtor appears to assume that the value of the property securing ASB's lien is \$250,000 but provides *no evidence* re the same. Similarly, Debtor disputes that validity of the lien but has taken no steps to seek such a determination. Debtor even suggests that this court will make findings in this regard at the confirmation hearing --- without a proper motion or evidence.

3. The court agrees with the analysis set forth in ASB's opposition at pp. 6 - 10 that Debtor has not satisfied the requirements of 1129(a)(7)(A)(ii) or 1129(b)(2)(A).

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CONT... Beck & Chase Enterprises, Inc.

Chapter 11

4. As Debtor has been permitted numerous opportunities to present a confirmable plan, no further continuances will be granted.

Party Information

Debtor(s):

Beck & Chase Enterprises, Inc.

Represented By
Jeffrey B Smith
Alexis Galindo

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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10:30 AM

8:20-12864 Beck & Chase Enterprises, Inc.

Chapter 11

#12.00 CON'TD STATUS CONFERENCE Hearing RE: Status of SubChapter V Case;
and (2) Requiring Report on Status of SubChapter V Case by Debtor and
SubChapter V Trustee

FR: 12-3-20; 3-11-21; 6-17-21; 8-5-21; 9-9-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 3, 2020

Deadline to file plan*:	Feb. 16, 2021
Continued Status Conf:	Mar. 11, 2021 at 10:30 a.m. (XX)
Updated Status Report due: (Trustee)	Feb. 25, 2021 (Debtor); Mar. 4, 2021

*The court will not require a disclosure statement. However, the plan must include 1) a brief history of Debtor's business operations and the circumstances precipitating the filing; 2) a liquidation analysis; and 3) projections supporting Debtor's ability to make payments during the term of the plan.

Note: If Debtor is in substantial compliance with the requirements of the U.S. Trustee and there have been no significant developments in the case since the status reports were filed, appearances at this hearing will not be required. The Court will issue its own order re the Status Conference. It is Debtor's responsibility to confirm substantial compliance with the U.S. Trustee in advance of the hearing.

March 11, 2021

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

CONT... Beck & Chase Enterprises, Inc.

Chapter 11

Continue Status Conference to May 6, 2021 at 10:30 a.m. Debtor may schedule a hearing on approval of its plan for the same date/time. If so, a confirmation brief must be filed by or before April 22, 2021.

Special note to Subchapter V Trustee: The court did not require Debtor to file a disclosure statement. See tentative ruling for December 3, 2021.

Note: Appearances at this Status Conference are not required.

June 17, 2021

Continue hearing to July 22, 2021 at 10:30 a.m.; updated Status Report not required.

Note: Appearances at this Status Conference are not required.

August 5, 2021

Continue status conference to September 9, 2021 at 10:30 a.m.; updated status report not required. (XX)

October 21, 2021

No tentative ruling. Disposition will depend on the outcome of the confirmation hearing.

Party Information

Debtor(s):

Beck & Chase Enterprises, Inc.

Represented By
Jeffrey B Smith

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

8:21-10135 Chase Merritt Global Fund LLC

Chapter 11

#13.00 Hearing RE: First and Final Pre-Confirmation Fee Application

[ROBERT P. GOE, SUB CHAPTER V TRUSTEE]

Docket 111

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Chase Merritt Global Fund LLC

Represented By
W. Derek May

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

8:21-10513 Rosa A Fridman

Chapter 7

#14.00 Hearing RE: Plaintiff Karl Avetoom's Motion for an Order Dismissing Rosa Fridman's Bankruptcy Case Pursuant to 11 U.S.C. Section 707, Bar to Refiling 11 U.S.C. Section 349 and Vacating the Court's Lien, Avoidance Order

Docket 91

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Deny the Motion. However, Debtor will be required to take a second credit counseling course by or before November 30, 2021.

