

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

10:00 AM

1: -

Chapter

#0.00 All hearings on this calendar will be conducted in Courtroom 303 at 21041 Burbank Boulevard, Woodland Hills, California, 91367. All parties in interest, members of the public and the press may attend the hearings on this calendar in person.

Additionally, (except with respect to evidentiary hearings, or as otherwise ordered by the Court) parties in interest (and their counsel) may connect by ZoomGov audio and video free of charge, using the connection information provided below. Members of the public and the press may only connect to the zoom audio feed, and only by telephone. Access to the video feed by these individuals is prohibited.

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Judge Barash seeks to maintain a courtroom in which all persons are treated with dignity and respect, irrespective of their gender identity, expression or preference. To that end, individuals are invited to identify their preferred pronouns (he, she, they, etc.) and their preferred honorific (Mr., Miss, Ms., Mrs., Mx, M, etc.) in their screen name, or by advising the judge or courtroom deputy.

Docket 0

Tentative Ruling:

- NONE LISTED -

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1:23-10993 Power Brands Consulting, LLC

Chapter 11

#1.00 Motion for relief from stay

TIFFANY COLON

fr. 11/28/23

Docket 95

***** VACATED *** REASON: Will be heard at 1:30 pm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Power Brands Consulting, LLC

Represented By
Marc C Forsythe
Reem J Bello

Movant(s):

Tiffany Colon

Represented By
Christopher L. Garcia

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1:23-11629 Ariane Rose Kamp

Chapter 7

#2.00 Motion for relief from stay

LEGACY PARTNERS RESIDENTIAL, INC.

Docket 14

Tentative Ruling:

Ruling for January 23, 2024

Grant

Party Information

Debtor(s):

Ariane Rose Kamp

Represented By
Hedy Zhang

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:23-11745 Joel Perry

Chapter 13

#3.00 Motion for relief from stay

4631 KESTER PROPERTY LLC

Docket 13

Tentative Ruling:

Ruling for January 23, 2024

Denied for failure to appear and prosecute and also denied as moot.

Party Information

Debtor(s):

Joel Perry

Pro Se

Movant(s):

4631 Kester Property, LLC

Represented By
Helen G Long

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-11165 Mercedes R. Morales

Chapter 13

#3.01 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY, FSB

Docket 64

Tentative Ruling:

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Continued to 2/27/24 @ 10:00 a.m. Movant to file and serve written notice of cont'd hearing.

Party Information

Debtor(s):

Mercedes R. Morales

Represented By
Donald E Iwuchuku

Movant(s):

Wilmington Savings Fund Society,

Represented By
Mark S Krause
Theron S Covey
Fanny Zhang Wan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:23-10387 Juan De Jesus Rodriguez

Chapter 7

#4.00 Trustee's Final Report and Hearing
on Applications for Compensation

DAVID K GOTTLIEB, CHAPTER 7 TRUSTEE

Docket 36

Tentative Ruling:

Tentative Ruling for January 23, 2024

Approve requested fees and expenses on a final basis and authorize payment. No objections filed. The trustee shall lodge a conforming order no later than January 30, 2024. **Appearances waived.**

Party Information

Debtor(s):

Juan De Jesus Rodriguez

Represented By
David S Hagen

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:20-11784 Valley Enterprises T.S. Inc

Chapter 7

#5.00 Trustee's Motion to Surcharge Secured Creditor
Collateral Pursuant to 11 U.S.C. section 506(c)

fr. 11/7/23

Docket 452

Tentative Ruling:

Ruling for January 23, 2024

Granted as to the insurance, with the parties to work out the exact amount. Denied as the trustee's attys' fees incurred to negotiate a reduction of the senior lender's claim amount.

Ruling for November 7, 2023

Continued to 1/23/24 @ 11:00 a.m.

Party Information

Debtor(s):

Valley Enterprises T.S. Inc

Represented By
Thomas B Ure
Anthony N Ranieri

Trustee(s):

Diane C Weil (TR)

Represented By
Jessica Wellington

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1:20-11784 Valley Enterprises T.S. Inc

Chapter 7

**#6.00 Motion RE: Objection to Claim Number 17
by Claimant The Carrington Company**

fr. 11/7/23

Docket 449

Tentative Ruling:

Ruling for January 23, 2024

Granted in part. The postpetition default interest kicker and the postpetition attys' fees are disallowed as part of Carrington's secured claim and instead are deemed to be a subordinated general unsecured claim.

Ruling for November 7, 2023

Continued to 1/23/24 @ 11:00 a.m. Trustee's supplemental briefing and evidence to be filed by 1/9/24, Carrington's supplemental opposition (if any) to be filed by 1/16/24; Trustee's reply (if any) to be filed by 1/22/24. By 11/14/23, the Trustee shall disburse to Carrington the amount of accrued postpetition interest at the non-default rate (9.75% -- estimated to be \$102,375 as of the filing of the Motion) less the attorneys' fee award against Carrington in the amount of \$13,818.37 less the amount the Trustee seeks to surcharge (\$9,760.50). Carrington to lodge an interim order.

Party Information

Debtor(s):

Valley Enterprises T.S. Inc

Represented By
Thomas B Ure
Anthony N Ranieri

Trustee(s):

Diane C Weil (TR)

Represented By
Jessica Wellington

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1:22-11409 Second Generation, Inc.

Chapter 7

#6.01 Second Generation, Inc.'s Motion for Fees, Costs, Damages, and Sanctions Against Petitioning Creditors and Their Counsel for Filing Involuntary Chapter 7 Petition in Bad Faith and for an Improper Purpose

fr. 9/6/23(stip); 9/26/23; 10/24/23; 12/12/23; 1/9/24(stip)

Docket 114

***** VACATED *** REASON: Stip for dismissal of motion entered 1/18/24**

Tentative Ruling:

Ruling for October 24, 2023:

Continued to December 12, 2023 at 11:00 am. Supplemental briefing is requested on whether the fees directly attributable to the emergency trustee motion should be excluded from an award under Rule 9011, and what is the amount? This briefing is due November 29, 2023. Replies are due on December 6, 2023.

Tentative Ruling for October 24, 2023:

This motion, filed by the alleged debtor, Second Generation, Inc. ("Second Generation") arises in an involuntary case, in which the petition was dismissed by the Court after the petitioning creditors (the "Petitioning Creditors") failed to timely post a bond set under Bankruptcy Code section 303(e).

The motion seeks attorneys' fees, costs and other damages against the Petitioning Creditors, their counsel in this case, Foley & Lardner ("F&L"), and their counsel in other matters, Stella Havkin ("Havkin"). The motion relies on Bankruptcy Code section 303(i), Federal Rule of Bankruptcy Procedure 9011, and the vexatious litigation statute, 28 U.S.C. §1927.

