

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

Tuesday, January 24, 2023

Hearing Room 303

10:00 AM

1: -

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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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.

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CONT...

Chapter

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
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Tuesday, January 24, 2023

Hearing Room 303

10:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#1.00 Motion for relief from stay

CENLAR, FSB, servicer for CITIMORTGAGE INC.

fr. 6/29/22, 7/27/22; 10/31/22(ct's own mtn); 11/2/22(stip);
12/14/22(stip)

Docket 150

***** VACATED *** REASON: Motion withdrawn. Case Dkt. 210.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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10:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#2.00 Motion for relief from stay

CITIMORTGAGE, INC.

fr. 8/17/22; 10/4/22; 11/16/22

Docket 162

Tentative Ruling:

Ruling for November 16, 2022

Continued to 1/24/23 @ 10:00 a.m.

Ruling for October 4, 2022

Continued to 11/16/2022 @ 2:30 p.m.

Tentative Ruling for August 17, 2022

Petition Date: 9/27/2017

Ch. 13 plan confirmed: 2/2/2018

Service: Proper. Opposition filed.

Property: 3750 Sunswapt Dr., Studio City, CA 91604

Property Value: \$600,000 (per debtor's 2017 schedules)

Amount Owed: \$285,151 (1st DoT)

Equity Cushion:44.5%

Equity: \$74,685

Post-Petition Delinquency: \$30,060.11 (6 payments of \$2,880.29; 5 payments of \$2,873.36, less suspense account balance of \$1,588.43)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a) (3) stay). Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment of \$2,873.36 was received on 7/1/2022.

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CONT... Lynne Suzanne Boyarsky

Chapter 13

Debtor states in opposition that she intends to modify the loan through the LMM Program, which she contends would cure the delinquency. On 7/25/22, Debtor's Motion to Commence Loan Modification Management Program (LMM) was filed, ECF doc. 160. Is Creditor amenable to a continuance to allow for Debtor to have her LMM application finalized?

Appearance Required

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:18-10629 Jose Jaime Estrada

Chapter 13

#3.00 Motion for relief from stay [RP]

WILMINGTON TRUST NA

fr. 11/30/22(stip)

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Jaime Estrada

Represented By
Thomas B Ure

Movant(s):

Wilmington Trust, NA, successor

Represented By
Robert P Zahradka
Megan E Lees
Chad L Butler

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

10:00 AM

1:19-10565 Pamela M. Sorenson

Chapter 13

#4.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSO.

fr. 11/18/20, 12/16/20, 2/24/21, 4/28/21; 5/5/21,
6/30/21; 9/1/21; 10/20/21, 12/8/21; 2/23/22; 6/1/22; 7/27/22;
10/31/22(ct's own mtn); 11/2/22

Docket 51

Tentative Ruling:

Ruling for November 2, 2022

Continued to 1/24/23 @ 10:00 a.m.

Nothing has been filed as to this Motion since the parties stipulated to continue the last hearing on 5/31/22. What is the status of this RFS motion?

Appearance Required.

PREVIOUS TENTATIVE BELOW

Petition Date: 03/11/2019

Chapter 13 plan confirmed: 7/22/19

Service: Proper. Opposition filed.

Property: 11052 Reseda Blvd., Northridge, CA 91326

Property Value: 582,000.00 (per debtor's schedules) (Property is owned in Tenancy in Common... Debtor's portion is \$145,000.00).

Amount Owed: \$358,890.82 (per Movant's papers)

Equity Cushion: 38.33%

Equity: \$223,109.18

Post-Petition Delinquency: \$ 6,419.86 (3 payments of \$2,323.05 less suspense \$549.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant

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CONT... Pamela M. Sorenson

Chapter 13

permitted to engage in loss mitigation activities); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts there are grounds for relief from the stay because the Debtor has failed to make postpetition payments. Movant alleges that the Debtor has only made partial payments for the months of August, September and October 2020.

The Debtor opposes this motion because the Debtor believes that the property was wrongfully reassessed by the LA County Assessor's Office. Debtor claims that there is \$390,000.00 in equity in the property.