Basis for Tentative Ruling:

The court is not persuaded that Movant has met his burden of proof that this case should be dismissed. The court has reviewed Movant's evidence in detail and finds it wholly unconvincing. Furthermore, the may exercise its discretion not dismiss this eight-month old case on the basis of an alleged failure to attend pre-filing credit counseling. Indeed, even if Debtor did not attend the pre-filing counseling, the failure to do so is not jurisdictional, dismissal of the case is not mandatory and the court has discretion to fashion a reasonable remedy. See *In re Manalad*, 360 B.R. 288 (Bankr. C.D.Cal. 2007). As the court noted in *Manalad* "because the consequences of dismissal are so significant, Congress would *308 have mandated dismissal as a remedy for non-compliance with the Credit Counseling Requirements as it did in other" situations if it intended dismissal to be the only available remedy."

Out of an abundance of caution, the court will order Debtor to complete a credit counseling course by or before November 30, 2021.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

CONT...

Rosa A Fridman

Chapter 7

Party Information

Debtor(s):

Rosa A Fridman

Represented By
Scott Talkov

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

#15.00 Hearing RE: First Amended Disclosure Statement Describing Chapter 11 Plan of Reorganization

Docket 224

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Continue hearing to November 18, 2021 at 10:30 a.m. to allow Debtor correct service issues.

Basis for Tentative Ruling:

1. Fed.R.Bankr.P (FRBP) 2002(b) requires that all creditors be given at least 28 days' notice of the deadline for filing objections. See also FRBP 3017.
2. The plan and disclosure statement itself must be served on any trustee or committee, the Securities and Exchange Commission (SEC) and any party who requests in writing a copy of the same.
3. Local Bankruptcy Rules (LBR) 3017-1 (a) and (b) require that 42 days' notice of the hearing on approval of the disclosure statement and any objection must be filed 14 days prior to the hearing. [28 + 14 = 42].
4. In this matter, Debtor did not timely or properly serve *all* creditors with notice of the hearing and, more importantly, the time to object as required by the rules noted above. First, the supplemental Zoom notice [Dkt 230] was served September 15, 2021, less than 42 days prior to today's hearing. Second, the supplemental Zoom notice did not notify creditors of the deadline for filing an objection, nor did it advise creditors that they could obtain a copy of the plan and disclosure statement by written request. A&G is not the only

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

CONT... DEA Brothers Sisters LLC

Chapter 11

creditor in this case. All creditors are entitled to timely and proper notice.

5. The bank statement of Mr. Jiwani is sufficient for disclosure statement purposes. However, his financial wherewithal to support the plan will be required at confirmation for feasibility purposes.

6. As to the application of the \$1.7M valuation to the IRS and the FTB, those entities can address the court as to that issue on their own behalf. A&G does not have standing to do so.

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
John H Bauer

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#16.00 Hearing RE: Trustee's Motion for Order Authorizing Sale of Real Property: (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens; (C) Subject to Overbids; and (D) for Determination of Good Faith Purchaser Under Section 363(M)

Docket 320

***** VACATED *** REASON: CONTINUED TO 11/4/2021 AT 10:30 A.M.,
Per Order Entered 10/12/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 11/4/2021 at 10:30 a.m., Per Order
Entered 10/12/2021 (XX) - td (10/12/2021)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G Heston
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Debtor to Turnover Possession of 351 Catalina Drive, Newport Beach, CA 92663

Docket 324

***** VACATED *** REASON: CONTINUED TO 11/4/2021 AT 10:30 A.M.,
Per Order Entered 10/12/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 11/4/2021 at 10:30 a.m., Per Order
Entered 10/12/2021 (XX) - td (10/12/2021)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G Heston
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#18.00 CON'TD FINAL Hearing RE: Debtor's Emergency Motion for Entry of an Interim Order, Pending a Final Hearing, Authorizing the Debtor to Use Cash Collateral

FR: 4/16/21; 5-11-21; 8-19-21

Docket 6

***** VACATED *** REASON: CONTINUED TO 1/20/2022 AT 10:30 A.M.,
Per Order Entered 10/12/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/20/2022 at 10:30 a.m., Per Order
Entered 10/12/2021 (XX) - td (10/12/2021)**

Tentative Ruling:

May 11, 2021

Grant motion on final basis on terms set forth in the signed cash collateral stipulation.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

Movant(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

8:17-12213 Solid Landings Behavioral Health, Inc.