A. Section 303(i)

Section 303(i) provides:

If the court dismisses a petition under this section other than on consent of all petitioners and the debtor, and if the debtor does not waive the right to

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judgment under this subsection, the court may grant judgment—

(1) against the petitioners and in favor of the debtor for—

(A) costs; or

(B) a reasonable attorney's fee; or

(2) against any petitioner that filed the petition in bad faith, for—

(A) any damages proximately caused by such filing; or

(B) punitive damages.

As an initial matter, neither F&L nor Havkin are petitioners. The plain language of section 303(i) does not authorize an award against counsel for a petitioning creditor. The Court finds persuasive Judge Tighe's analysis of this issue in *In re Cadena*, 634 B.R. 1038, 1049-50 (Bankr. C.D. Cal. 2022). Only the Petitioning Creditors may be liable under this statute. Accordingly, the relief requested under section 303(i) with respect to F&L and Havkin will be denied.

1. Attorneys' Fees and Costs Under Section 303(i)(1)

Under § 303(i)(1), there are "...only two prerequisites for an award of fees, costs, or damages...(1) the court must have dismissed the petition on some ground other than consent by the parties; and (2) the debtor must not have waived its right to recovery under the statute." *Higgins v. Vortex Fishing Sys., Inc.* 379 F. 3d 701, 705-6 (9th Cir. 2004). Once the prerequisites are satisfied, bankruptcy courts must exercise "some form of discretion in awarding fees and costs." *Id.*

The involuntary petition in this case was not dismissed "on consent of all petitioners and the debtor." Further, the debtor has not "waive[d] the right to judgment under [section 303(i)]." Even so, the question of whether to award reasonable attorneys' fees and costs under section 303(i)(1) is a matter of discretion.

There is a rebuttable presumption that reasonable fees and costs are authorized. *Higgins*, 379 F.3d at 707. An award of attorney's fees and costs should be for necessary work performed in defending against the involuntary petition and the work and the fee must be reasonable. See *In re Wavelength, Inc.*, 61 B.R. 614,

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621(B.A.P. 9th Cir.1986). An award should be based on detailed accounts of services rendered. *Id.*

In deciding whether to award fees, a court considers the "totality of the circumstances," including "1) 'the merits of the involuntary petition,' 2) 'the role of any improper conduct on the part of the alleged debtor,' 3) 'the reasonableness of the actions taken by the petitioning creditors,' and 4) 'the motivation and objectives behind filing the petition.'" *Higgins*, 379 F. 3d at 707; *see also Orange Blossom Ltd. P'ship v. S. Cal. Sunbelt Dev., Inc. (In re S. Cal. Sunbelt Dev., Inc.)* 608 F.3d 456, 462 (9th Cir. 2010).

The Petitioning Creditors argue that an attorneys' fee award is not appropriate because their involuntary petition was meritorious. In other words, they argue that (1) the petition was filed by three or more creditors, (2) each holding an unsecured claim against the alleged debtor that is not contingent as to liability, (3) and not the subject of a bona fide dispute as to liability or amount, (4) in an amount in excess of \$18,600, and (5) that the alleged debtor was generally not paying its debts as they came due. *See* 11 U.S.C. §§ 303(b), (h).

As the Court observed earlier this year, in its oral findings and conclusions on the alleged debtor's motion to dismiss the petition, there was no dispute that the first four requirements to sustain an involuntary petition were satisfied. There was, however, a dispute regarding whether the alleged debtor was generally not paying its debts as they came due within the meaning of section 303(h). Ultimately, the Court did not adjudicate the issue, because the Petitioning Creditors failed to post the bond required by the Court under section 303(e).

But even if the Court assumes, *arguendo*, that the petition was meritorious on all issues, the multi-factor analysis established by the Ninth Circuit Court of Appeals in *Higgins* requires the Court to consider other factors in exercising its discretion. Here, the Court is persuaded that the petition was filed for the improper purpose of interfering with proceedings in the chapter 7 case of Kody Branch of California, Inc. ("Kody Branch Case"), which was pending before the Honorable Robert Kwan.

Specifically, the Court finds that the involuntary case was filed for the purpose of delaying and preventing Second Generation from purchasing certain litigation rights against Sio, LLC, with which the Petitioning Creditors have various formal and

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informal connections. The Petitioning Creditors sought to effectuate this objective by filing the involuntary petition, together with an emergency motion requesting the appointment of an interim trustee ("Emergency Trustee Motion"), for the express purpose of preventing Second Generation from purchasing those litigation rights.

The Court made extensive oral findings and conclusions at the time it denied the Emergency Trustee Motion and will not attempt to repeat them here. Suffice it to say, the Court found the Emergency Trustee Motion entirely without merit and the effort to interfere with the sale proceedings pending in front of Judge Kwan improper.

The filing of the involuntary petition—which was a necessary predicate to the filing of the Emergency Trustee Motion—was not reasonable under the circumstances. The Petitioning Creditors argue that the filing of an involuntary bankruptcy was necessary to "protect" the state court attorneys' fees judgment on which their collective claims of \$58,838.85 are premised. But the Court is not persuaded.

For instance, the Petitioning Creditors had the ability to obtain a lien on Second Generation's claims in the Kody Branch Case and the related bankruptcy case of Catherine Trinh, which was also pending before Judge Kwan, by filing a notice of lien in each of those cases. *See* Cal. Code of Civil Proc. § 708.410.

The Petitioning Creditors did, in fact, file notices of lien in those cases, but withdrew them days before filing the involuntary petition. The Court finds that the Petitioning Creditors did so as a litigation tactic because they would not have been able to file an involuntary petition based on secured claims.

The Petitioning Creditors argue that they withdrew their notices of lien because those notices were a "nullity." But the Court is unconvinced. The Petitioning Creditors do not explain why those notices were legally ineffective other than to suggest they were not "perfected." The Court is not persuaded. The California Code of Civil Procedure provides for the creation of a lien on a judgment debtor's right to recovery in a pending action by the filing and service of a notice of lien. *See* Cal. Code of Civil Proc. § 708.410(b).

More to the point, the argument ignores the existence of remedies other than the generally disfavored and expensive remedy of commencing an involuntary

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bankruptcy case. The Petitioning Creditors have not demonstrated that whatever infirmities may have existed with respect to their notices of lien could not have been remedied.

Ultimately, the Petitioning Creditors' contention that there was a reasonable purpose to the involuntary petition—separate and apart from their expressly-stated objective of preventing Second Generation from purchasing causes of action in the Kody Branch Case—is simply not persuasive.