Whether the Court applies the numbers provided by the Debtor's schedules and movant's papers or the Debtor's adjusted figures, there appears to be a substantial amount of equity in the property. Have the parties discussed entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Pamela M. Sorenson

Represented By
Michael D Luppi

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

10:00 AM

1:19-11979 Brian James Booth and Elka Patricia Booth

Chapter 13

#5.00 Motion for relief from stay [RP]

SELENE FINANCE LP

fr. 12/14/22

Stip for adequate protection filed 1/6/23

Docket 62

***** VACATED *** REASON: APO entered on 1/17/23. Dkt No. 70.**

Tentative Ruling:

Ruling on 12/14/22

Continue to 1/4/23 at 10:00 am for parties to enter APO.

Party Information

Debtor(s):

Brian James Booth

Represented By
Thomas J Polis

Joint Debtor(s):

Elka Patricia Booth

Represented By
Thomas J Polis

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-12777 Filipino Palako Vaka

Chapter 13

#6.00 Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Filipo Palako Vaka

Represented By
Kevin T Simon

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry
Keith Labell
Fanny Zhang Wan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Tuesday, January 24, 2023

Hearing Room 303

10:00 AM

1:19-12996 Scott Michael Graffius

Chapter 13

#7.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC
D/B/A MR. COOPER

fr. 3/23/22, 5/4/22; 6/1/22; 6/29/22, 7/27/22; 10/31/22(ct's own mtn);
11/2/22

Docket 63

*** VACATED *** REASON: Stipulation for voluntary dismissal of
motion entered 1/18/23

Tentative Ruling:

Ruling for November 2, 2022

Continued to 1/24/23 @ 10:00 a.m.

Party Information

Debtor(s):

Scott Michael Graffius

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

10:00 AM

1:20-10517 Mojgan Mostafavi

Chapter 13

#8.00 Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mojgan Mostafavi

Represented By
Devin Sawdayi

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry
Theron S Covey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, January 24, 2023

Hearing Room 303

10:00 AM

1:20-11365 Cross Country Holdings Partnership, AGP

Chapter 11

#9.00 Motion for relief from stay [RP]

INVESTOR LENDING USA

fr. 2/16/22; 3/16/22; 3/30/22(stip); 5/25/22(stip); 8/24/22; 10/4/22; 11/16/22

Docket 115

Tentative Ruling:

Ruling for November 16, 2022

Continued to 1/24/23 @ 10:00 a.m. The trustee's response to the Motion is due by 1/6/23. If the trustee does not oppose the Motion, the Movant may lodge an order granting the motion.

Ruling for October 4, 2022

Continued to 11/16/22 @ 2:30 p.m.

Ruling for August 24, 2022

Continued to 10/4/22 at 10:00 a.m. Counsel for the Movant to lodge an order but should wait until the chapter 7 trustee is appointed.

Ruling for March 16, 2022:

Continue to March 30, 2022 at 1:30 p.m. The stay will remain in place. Notice requirement is waived.

Party Information

Debtor(s):

Cross Country Holdings Partnership,

Represented By
Raymond H. Aver

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1:21-11121 Ruben Espinoza and Araceli Espinoza

Chapter 13

#10.00 Motion for relief from stay [RP]

U.S. BANK TRUST NATIONAL ASSOCIATION

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Espinoza

Represented By
Robert T Chen

Joint Debtor(s):

Araceli Espinoza

Represented By
Robert T Chen

Movant(s):

U.S. BANK TRUST NATIONAL

Represented By
Fanny Zhang Wan
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

10:00 AM

1:22-10275 Debbie Ann Ko

Chapter 13

#11.00 Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO

fr. 12/14/22

Docket 36

Tentative Ruling:

Ruling on 12/14/22

Continue to 1/24/23 at 10:00 am for parties to enter APO.