Chapter 11

Adv#: 8:20-01010 Grobstein v. Degner

#19.00 CON'T Hearing RE: Third-Party Defendant Starr Indemnity & Liability
Company's Motion for Partial Summary Judgment

FR: 7/22/21

Docket 117

***** VACATED *** REASON: OFF CALENDAR: Order Approving
Stipulation of Dismissal of Third-Party Complaint entered 9/3/21**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation of Dismissal of Third-
Party Complaint Entered 9/3/2021 - am/td (9/7/2021)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Solid Landings Behavioral Health,

Represented By
David L. Neale
Juliet Y Oh
Jeffrey S Kwong
David M Samuels

Defendant(s):

Gerik M. Degner

Represented By
Ismail Amin

Plaintiff(s):

Howard B Grobstein

Represented By
Rodger M. Landau
Monica Rieder

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

8:21-12158 Besthost Inn LLC

Chapter 11

#20.00 Hearing RE: Cuong Nguyen's Motion to Dismiss Chapter 11 Case with Prejudice

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Continue hearing to December 18, 2021 at 10:30 a.m. to allow moving party to correct defective service: Notice of the motion was not served on all creditors as required by FRBP 2002(a).

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

8:21-12158 Besthost Inn LLC

Chapter 11

#21.00 Hearing RE: Debtor's Notice of Insider Compensation
(Set per Ntc. filed 10/5/2021)

Docket 68

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

The court is inclined to approve \$2,000 per month, which is consistent with the Operating Agreement itself which provides for compensatin to Mr. Cuong Nguyen of \$400 per month, as well as the paragraph 39 of Mr. Reazuddin's Cross Complaint wherein it states that he would be paid \$4000 *per month* (i.e., \$2000/month for Buena Park and \$2,000 /mo for Kansas City). See Opp'n, Exhibit B.

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

8:21-12158 Besthost Inn LLC

Chapter 11

#22.00 Hearing RE: Amended Motion for Relief from the Automatic Stay
[ACTION IN NONBANKRUPTCY FORUM]

CUONG NGUYEN

VS.

DEBTOR

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Continue hearing to December 18, 2021 at 10:30 a.m. to allow moving party to correct defective service: 20 Largest Unsecured Creditors were not served as required by FRBP 4001(a).

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

Movant(s):

Cuong Nguyen

Represented By
Proud Usahacharoenporn

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

8:21-12158 Besthost Inn LLC

Chapter 11

#23.00 FINAL Hearing RE: Debtor's Emergency Motion For Order Authorizing Interim Use Of Cash Collateral

FR: 9-7-21

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Debtor needs to advise the court re the status of this matter.

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

8:21-12158 Besthost Inn LLC

Chapter 11

#24.00 CONT'D STATUS CONFERENCE Hearing on Status of SubChapter V Case; (2) Requiring Report on Status of SubChapter V Case by Debtor and SubChapter V Trustee; and (3) Requiring SubChapter V Trustee to Appear at the Status Conference

FR: 10-14-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 14, 2021

Continue Status Conference to October 21, 2021 at 2:00 p.m., same date/time as other matters concerning this case. Updated Status Report not required. (XX)

Note: Appearances at this hearing are not required.

October 21, 2021

Continue Status Conference to November 18, 2021 at 10:30 a.m., same date/time as continued hearing on the Motion to Dismiss Case. Updated Status Report not required. (XX)

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, October 21, 2021

Hearing Room

5A

2:00 PM

CONT... Besthost Inn LLC

Chapter 11

Trustee(s):

Robert Paul Goe (TR)

Pro Se