The Petitioning Creditors also attempt to downplay their connections with the target of the causes of action Second Generation sought to purchase in the Kody Branch Case: Sio, LLC. The Petitioning Creditors' argument rests principally on the fact that the California Superior Court declined to add the Petitioning Creditors as additional judgment debtors to a judgment Second Generation obtained against Kody Branch, Catherine Trinh and other entities.

But the argument is misplaced. The Petitioning Creditors do not need to be alter egos of Sio, LLC to explain why they sought to prevent Second Generation from purchasing litigation claims against Sio, LLC. The connections identified by Second Generation—which are not refuted by the Petitioning Creditors—are adequate to explain their alignment with Sio, LLC and their effort to prevent Second Generation from obtaining those claims.

Finally, in weighing whether an award of attorneys' fees and costs is appropriate, the Court notes that it does not find any "improper conduct on the part of the alleged debtor" here. As the Court explained when it denied the Emergency Trustee Motion, the Court remains unpersuaded that Second Generation's incurrence of secured debt to purchase and pursue litigation claims was improper. Nor is the Court persuaded that Second Generation's failure to satisfy the Petitioning Creditors' debt is adequate to constitute "improper conduct."

Accordingly, the Court will order the Petitioning Creditors, pursuant to Bankruptcy Code section 303(i)(1) to pay the costs and reasonable attorneys' fees incurred by Second Generation in connection with the involuntary petition.

a. Reasonableness of Attorneys' Fees

Petitioning Creditors do not challenge the \$6,457.36 in costs requested by

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Second Generation but do argue that the fee request of \$263,137.50 is excessive. Although the Court agrees that some adjustments are appropriate (as explained below), and the Court observes that the involuntary petition was aggressively defended by Second Generation, the Court concludes that the fees incurred by Second Generation, for services performed by BG Law LLP ("BG") are nevertheless reasonable.

First, Petitioning Creditors contend that the case was "overstaffed" because there were six professionals or paraprofessionals at BG that billed for services on the case. This is a gross overstatement. Ninety-eight percent of the hours billed in the case were billed by three individuals: equity partner Steven T. Gubner, associate Ryan Coy and (former) paralegal Yves Derac. *See* Case Dkt. 115 at 293. That a handful of hours were billed by other individuals does not demonstrate that the case was overstuffed.

Second, Petitioning Creditors complain that the average billable rate for Mr. Gubner is excessive. The Court does not agree. Given Mr. Gubner's level of experience, and the Court's general familiarity with the rates of bankruptcy counsel with similar experience, the Court finds Mr. Gubner's hourly rate is reasonable.

Moreover, the Court finds that Mr. Gubner's involvement in the case was not excessive. The number of hours billed by Mr. Gubner are a little less than one-fifth the number of hours billed by his associate, Mr. Coy. *See* Case Dkt. 115 at 293. In the Court's judgment, this reflects a reasonable and appropriate allocation of tasks between counsel of differing experience levels.

Third, Petitioning Creditors argue that some of the time entries contain inadequate information to conclude that the services performed are properly attributable to the involuntary case, and/or that the timekeeper "block billed" multiple tasks within the same time entry. Petitioning Creditors specifically identify these offensive time entries on Exhibit 7 to their opposition.

The Court has reviewed each of the time entries identified by Petitioning Creditors and has itemized its rulings in the Appendix to this Tentative Ruling.

With respect to inadequate descriptions, the Court finds that some of these objections are well taken, and others are not. If it appeared to the Court that the

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services pertained to the involuntary case, the Court made no reduction. If, on the other hand, the Court concluded there was inadequate information provided by Second Generation or its counsel to conclude that the service arose in connection with this involuntary case (as distinguished from other litigation between the parties), the Court disallowed the time entry in its entirety.

Similarly, with respect to block billing, the Court was persuaded by some of the Petitioning Creditors' objections and not persuaded by others. The problem with block billing is that it makes it difficult for the Court to assess the reasonableness of time spent on each of the separate tasks that have been block billed.

In those instances where the Court was persuaded that the timekeeper block billed separate and distinct tasks, effectively preventing the Court from judging the reasonableness of the time spent on each of those tasks, the Court imposed a reduction of 15% to the time entry. In those instances where the Court was not persuaded that the tasks described in a single entry represented meaningfully separate and distinct tasks, and/or where the manner of billing did not make it difficult for the Court to assess the reasonableness of the amount billed, the Court made no reduction.

As set forth in the Appendix, the Court will reduce the amount requested by Second Generation by \$20,866.13. Accordingly, the Court will order payment of \$242,271.37 as reasonable attorneys' fees. Additionally, as noted, the Court will order payment of \$6,457.36 in costs.

2. Compensatory and Punitive Damages Under Section 303(i)(2)

In addition to attorneys' fees and costs, Petitioning Creditors seek under Bankruptcy Code section 303(i)(2): (i) \$300,000 in compensatory damages in connection with their failed effort to purchase the causes of action against Sio, LLC in the Kody Branch Case, and (ii) \$500,000 in punitive damages. A prerequisite to recovery under section 303(i)(2) is that the involuntary petition be filed in bad faith.

The parties agree that courts have recognized a variety of tests for determining whether an involuntary petition has been filed in "good faith," and that there is no single test for doing so articulated by the Ninth Circuit Court of Appeals. Each side considers all of the possible standards and concludes that its position is correct regardless of which standard is applied.

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Ultimately, the Court concludes that it need not delve into this legal thicket.

First, even if the Court were to conclude that the petition was filed in "bad faith" within the meaning of section 303(i)(2), the Court is not persuaded that the \$300,000 in compensatory damages sought by Second Generation were "proximately caused" by the filing of the petition.

Second Generation contends that because of the delay occasioned in the Kody Branch Case, as a result of this involuntary case, Sio, LLC was able to bid on the subject causes of action and ultimately outbid Second Generation. Second Generation had an agreement with the trustee in that case to purchase the causes of action for \$100,000. Judge Kwan ultimately awarded those assets to Sio, LLC for \$410,000. Second Generation argues, therefore, that but for the filing of the involuntary petition, it would have acquired for \$100,000 an asset worth at least \$400,000—a loss of \$300,000 in value.

But the Court is not persuaded that the alleged loss in value was *proximately caused* by the filing of the involuntary petition in this case. To the contrary, the Court finds that the proximate cause of any loss suffered by Second Generation in not winning the auction in the Kody Branch case is its unwillingness to bid more than \$400,000. Although the filing of the involuntary petition delayed the sale proceedings in the Kody Branch Case, it did not prevent Second Generation from bidding more for the assets.