Party Information

Debtor(s):

Debbie Ann Ko

Represented By
Arete R Kostopoulos

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Fanny Zhang Wan
Theron S Covey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

10:00 AM

1:22-11297 Rosalio Sambo Casindad

Chapter 7

#12.00 Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosalio Sambo Casindad

Represented By
Matthew D. Resnik

Movant(s):

Deutsche Bank National Trust

Represented By
JaVonne M Phillips

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

10:00 AM

1:22-10463 Senik Babakhanian

Chapter 13

#13.00 Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Senik Babakhanian

Represented By
Aris Artounians

Movant(s):

Deutsche Bank National Trust

Represented By
Nancy L Lee
JaVonne M Phillips

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, January 24, 2023

Hearing Room 303

10:00 AM

1:22-11305 Scott Rosenberg

Chapter 11

#13.01 Motion for relief from stay [AN]

JACK AND CHARLOTTE ROSENBERG FAMILY TRUST

Docket 27

***** VACATED *** REASON: To be heard today at 1:30 pm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Rosenberg

Represented By

Andy C Warshaw

Richard L. Sturdevant

**United States Bankruptcy Court
Central District of California
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Tuesday, January 24, 2023

Hearing Room 303

10:00 AM

1:22-11500 Joanne Gallon

Chapter 13

#13.02 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Gallon

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, January 24, 2023

Hearing Room 303

11:00 AM

1:11-20057 Griffin Industries, Inc.

Chapter 7

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

AMY L GOLDMAN, CHAPTER 7 TRUSTEE

SLBIGGS, ACCOUNTANTS TO CHAPTER 7 TRUSTEE

Docket 159

Tentative Ruling:

Tentative Ruling for January 24, 2023

Approve requested fees and expenses, and authorize proposed payments. No objections filed. The trustee shall lodge a conforming order no later than January 31, 2023. **Appearances waived.**

Party Information

Debtor(s):

Griffin Industries, Inc.

Represented By
Robert D Bass
Jeffrey H Grant
Andrew W Zepeda

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Martin R. Barash, Presiding
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Tuesday, January 24, 2023

Hearing Room 303

11:00 AM

1:20-10905 Jay B. Reznick

Chapter 7

#15.00 Motion for allowance & payment of administrative expense claim pursuant to 11 U.S.C. sec. 503

fr: 7/20/21; 9/1/21; 11/10/21(stip); 1/19/22, 3/16/22; 5/25/22(stip); 8/24/22; 11/2/22

Docket 205

*** VACATED *** REASON: Continued by stip to 3/21/23 at 11:00 am

Tentative Ruling:

Ruling for November 2, 2022

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

Ruling for May 25, 2022

The court will enter the order approving the stip continuing the hearing for approximately 60 days.

Party Information

Debtor(s):

Jay B. Reznick

Represented By
James R Selth
Daniel J Weintraub
Crystle Jane Lindsey

Movant(s):

Richard Weissman

Represented By
David R Haberbusch
Richard A Brownstein
Vanessa M Haberbusch

Trustee(s):

Gregory Kent Jones (TR)

Represented By
Timothy J Yoo
Carmela Pagay

**United States Bankruptcy Court
Central District of California
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11:00 AM

CONT... **Jay B. Reznick**
CASE REOP/CONV/OR CLOSED Pro Se

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, January 24, 2023

Hearing Room 303

11:00 AM

1:22-10491 Olga Patricia Blancheteau

Chapter 7

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

DAVID K. GOTTLIEB, CHAPTER 7 TRUSTEE

Docket 33

Tentative Ruling:

Tentative Ruling for January 24, 2023

Approve requested fees and expenses, and authorize proposed payments. No objections filed. The trustee shall lodge a conforming order no later than January 31, 2023. **Appearances waived.**

Party Information

Debtor(s):

Olga Patricia Blancheteau

Represented By
Sevan Gorginian

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:22-11409 Second Generation, Inc.

Chapter 7

#17.00 Status conference re: chapter 7 involuntary petition

Docket 1

***** VACATED *** REASON: Continued to 3/29/23 at 1:30 pm on the
Court's own motion**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Second Generation, Inc.

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

1:30 PM

1:17-12408 ICPW Liquidation Corporation, a California corpora

Chapter 11

#18.00 Post-confirmation status conference

fr. 8/28/18, 1/15/19; 4/9/19; 5/9/19, 12/12/19 from 1:30 p.m.,
2/20/20, 8/5/20, 8/12/20, 8/17/20, 12/9/20, 4/13/21; 10/27/21;
4/20/22; 10/26/22; 11/30/22(court's own motion)

Docket 443

Tentative Ruling:

Tentative Ruling for April 20, 2022

Continued to October 26, 2022 at 1:30 p.m.; **appearances waived**. An updated post-confirmation status report shall be filed by October 19, 2022.