Second, even if the involuntary petition was filed in bad faith, the Court is not persuaded that punitive damages are appropriate here. The Petitioning Creditors made an unwise gamble. They filed an involuntary petition for an improper purpose and assumed the risk that they might be responsible for the reasonable fees and costs of the alleged debtor. Those fees and costs are substantial and, in the Court's judgment, are adequate to deter similar behavior in the future.

Accordingly, the Court will deny Second Generation's request for compensatory damages and punitive damages under Bankruptcy Code section 303(i)(2).

B. Fed. R. Bankr. P. 9011

Second Generation also seeks relief under Bankruptcy Rule 9011 against the

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Petitioning Creditors, F&L and Havkin.

The focus of Bankruptcy Rule 9011 is the filing of pleadings that lack support or are interposed for an improper purpose:

By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,—

- (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

Fed. R. Bankr. P. 9011(b).

A prerequisite to relief under Bankruptcy Rule 9011 is that the movant must have complied with the Rule's "safe harbor" provision. Generally, the moving party must first serve a motion for sanctions under the Rule on the allegedly offending party at least 21 days before filing a motion for sanctions with the Court. *See* Fed. R. Bankr. P. 9011(c)(1); *In re Deville*, 361 F.3d. 539, 545-46 (9th Cir. 2004). The purpose of the safe harbor procedure is to give counsel notice and an opportunity to withdraw an offending pleading before sanctions under the Rule are even requested.

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This safe harbor requirement, however, does not pertain to the filing of a petition. Fed. R. Bankr. P. 9011(c)(1).

Havkin did not sign the involuntary petition or the Emergency Trustee Motion. She cannot be liable for sanctions under Bankruptcy Rule 9011 with respect to the filing of those papers.

As an attorney, Havkin *could* be liable under Bankruptcy Rule 9011 with respect to the declarations she signed in support of the trustee motion. But the Court need not reach the merits of that contention. There is no evidence establishing that Second Generation satisfied the safe harbor requirement with respect to Havkin's declarations. As a result, the Court will deny the relief requested under Rule 9011 against Havkin.

Likewise, the Court must deny relief against under Bankruptcy Rule 9011 against the Petitioners and F&L with respect to the trustee motion (and the papers filed by F&L in support thereof). There is no evidence that Second Generation complied with the safe harbor requirements with respect to papers filed in connection with the trustee motion.

This leaves open the question of whether Petitioning Creditors and F&L may be held liable under Rule 9011 with respect to the involuntary petition, as to which the safe harbor provision expressly does not apply. Fed. R. Bankr. P. 9011(c)(1).

The Court concludes that Petitioning Creditors and F&L are liable under Rule 9011 in connection with the filing of the involuntary petition because, as discussed above, it was presented for an improper purpose. The grounds for sanctions under Rule 9011 are stated in the alternative. Even a pleading that has a reasonable basis in law and fact may violate the Rule if it is filed for an improper purpose.

Moreover, even though the Rule mentions harassment, unnecessary delay and the needless increase in litigation cost as examples of an improper purpose, the text of the Rule clearly indicates that these are illustrative. *See* Fed. R. Bankr. P. 9011(b) ("is not being presented for any improper purpose, *such as* to harass or to cause unnecessary delay or needless increase in the cost of litigation") (emphasis added).

In this case, the Petitioning Creditors and F&L filed the involuntary petition for the purpose of interfering with the sale proceedings pending in front of Judge

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Kwan and preventing Second Generation from purchasing the subject causes of action against Sio, LLC. This was an improper purpose. The Court concludes, therefore, that Petitioning Creditors and F&L are jointly and severally liable for sanctions under Bankruptcy Rule 9011 with respect to the filing of the involuntary petition.

An appropriate sanction under Bankruptcy Rule 9011 "may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation." Fed. R. Bankr. P. 9011(c)(2).

In this case, the Court's determination of an appropriate sanction under Bankruptcy Rule 9011—for which both the Petitioning Creditors and F&L are jointly and severally liable—may differ from the amount for which only Petitioning Creditors are liable under Bankruptcy Code section 303(i)(1).

The Court has broad discretion under section 303(i)(1) to award fees incurred in defending against an involuntary case that is later dismissed. Under Bankruptcy Rule 9011, however, the Court can only order payment of the reasonable attorneys' fees and expenses incurred as a "direct result of the violation."

Most of the fees incurred by Second Generation in litigating its opposition to the the involuntary petition are a direct result of the filing of the involuntary petition. However, because Second Generation did not comply with the safe harbor requirement regarding the Emergency Trustee Motion, it would be inappropriate to award attorneys' fees attributable directly to that motion under Rule 9011.

Because this issue was not adequately addressed in the parties' filings, the Court will provide the parties an opportunity to quantify the attorneys' fees attributable directly to the Emergency Trustee Motion. The Court will grant an award under Bankruptcy Rule 9011 equal to the amount allowed under Bankruptcy Code section 303(i)(1), *less* the amount of attorneys' fees the Court determines are attributable directly to the Emergency Trustee Motion.

C. 28 U.S.C. § 1927

Finally, Second Generation seeks relief under 28 U.S.C. § 1927. Section 1927

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

11:00 AM

CONT... **Second Generation, Inc.**
of the Judicial Code provides:

Chapter 7

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

28 U.S.C. § 1927.

The problem is that bankruptcy courts in the Ninth Circuit lack authority to award sanctions under this statute. For over 30 years, it has been black letter law in the Ninth Circuit that bankruptcy courts are not "court[s] of the United States" for purposes of the Judicial Code. *See* 28 U.S.C. § 451; *Miller v. Cardinale (In re Deville)*, 361 F.3d 539, 546 (9th Cir. 2004); *Perroton v. Gray (In re Perroton)*, 958 F.2d 889, 895-96 (9th Cir. 1992). Accordingly, this Court is without authority to grant any of the relief requested under section 1927.

APPENDIX:

Date	Initials	Hours	Amount	Issues	Ruling	Reduction Amount	Notes
12/9/22	RFC	3.4	\$1,343.00	Block Billing	Sustained	\$201.45	
12/19/22	YD	3.2	\$896.00	Block Billing	Sustained	\$134.40	
12/19/22	RFC	1.3	\$513.50	Block Billing	Sustained	\$77.03	
12/19/22	RFC	1.3	\$513.50	Block Billing	Sustained	\$77.03	
12/19/22	RFC	0.9	\$355.50	Block Billing	Sustained	\$53.33	
12/20/22	YD	2.0	\$560.00	Block Billing	Sustained	\$84.00	
12/20/22	RFC	1.3	\$513.50	Block Billing	Sustained	\$77.03	
12/20/22	RFC	0.7	\$276.50	Block Billing	Sustained	\$41.48	
12/20/22	YD	2.0	\$560.00	Work unrelated to Petition Defense	Sustained	\$560.00	
12/20/22	YD	0.6	\$168.00	Work unrelated to Petition Defense	Sustained	\$168.00	
12/20/22	YD	0.4	\$112.00	Work unrelated to Petition Defense	Sustained	\$112.00	
12/21/22	YD	1.0	\$280.00	Work unrelated to Petition Defense	Sustained	\$280.00	

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Second Generation, Inc.

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12/21/22	YD	0.2	\$56.00	Work unrelated to Petition Defense	Sustained	\$56.00
12/23/22	RFC	2.9	\$1,145.50	Block Billing	Sustained	\$171.83
1/3/23	STG	4.1	\$4,079.50	Block Billing	Sustained	\$611.93
1/4/23	STG	4.8	\$4,776.00	Block Billing	Sustained	\$716.40
1/5/23	STG	1.9	\$1,890.50	Block Billing	Sustained	\$283.58
1/6/23	STG	1.6	\$1,592.00	Block Billing	Sustained	\$238.80
1/9/23	STG	3.3	\$3,283.50	Block Billing	Sustained	\$492.53
1/18/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Sustained	\$43.50
1/23/23	STG	0.5	\$497.50	Block Billing	Overruled	\$0.00
1/23/23	RFC	0.4	\$174.00	Work unrelated to Petition Defense	Sustained	\$174.00
1/30/23	STG	0.5	\$497.50	Block Billing	Overruled	\$0.00
2/7/23	YD	0.2	\$65.00	Work unrelated to Petition Defense	Sustained	\$65.00
2/13/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Sustained	\$43.50
2/14/23	RFC	0.3	\$130.50	Block Billing; Work unrelated to Petition Defense	Sustained	\$0.00
2/15/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.7	\$304.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.5	\$217.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.4	\$174.00	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.4	\$174.00	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.3	\$130.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.3	\$130.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00
2/16/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00
2/17/23	RFC	0.4	\$174.00	Work unrelated to Petition Defense	Overruled	\$0.00
2/17/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00

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CONT...

Second Generation, Inc.

Chapter 7

2/21/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/22/23	YD	0.6	\$195.00	Block Billing	Overruled	\$0.00
2/22/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/23/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Sustained	\$43.50
2/24/23	RFC	0.7	\$304.50	Block Billing	Sustained	\$45.68
2/24/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/26/23	RFC	1.6	\$696.00	Block Billing	Sustained	\$104.40
2/27/23	RFC	1.0	\$435.00	Block Billing	Overruled	\$0.00
2/27/23	RFC	0.7	\$304.50	Block Billing	Sustained	\$45.68
2/27/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00
2/27/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
2/28/23	RFC	2.5	\$1,087.50	Block Billing	Overruled	\$0.00
2/28/23	RFC	1.2	\$522.00	Block Billing	Overruled	\$0.00
2/28/23	RFC	1.4	\$609.00	Block Billing	Overruled	\$0.00
2/28/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Sustained	\$43.50
3/1/23	RFC	0.6	\$261.00	Block Billing	Sustained	\$39.15
3/1/23	STG	1.7	\$1,691.50	Insufficient Details	Sustained	\$1,691.50
3/2/23	RFC	0.6	\$261.00	Block Billing	Overruled	\$0.00
3/3/23	RFC	1.1	\$478.50	Block Billing	Sustained	\$71.78
3/3/23	RFC	1.1	\$478.00	Block Billing	Sustained	\$71.70
3/3/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00
3/3/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/5/23	YD	1.0	\$325.00	Block Billing	Sustained	\$48.75
3/6/23	RFC	0.6	\$261.00	Block Billing	Sustained	\$39.15
3/6/23	YD	0.6	\$195.00	Block Billing	Sustained	\$29.25
3/6/23	YD	0.6	\$195.00	Block Billing	Sustained	\$29.25
3/7/23	YD	1.4	\$455.00	Block Billing	Sustained	\$68.25
3/7/23	YD	1.2	\$390.00	Block Billing	Sustained	\$58.50
3/7/23	RFC	0.8	\$348.00	Block Billing	Overruled	\$0.00

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Second Generation, Inc.

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3/7/23	RFC	6.5	\$2,827.50	Block Billing	Overruled	\$0.00	
3/7/23	STG	3.6	\$3,582.00	Insufficient Details	Sustained	\$3,582.00	
3/7/23	RFC	0.4	\$174.00	Work unrelated to Petition Defense	Overruled	\$0.00	
3/8/23	RFC	0.9	\$391.50	Block Billing	Sustained	\$58.73	
3/8/23	STG	3.3	\$3,283.50	Insufficient Details	Sustained	\$3,283.50	
3/9/23	STG	0.5	\$497.50	Block Billing	Sustained	\$74.63	
3/9/23	RFC	1.0	\$435.00	Block Billing	Overruled	\$0.00	
3/10/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00	
3/10/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00	
3/11/23	RFC	0.8	\$348.00	Block Billing	Sustained	\$52.20	
3/12/23	RFC	1.5	\$652.50	Block Billing	Sustained	\$97.88	
3/13/23	YD	1.0	\$325.00	Block Billing	Sustained	\$48.75	
3/13/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00	
3/14/23	RFC	0.6	\$261.00	Block Billing	Sustained	\$39.15	
3/14/23	YD	0.4	\$130.00	Block Billing; Duplicative Entry	Sustained	\$130.00	
3/14/23	YD	0.2	\$65.00	Block Billing; Duplicative Entry	Sustained	\$65.00	
3/14/23	STG	2.9	\$2,885.50	Block Billing	Sustained	\$0.00	Entry disallow ed below in its entirety
3/14/23	RFC	1.8	\$783.00	Block Billing	Sustained	\$117.45	
3/14/23	STG	2.9	\$2,885.50	Block Billing; Work unrelated to Petition Defense	Sustained	\$2,885.00	
3/14/23	RFC	1.8	\$783.00	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00	
3/14/23	RFC	1.0	\$43.00	Work unrelated to Petition Defense	Overruled	\$0.00	Court could not locate this entry
3/15/23	STG	2.3	\$2,288.50	Block Billing	Sustained	\$343.28	

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Second Generation, Inc.