Tentative Ruling for October 27, 2021

Continued to to April 20, 2022 at 1:30 p.m. Trustee to file and serve an updated status report by April 13, 2022. **Appearances waived**.

Ruling for December 9, 2020:

Continued to April 13, 2021 at 1:30 p.m. Trustee must file and serve an updated status report by April 6, 2021. Appearances on December 9, 2020 are waived.

Ruling for August 17, 2020: Continued to December 9, 2020 at 1:30 p.m. Trustee must file and serve notice of continued status conference. Appearances on August 17, 2020 are waived.

Tentative Ruling for February 20, 2020:

The Court has reviewed the status report filed by the Plan Trustee on February 6, 2020. Dkt. 626. The post-confirmation status conference is continued to August 5, 2020, at 1:30 p.m. Appearances are waived on February 20, 2020.

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CONT... ICPW Liquidation Corporation, a California corpora Chapter 11

Ruling for 5/9/19: Continued to 12/12/19 at 1:30 p.m. Trustee must file and serve notice of continued status conference.

Ruling for August 28, 2018

Tentative adopted.

Tentative Ruling for August 28, 2018:

The Court has reviewed the status report filed by the Plan Trustee on August 14, 2018. Dkt. 593. The post-confirmation status conference is continued to **January 15, 2019, at 1:30 p.m.** Appearances are waived on August 28, 2018.

Party Information

Debtor(s):

ICPW Liquidation Corporation, a

Represented By
Ron Bender
Krikor J Meshefejian
Monica Y Kim

**United States Bankruptcy Court
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1:30 PM

1:21-10757 PS On Tap, LLC

Chapter 11

#19.00 Post -confirmation status conference

fr. 2/16/22; 6/15/22; 9/28/22; 10/4/22

Docket 211

Tentative Ruling:

Ruling for October 4, 2022: This status conference is continued to January 24, 2023 at 1:30 p.m. The requirement for an updated status report is waived.

Ruling for September 28, 2022: This status conference is continued to October 4, 2022 at 1:30 p.m. A court order will be entered to ensure the parties to show up at the 10/4/22 status conference.

Ruling for June 15, 2022: The status conference is continued to September 28, 2022 at 1:30 p.m. Debtor should file a notice of continued hearing. Written status report requirement is waived.

Ruling for February 16, 2022: Submit a brief status report providing updates by 6/8/22. Status conference is continued to 6/15/22.

Ruling for Confirmation Hearing on September 24, 2021: Confirmed as consensual plan under section 1191(a) with Graton lease to be removed from the plan pending the motion to assume. The confirmation order should be circulated to the sub-chapter V trustee and counsel for Graton. They must sign off on the form of the order prior to lodging with the Court. If any party has an issue with the form of the order, they may contact chambers. The post-confirmation status conference is set for February 16, 2022 at 1:30 p.m. A post-confirmation status report is due two weeks prior to the hearing.

Party Information

Debtor(s):

PS On Tap, LLC

Represented By
Carol Chow

**United States Bankruptcy Court
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CONT... PS On Tap, LLC

Chapter 11

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

1:22-10567 LIGCEDB LLC

Chapter 11

#20.00 Chapter 11 status conference

fr. 6/15/22; 9/7/22; 12/14/22

Docket 0

Tentative Ruling:

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 reodge 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.

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

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1:30 PM

1:22-10954 Chinecherem Eze LLC

Chapter 11

#21.00 Hearing re status of chapter 11 case

fr. 9/28/22; 12/14/22

Docket 1

Tentative Ruling:

Ruling on 12/14/22

Continue to 1/24/23. Debtor has not provided monthly operating reports for the last three months. Debtor to file monthly operating reports asap. Court waives requirement of written status report. Principal of Debtor to appear on 1/24/23.

Ruling for September 28, 2022

Debtor needs to amend the petition to remove the small business debtor designation and should do so in the next week. The general bar date is 11/28/22 and debtor should serve notice of the bar date by 10/6/22. The court vacates the original bar date. Debtor to lodge an order re-setting the bar date. The deadline for debtor to file a plan and disclosure statement is 12/21/22. Status conference continued to 12/14/22 at 1:30 p.m. and an updated status report must be filed by 12/7/22. All creditors must be served with the original order setting the chapter 11 status conference and notice of the continued status conference.