Chapter 7

3/15/23	RFC	1.2	\$522.00	Work unrelated to Petition Defense	Overruled	\$0.00
3/15/23	RFC	1.0	\$435.00	Work unrelated to Petition Defense	Overruled	\$0.00
3/15/23	RFC	0.4	\$174.00	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
3/15/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Sustained	\$87.00
3/16/23	STG	3.9	\$3,880.50	Block Billing	Overruled	\$0.00
3/16/23	RFC	1.5	\$652.00	Block Billing	Sustained	\$97.80
3/16/23	RFC	0.8	\$348.00	Block Billing	Sustained	\$52.20
3/16/23	RFC	1.3	\$565.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/17/23	RFC	2.5	\$1,087.50	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
3/17/23	RFC	0.5	\$217.50	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
3/17/23	RFC	0.3	\$130.50	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
3/18/23	RFC	0.3	\$130.50	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
3/20/23	RFC	2.2	\$957.00	Block Billing	Sustained	\$143.55
3/21/23	RFC	0.5	\$217.50	Block Billing	Overruled	\$0.00
3/21/23	RFC	2.0	\$870.00	Work unrelated to Petition Defense	Overruled	\$0.00
3/21/23	RFC	1.1	\$478.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/21/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Sustained	\$87.00
3/22/23	RFC	1.1	\$478.00	Block Billing	Sustained	\$71.70
3/22/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00
3/22/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/23/23	RFC	2.5	\$1,087.50	Block Billing	Overruled	\$0.00
3/29/23	RFC	3.5	\$1,522.50	Block Billing	Overruled	\$0.00
3/29/23	RFC	1.7	\$739.50	Block Billing	Sustained	\$110.93
3/29/23	RFC	1.3	\$565.50	Block Billing	Overruled	\$0.00

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Second Generation, Inc.

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3/29/23	RFC	0.7	\$304.50	Block Billing	Sustained	\$45.68
3/29/23	RFC	0.3	\$130.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/30/23	RFC	1.0	\$435.00	Work unrelated to Petition Defense	Sustained	\$435.00
3/30/23	RFC	0.8	\$348.00	Work unrelated to Petition Defense	Overruled	\$0.00
3/30/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/31/23	RFC	0.8	\$348.00	Block Billing	Sustained	\$52.20
3/31/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
3/31/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
4/3/23	RFC	0.8	\$348.00	Block Billing	Sustained	\$52.20
4/3/23	RFC	0.5	\$217.50	Block Billing	Sustained	\$32.63
4/3/23	STG	1.4	\$1,393.00	Insufficient Details	Sustained	\$1,393.00
4/3/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
4/4/23	RFC	1.1	\$478.50	Work unrelated to Petition Defense	Overruled	\$0.00
4/4/23	RFC	0.5	\$217.50	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
4/5/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Overruled	\$0.00
4/6/23	RFC	0.1	\$43.50	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
4/7/23	RFC	0.2	\$87.00	Block Billing; Work unrelated to Petition Defense	Overruled	\$0.00
4/11/23	RFC	0.2	\$87.00	Work unrelated to Petition Defense	Sustained	\$87.00
4/11/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Sustained	\$43.50
4/12/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00
4/19/23	RFC	0.9	\$391.50	Block Billing	Sustained	\$58.73
4/19/23	RFC	0.7	\$304.50	Block Billing	Sustained	\$45.68
4/19/23	RFC	0.6	\$261.00	Block Billing	Overruled	\$0.00
4/19/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00

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CONT...

Second Generation, Inc.

Chapter 7

4/22/23	RFC	0.1	\$43.50	Work unrelated to Petition Defense	Overruled	\$0.00	
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**Total Of Entries Subject to Objection: \$79,955.00
Total Reduction Ordered: \$20,866.13**

**Total Of Entries Subject to Objection: \$79,955
Total Reduction Order: \$20,866.13**

Party Information

Debtor(s):

Second Generation, Inc.

Represented By
Ryan Coy
Michael P Weisberg

Movant(s):

Second Generation, Inc.

Represented By
Ryan Coy
Michael P Weisberg

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1:12-10986 Allana Baroni

Chapter 7

#7.00 Motion To Strike David Serors Objection To The Debtors
Summary Of Amended Schedules [Doc Nos. 1978, 1979] And
Objection To Amended Claim Of Exemption And Request To
Clarify That The Six Month Period To Purchase A Homestead Does
Not Begin Until The Total Homestead Exemption Amount Is Received

fr. 12/12/23

Docket 2028

Tentative Ruling:

Ruling for January 23, 2024

Request to strike is denied. Homestead exemption is determined to be \$175,000 with the Final \$75,000 to be paid within 7 days of entry of the order provided the debtor has filed her notice of change of address with the court. The six month period begins to run from the date that the debtor, or her counsel, receives the final \$75,000. Trustee to prepare the order.

Ruling for December 12, 2023

Debtor will file evidence by 1/9/24. Trustee will respond by 1/16/24. Hearing will be held on 1/23/24 at 11:00 a.m.

Party Information

Debtor(s):

Allana Baroni

Represented By
Michael S Riley
Richard L Antognini
Matthew D. Resnik
M. Jonathan Hayes
Kathleen P March

Trustee(s):

David Seror (TR)

Represented By
Susan K Seflin

**United States Bankruptcy Court
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11:00 AM

CONT...

Allana Baroni

Chapter 7

Jessica L Bagdanov
Ryan Coy
Jason B Komorsky

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Hearing Room 303

1:30 PM

1:22-10567 LIGCEDB LLC

Chapter 11

#8.00 Chapter 11 status conference

fr. 6/15/22; 9/7/22; 12/14/22; 1/24/23; 4/18/23(court's own mtn);
5/9/23; 9/26/23

Docket 0

Tentative Ruling:

Ruling for January 23, 2024

Continued to April 18, 2024 at 1:30 p.m.

Plan and disclosure statement filed by February 29, 2024.

If no plan and disclosure statement filed, then a status report is required by April 11, 2024.

Ruling for September 26, 2023

Continued to January 23, 2024 at 1:30 p.m. Debtor to file and serve a brief updated status report by January 16, 2024. No appearances required on September 26, 2023.

Ruling for January 24, 2023

Continued to 4/18/23 @ 1:30 p.m. Dtr to file a plan and disclosure statement by 3/31/23. Dtr to lodge an order setting that deadline and continuing the status conference. An updated status report to be filed by 4/11/23.

Ruling on 12/14/22

Continue to 1/24/23 at 1:30 p.m. Debtor to provide status report detailing whether sale closed.

Ruling For September 7, 2022

Debtor needs to relog an amended bar date order, setting November 2 as the amended bar date and October 1 as the deadline to put the correct bar date notice in the mail.

Status conference is continued to December 14, 2022 at 1:30 pm. Parties must submit a status conference report by November 30, 2022.

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Hearing Room 303

1:30 PM

CONT... LIGCEDB LLC

Chapter 11

Ruling For June 15, 2022

Claims bar date is set for August 26, 2022. Notice to the creditors should be sent by June 22, 2022. Debtor should lodge an order that set for the bar date.

Party Information

Debtor(s):

LIGCEDB LLC

Represented By
Thomas B Ure

**United States Bankruptcy Court
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Tuesday, January 23, 2024

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1:30 PM

1:22-11456 AfterShock Comics, LLC

Chapter 11

#9.00 Chapter 11 status conference

fr. 5/9/23; 6/7/23; 6/21/23; 6/29/23; 7/18/23; 7/28/23; 8/1/23,
8/24/23; 9/13/23; 9/26/23; 10/4/23; 12/12/23

Docket 1

Tentative Ruling:

Ruling for January 23, 2024

Continued to March 26, 2024 at 1:30 p.m. Updated status report by March 19, 2024.

Ruling for December 12, 2023

Continued to January 23, 2024 at 10:00 a.m. Status report shall be filed by January 19, 2024.

Ruling for October 4, 2023

No further status conference set.

Ruling for September 26, 2023

Continued to October 4, 2023 at 10:00 a.m. The stipulation is granted.

Ruling for August 24, 2023

Continued to September 13, 2023 at 1:30 p.m.

Ruling for August 1, 2023

Continued to August 24, 2023 at 9:00 a.m.

Ruling for July 28, 2023

Continued to August 1, 2023 at 2:00 p.m.

Ruling for July 18, 2023

Continued to 7/28/23 at 10:00 a.m.

Ruling for June 29, 2023

**United States Bankruptcy Court
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1:30 PM

CONT... AfterShock Comics, LLC

Chapter 11

Continued to July 18, 2023 at 2:00 p.m.

Ruling for June 21, 2023

Continued to 6/29/23 @ noon

Ruling for June 7, 2023

Continued to June 21, 2023 at 9:00 a.m. The Court will not require an updated status report.

Ruling for May 9, 2023

Continued to June 7, 2023 at 10:00 a.m. The Court will not require a status report before the continued status conference.

Party Information

Debtor(s):

AfterShock Comics, LLC

Represented By
David L. Neale
Jeffrey S Kwong

**United States Bankruptcy Court
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Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:23-10993 Power Brands Consulting, LLC

Chapter 11

#9.01 Motion for relief from stay

TIFFANY COLON

fr. 11/28/23

Docket 95

***** VACATED *** REASON: Cont'd to 2/27/24 at 1:30 p.m. per Ord.
#135.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Power Brands Consulting, LLC

Represented By
Marc C Forsythe
Reem J Bello

Movant(s):

Tiffany Colon

Represented By
Christopher L. Garcia

**United States Bankruptcy Court
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Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:23-10993 Power Brands Consulting, LLC

Chapter 11

#10.00 Chapter 11 Status Conference

fr. 8/22/23; 8/25/23; 11/28/23

Docket 1

***** VACATED *** REASON: Cont'd to 2/27/24 at 1:30 p.m. per order
#133.**

Tentative Ruling:

Ruling for November 28, 2023

The deadline to file an initial plan and disclosure statement is extended to 1/31/24.

Dtr to lodge an order.

Continued to 1/23/24 @ 1:30 p.m. Status report due 1/16/24.

Ruling for August 25, 2023

Continued to 11/2/23 @ 1:30 p.m. with a status report to be filed and served by
11/14/23. The deadline for the debtor to file its initial plan and disclosure statement is
12/15/23.

Party Information

Debtor(s):

Power Brands Consulting, LLC

Represented By
Marc C Forsythe
Reem J Bello

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:22-10196 Daniel James Seavey

Chapter 11

#11.00 Post-confirmation status conference

fr. 8/24/22(stip); 9/28/22(stip); 11/2/22(stip); 12/14/22(stip);
2/21/23(stip); 4/18/23(court's own mtn); 5/9/23(stip); 5/23/23;
7/11/23; 7/19/23; 9/14/23; 9/29/23(court's own mtn); 10/4/23

Docket 209

Tentative Ruling:

Ruling for January 23, 2024

Continued to March 26, 2024 at 1:30 p.m. and optional status report.

Ruling for October 4, 2023

Confirmation plan is confirmed under 1191(a). The court will add "In the event the case is converted to one under chapter 7, the property of the reorganized debtor, or of any liquidation or litigation trust, or of any other successor to the estate under the plan, that has not been distributed under the plan will be vested in the chapter 7 estate, except for property that would have been excluded from the estate if the case had always been one under chapter 7." to the order.

Debtor will file a notice of effective date of the order.

A post-confirmation status conference will be scheduled for January 23, 2024 at 1:30pm.

Status report due two weeks prior on January 9, 2024.

Ruling for September 14, 2023

Continued to 9/29/23 @ unless the DIP and Signature Entertainment lodge a consensual order.

If the parties have not resolved all issues, the DIP and Signature Entertainment shall file on 9/28/23 papers detailing which issues remain and each sides proposed language

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

CONT... **Daniel James Seavey**
for resolving the issues.

Chapter 11

Ruling for July 19, 2023

The Dtr shall file and serve his amended plan (or plan supplement), plan confirmation memo and evidence in support of confirmation no later than 8/4/23. The deadline for objections is 8/18/23. The Dtr's reply is due 8/25/23. Confirmation hearing will be on **9/14/23 @ 10:00 a.m.** Dtr to lodge a scheduling order with the foregoing dates.

Ruling for July 11, 2023

Continued to July 19, 2023 at 2:00 p.m.

Ruling for May 23, 2023

Continued to July 11, 2023 at 1:30 p.m.

Party Information

Debtor(s):

Daniel James Seavey

Represented By
David L. Neale
Krikor J Meshefejian
Lindsey L Smith

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:21-10757 PS On Tap, LLC

Chapter 11

**#12.00 Motion By Debtor To Compel Arbitration Of The
Debtors Objections To Proof Of Claim Nos. 18 And 19**

fr. 2/21/23; 3/21/23(stip); 5/9/23(stip), 6/6/23; 7/11/23; 8/22/23,
8/25/23; 9/26/23, 11/28/23

Docket 511

***** VACATED *** REASON: Resolved by Order Granting Debtors'
Motion to Approve Compromise with PAGA Claimants entered on 12/21/23.
Case Dkt. 593.**

Tentative Ruling:

Ruling for November 28, 2023

Cont'd to 1/23/24 @ 1:30 p.m.