Party Information

Debtor(s):

Chinecherem Eze LLC

Represented By
Gary S Saunders

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

1:22-11181 National Association of Television Program Executi

Chapter 11

#22.00 Chapter 11 status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

National Association of Television

Represented By
Leslie A Cohen

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 24, 2023

Hearing Room 303

1:30 PM

1:22-11305 Scott Rosenberg

Chapter 11

#23.00 Chapter 11 status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Rosenberg

Represented By
Andy C Warshaw

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

1:22-11305 Scott Rosenberg

Chapter 11

#23.01 Debtor in Possession's Application to Employ
Financial Relief Law Center, APC as General
Bankruptcy Counsel Effective as of the Petition
Date

Docket 13

Tentative Ruling:

Tentative Ruling for January 24, 2023

The Application seeks to employ the Financial Relief Law Center, APC (the "Firm") as general counsel to the Debtor.

SOURCE OF FUNDS FOR THE RETAINER: The declaration of the Debtor is vague regarding the source of funds paid to the Firm as a prepetition retainer, stating "I caused to be paid \$47,500 to [the Firm]." Case Dkt. 13-1 at 2, ¶ 4. By contrast, the Form 20230 Disclosure of Compensation of Attorney for Debtor states the Debtor was the source of a \$47,400 retainer. Case Dkt. 17 at 50. The *Motion for Order Directing Federal Rule of Bankruptcy Procedure 2004 Examination of Scott Rosenberg and Production of Documents* (the "2004 Motion") filed by Jackare Corp., Mark Rosenberg and Andrea Rosenberg Romine alleges:

[A]t the 341(a) meeting, the Debtor testified that \$47,500 used to fund the Debtor's counsel's retainer was obtained from the Crystal Stone Inter Vivos Trust—a source that had not been previously disclosed by the Debtor. The Debtor has since recanted this statement, alleging that \$47,500 came from "cash on hand." See *Declaration of Scott Rosenberg Addressing Questions and Clarification from the 341(a) Meeting of Creditors*, Exhibit D.

Case Dkt. 34 at 5. The allegation is not supported by any evidence and the referenced declaration of the Debtor clarifying his 341(a) testimony is neither attached to the 2004 Motion nor does it appear on the docket. Based on the foregoing, it is unclear

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

CONT...

Scott Rosenberg

Chapter 11

what the source of funds is for the \$47,500 (or \$47,400) retainer paid to the Firm. The Debtor must provide complete and fulsome disclosure regarding the source of the retainer and file an amended declaration in support of the Application.

MANDATORY ARBITRATION & CHOICE OF LAW: The retainer agreement attached to the Application provides that that any disputes will be subject to arbitration, in Orange County, and governed by the "Laws of the State of California." Case Dkt. 13 at 25-26, ¶ 14. Section 330 and federal law govern fees awarded to professionals employed by a bankruptcy estate and disputes regarding the allowance of such fees are the exclusive jurisdiction of the bankruptcy court. *See In re Home Exp., Inc.*, 226 B.R. 657, 659 (Bankr. N.D. Cal. 1998) ("Under the Bankruptcy Act of 1898, the Supreme Court held that the jurisdiction of the bankruptcy court over fees is 'paramount and exclusive,' Congress having asked for "the informed judgment of the bankruptcy court, not another court or agency . . . bankruptcy policy must hold sway over the policies of the Federal Arbitration Act as to disputes involving § 327 through 330") citing *Brown v. Gerdes*, 321 U.S. 178, 183–184 (1944); *In re Shalan Enter., LLC*, 2012 WL 1345328, * 1 (Bankr. C.D. Cal., Apr. 17, 2012). *See also In re Crown Vantage, Inc.*, 421 F.3d 963, 970 (9th Cir. 2005) ("We join our sister circuits in holding that a party must first obtain leave of the bankruptcy court before it initiates an action in another forum against a bankruptcy trustee or other officer appointed by the bankruptcy court for acts done in the officer's official capacity") citing *Barton v. Barbour*, 104 U.S. 126, 127 (1881). Counsel must clarify whether it agrees to strike those provisions of the agreement as a condition of employment under § 327(a).