Party Information

Debtor(s):

PS On Tap, LLC

Represented By
Carol Chow

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:21-10757 PS On Tap, LLC

Chapter 11

#13.00 Motion re: Objection to claim by claimant Sara Castilleja on behalf of all other aggrieved employees pursuant to PAGA (Claim No. 21); Christine Rodriguez on behalf of all other aggrieved employees pursuant to PAGA (Claim No. 22); and Claimant's Counsel Haig B. Kazandjian, Esq.. Debtors' Omnibus Objection to PAGA Claims (Proof of Claim Nos. 21-22)

fr. 2/21/23; 3/21/23(stip); 5/9/23(stip), 6/6/23; 7/11/23; 8/22/23, 8/25/23; 9/26/23; 11/28/23

Docket 515

***** VACATED *** REASON: Resolved by Order Granting Debtors' Motion to Approve Compromise with PAGA Claimants entered on 12/21/23. Case Dkt. 593.**

Tentative Ruling:

Ruling for November 28, 2023

Cont'd to 1/23/24 @ 1:30 p.m.

Party Information

Debtor(s):

PS On Tap, LLC

Represented By
Carol Chow

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:21-10757 PS On Tap, LLC

Chapter 11

#14.00 Status Conference re: Motion To Enforce The Discharge
Injunction And To Hold The Hotel Of Tulsa, LLC, In
Contempt For Violation Of The Discharge Injunction

fr. 9/26/23, 11/28/23

Docket 562

***** VACATED *** REASON: Resolved by Agreed Order re: Debtors'
Motion to Enforce Discharge Injunction entered on 12/21/23. Case Dkt. 592.**

Tentative Ruling:

Ruling for November 28, 2023

Cont'd to 1/23/24 @ 1:30 p.m.

Ruling for September 26, 2023

Continued hearing as a status conference to November 28, 2023 at 1:30 p.m.
with a report of efforts to mediate and discussion for setting a trial date and
deadlines for pre-trial stipulations

Party Information

Debtor(s):

PS On Tap, LLC

Represented By
Carol Chow

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:23-11515 Treeium Inc.

Chapter 11

#15.00 Motion to Withdraw as Debtor's Bankruptcy Counsel

Docket 43

Tentative Ruling:

Ruling for January 23, 2024

Motion to withdraw is granted.

Party Information

Debtor(s):

Treeium Inc.

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:22-11402 Anusha Gerard Silva

Chapter 11

#16.00 Motion in Individual Ch 11 Case for Order
Employing Epps & Coulson, LLP as Attorney

Docket 13

Tentative Ruling:

Ruling for January 23, 2024

Epps & Coulson - 12/1/22 - 2/7/23

Terzian - 2/8/23 - 10/18/23

Hanson Bridgett 10/19/23 - Present

This is disputed but they will be lodging an order and an order employing Terzian.

Party Information

Debtor(s):

Anusha Gerard Silva

Represented By
Tamar Terzian

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:22-11402 Anusha Gerard Silva

Chapter 11

#17.00 Application To Employ Daniel W.
Layton as Special Tax Counsel

Docket 65

Tentative Ruling:

Ruling for January 23, 2024

Motion approved with an effective date of 6/6/23 under 327(e).

Compensation will be governed by 330 and counsel will be paid upon approval of fee apps.

LBR 2091-1(a) governs irrespective of the retainer agreement allowing for unilateral withdrawal.

Party Information

Debtor(s):

Anusha Gerard Silva

Represented By
Tamar Terzian

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:23-10820 Robert Holbrook Lund

Chapter 11

#18.00 U.S. Trustee Motion to dismiss or convert

fr. 9/26/23; 11/7/23; 11/21/23; 1/9/24

Docket 32

Tentative Ruling:

Ruling for January 23, 2024

Motion is denied as moot.

Ruling for January 9, 2024

Continued to January 23, 2024 at 1:30 p.m.

Ruling for November 21, 2023

Continued to 1/9/24 @ 1:30 p.m. Dtr to file an update by 1/8/24.

Ruling for November 7, 2023

Hearing continued to 11/21/23 @ 1:30 p.m.

Holding of September 26, 2023

Continued to November 7, 2023 1:30 p.m.

Party Information

Debtor(s):

Robert Holbrook Lund

Represented By
Thomas B Ure

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:23-10820 Robert Holbrook Lund

Chapter 11

**#19.00 Debtor's Motion for Order Dismissing Debtor's Chapter 11
Bankruptcy Case upon Distribution of Funds to Creditors**

fr. 11/7/23; 11/21/23; 1/9/24

Docket 45

Tentative Ruling:

Ruling for January 23, 2024

Motion is granted.

Ruling for January 9, 2024

Continued to 1/23/24 @ 1:30 p.m. If the Dtr and the 2d DOT lienholder filed a stipulation agreeing that the Dtr has brought the 1st DOT current and paid the postpetition attys' fees on the 2d DOT, Dtr may lodge an order dismissing the case and the 1/23/24 hearing will come off calendar.

Ruling for November 21, 2023

Continued to 1/9/24 @ 1:30 p.m. Dtr to file an update by 1/8/24.

Ruling for November 7, 2023

Debtor is authorized to come current with the 1st priority DOT and Balboa LLC. Debtor is authorized to pay the IRS priority claim. Only after the IRS priority claim is paid, the Debtor is authorized to pay the general unsecured claims. Debtor to file evidence of compliance with these conditions by 11/17/23. Hearing continued to 11/21/23 @ 1:30 p.m.

Party Information

Debtor(s):

Robert Holbrook Lund

Represented By
Thomas B Ure

Movant(s):

Robert Holbrook Lund

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

CONT...

Robert Holbrook Lund

Thomas B Ure
Thomas B Ure

Chapter 11

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2024

Hearing Room 303

1:30 PM

1:23-10820 Robert Holbrook Lund

Chapter 11

#20.00 Chapter 11 Status Conference

fr. 8/22/23; 8/25/23; 11/7/23; 11/21/23; 1/9/24

Docket 1

Tentative Ruling:

Ruling for January 23, 2024

Comes off calendar

Ruling for January 9, 2024

Continued to January 23, 2024 at 1:30 p.m.

Ruling for November 21, 2023

Continued to 1/9/24 @ 1:30 p.m. Dtr to file an update by 1/8/24.

Ruling for November 7, 2023

Hearing continued to 11/21/23 @ 1:30 p.m.

Ruling for August 25, 2023

Continue to 11/7/23 at 1:30 p.m. with an updated status report to be filed by 10/31/23.

The bar date is 10/25/23 with notice to be served by 9/1/23 on the mandatory form.

The deadline to file a disclosure statement and plan is 11/15/23.

Debtor to lodge an order memorializing the dates and deadlines.

Party Information

Debtor(s):

Robert Holbrook Lund

Represented By
Thomas B Ure