ATTORNEYS' LIEN: The retainer agreement grants the Firm "a lien on any and all claims or causes of action that are the subject of the representation under this Agreement." Case Dkt. 13 at 24, ¶ 7. A lien on property of the estate makes the Firm a secured creditor and precludes employment of the Firm under §327(a) for failure to satisfy the "disinterested" requirement. See 11 U.S.C. §102(2). In response to inquiries from the Office of the United States Trustee regarding this issue, the Firm has agreed to waive the attorneys' lien. Case Dkt. 15.

Party Information

Debtor(s):

Scott Rosenberg

Represented By
Andy C Warshaw

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

CONT...

Scott Rosenberg

Richard L. Sturdevant

Chapter 11

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

1:22-11305 Scott Rosenberg

Chapter 11

#23.02 Motion in Individual Ch 11 Case for Order Employing Professional (LBR 2014-1): Penny M. Fox as CPA

Docket 25

Tentative Ruling:

Tentative Ruling for January 24, 2023

The Application seeks to employ Penny M. Fox ("Fox") as CPA for the estate. The letter retainer agreement attached as Exhibit 2 to the Application includes provisions that the agreement will be governed by "the law of the State of California" and any disputes will be resolved through "arbitration in accordance with the rules of the American Arbitration Association." Case Dkt. 25 at 12-13. Section 330 and federal law govern fees awarded to professionals employed by a bankruptcy estate and disputes regarding the allowance of such fees are the exclusive jurisdiction of the bankruptcy court. *See In re Home Exp., Inc.*, 226 B.R. 657, 659 (Bankr. N.D. Cal. 1998) ("Under the Bankruptcy Act of 1898, the Supreme Court held that the jurisdiction of the bankruptcy court over fees is 'paramount and exclusive,' Congress having asked for "the informed judgment of the bankruptcy court, not another court or agency . . . bankruptcy policy must hold sway over the policies of the Federal Arbitration Act as to disputes involving § 327 through 330") citing *Brown v. Gerdes*, 321 U.S. 178, 183–184 (1944); *In re Shalan Enter., LLC*, 2012 WL 1345328, * 1 (Bankr. C.D. Cal., Apr. 17, 2012). *See also In re Crown Vantage, Inc.*, 421 F.3d 963, 970 (9th Cir. 2005) ("We join our sister circuits in holding that a party must first obtain leave of the bankruptcy court before it initiates an action in another forum against a bankruptcy trustee or other officer appointed by the bankruptcy court for acts done in the officer's official capacity") citing *Barton v. Barbour*, 104 U.S. 126, 127 (1881). The Debtor and Fox shall be prepared to address whether Fox agrees to strike those provisions of the agreement as a condition of employment under § 327(a).

Party Information

Debtor(s):

Scott Rosenberg

Represented By
Andy C Warshaw

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

CONT...

Scott Rosenberg

Richard L. Sturdevant

Chapter 11

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

1:22-11305 Scott Rosenberg

Chapter 11

#23.03 Motion for relief from stay [AN]

JACK AND CHARLOTTE ROSENBERG FAMILY TRUST

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Rosenberg

Represented By
Andy C Warshaw
Richard L. Sturdevant

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

Tuesday, January 24, 2023

Hearing Room 303

1:30 PM

1:22-11456 AfterShock Comics, LLC

Chapter 11

#24.00 FINAL HEARING RE:
Debtor's Emergency Motion For Entry Of An Order Authorizing
Debtors To Implement And Maintain Cash Management System

fr. 12/29/22

Docket 15

Tentative Ruling:

Ruling for 12/29/22:

Cash collateral and wages motion continued to 1/6/23 at 9:30 a.m..
Evidentiary hearing to be held on 1/6/23. Both parties may present live witnesses and supplement the record. Any exhibits not already in the record should be filed by 1/5/23.
Cash management motion granted on an interim basis. Cash Management Motion also continued to 1/6.
Parties to exchange simultaneous witness list by 1/4 at noon. Mr. Kwong to submit a notice of hearing on all creditors that evidentiary hearing to be held on 1/6 re: cash collateral.

Party Information

Debtor(s):

AfterShock Comics, LLC

Represented By
David L. Neale
Jeffrey S Kwong