

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

Tuesday, February 4, 2025

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.

PLEASE NOTE: in the matter of Quality Properties USA LLC (#6 on the 11:00 AM calendar), the debtor's principal, Angelica Maria Garcia has been ordered to appear 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.

Parties in interest may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Members of the public, the press and parties in interest may participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate remotely and there are no fees for doing so. No pre-registration or prior approval is required. The audio portion of each hearing will be recorded electronically by the Court and that recording will constitute its official record. Recording, retransmitting, photographing or imaging Court proceedings by any means is strictly prohibited.

Video/audio web address: <https://cacb.zoomgov.com/j/1618706732>

ZoomGov meeting number: 161 870 6732

Password: 632510

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

For more information on appearing before Judge Barash by ZoomGov, please see the

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information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-martin-r-barash> under the tab "Phone/Video Appearances."

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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10:00 AM

1:24-10907 Steven Smith

Chapter 13

#1.00 Motion for relief from stay

UNIVERSITY CREDIT UNION

fr. 1/7/25

Docket 34

*** VACATED ***

Tentative Ruling:

Tentative Ruling for January 7, 2025

Continued to 2/4/25, at 10:00 a.m. to allow parties time to sort out the payment history
Appearances waived on 1/7/25

Party Information

Debtor(s):

Steven Smith

Represented By
David S Hagen

Movant(s):

University Credit Union

Represented By
Jennifer C Wong

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:24-11838 Deshawn Brinson

Chapter 13

#2.00 Motion for relief from stay

AMERICAN CREDIT ACCEPTANCE LLC

Docket 18

Tentative Ruling:

Tentative Ruling for February 4, 2025

Grant. No opposition filed. **Appearances waived.** The moving party shall lodge a conforming order no later than February 11, 2025.

Party Information

Debtor(s):

Deshawn Brinson

Pro Se

Movant(s):

American Credit Acceptance LLC

Represented By
Sheryl K Ith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:24-11954 Pouya Shahbazi

Chapter 7

#3.00 Motion for relief from stay

CINCH AUTO FINANCE

Docket 9

Tentative Ruling:

Tentative Ruling for February 4, 2025

Grant. No opposition filed. **Appearances waived.** The moving party shall lodge a conforming order no later than February 11, 2025.

Party Information

Debtor(s):

Pouya Shahbazi

Represented By
Raj T Wadhvani

Movant(s):

Cinch Auto Finance

Represented By
Sheryl K Ith

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:24-12014 Brandi Issac

Chapter 7

#4.00 Motion for relief from stay

WILMINGTON TRUST, N.A.

Docket 14

***** VACATED *** REASON: Case dismissed on 1/22/25. No prospective relief requested by Movant.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandi Issac

Represented By
Allan Otis Cate Jr

Movant(s):

Wilmington Trust, National

Represented By
Jennifer C Wong

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, February 4, 2025

Hearing Room 303

10:00 AM

1:24-10396 Kast Media Inc.

Chapter 11

#5.00 Motion for relief from stay

BRADLEY DENHAM, RICHELLE MEISS, KAYLON RUSHING,
AND HARLEY ROMAN, INDIVIDUALLY, AND ON BEHALF
OF OTHERS SIMILARLY SITUATED

Docket 284

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kast Media Inc.

Represented By
Leslie A Cohen

Movant(s):

Harley Roman

Represented By
Matthew J Matern

Kaylon Rushing

Represented By
Matthew J Matern

Richelle Meiss

Represented By
Matthew J Matern

Bradley Denham

Represented By
Matthew J Matern

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:24-10396 Kast Media Inc.

Chapter 11

#5.01 Motion RE: Objection to Claim Number 23 by Claimant Bradley Denham, Richelle Meiss, Kaylon Rushing, Harley Roman

fr. 12/17/24; 1/28/25

Docket 239

Tentative Ruling:

Tentative Ruling for January 28, 2025

This hearing is continued to **February 4, 2025, at 10:00 a.m.**, to be heard with the Motion for Relief from Stay (Non-Bankruptcy Forum), filed by Claimants.

Party Information

Debtor(s):

Kast Media Inc.

Represented By
Leslie A Cohen

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:24-11606 Avocado Tree, LLC

Chapter 11

#5.02 Motion for relief from stay

SOUND CAPITAL LOANS, LLC

fr. 1/28/25

Docket 54

***** VACATED *** REASON: Continued to 2/5/25 at 1:30 pm on the
Court's own motion**

Tentative Ruling:

Ruling for January 28, 2025

Continued to 2/4/2025, 10:00 a.m.

Order on RFS to be granted per stipulation, providing for relief to be delayed to 9/19/25.

MB gave Debtors a hearing date of 2/5/25 to hear any shortened time motion on sale

Party Information

Debtor(s):

Avocado Tree, LLC

Represented By
David I Brownstein

Movant(s):

Sound Capital Loans, LLC

Represented By
Dakota Pearce

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11:00 AM

1:25-10021 Quality Properties USA LLC

Chapter 7

- #6.00 Order to Show Cause Why:
(1) This Bankruptcy Case Should Not Be Dismissed; and
(2) The Automatic Stay Annulled to the Petition Date

**Note: principal of the debtor Angelica Maria Garcia
has been ordered to appear IN PERSON at this hearing**

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Quality Properties USA LLC	Pro Se
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Trustee(s):

Sandra McBeth (TR)	Pro Se
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Hearing Room 303

1:30 PM

1:19-12261 Ilda Eduwiges Alvarez

Chapter 11

#7.00 Post-Confirmation status conference

fr. 5/11/21. 11/10/21; 4/20/22; 5/25/22; 12/14/22;
3/7/23(court's own mtn); 3/10/23; 3/21/23; 5/9/23;
8/22/23; 8/25/23; 11/28/23; 12/12/23; 2/6/24; 3/26/24;
5/28/24; 8/27/24; 12/17/24

Docket 142

Tentative Ruling:

Ruling for August 27, 2024

Continued to 12/17/24 @ 1:30 p.m. Status report due 12/10/24.

Ruling for May 28, 2024

Continued to 8/27/24 @ 1:30 p.m. If Dtr's motion to close the case is filed by 8/20, no status report is required. If no such motion has been filed, a status report is required.

Ruling for March 26, 2024

Continued to May 28, 2024 @ 1:30 p.m.

Ruling for February 6, 2024

Continued to March 26, 2024 at 1:30 p.m. Post-confirmation status report filed and served by March 19 with declaration under penalty of perjury from the Debtor.

Ruling for December 12, 2023

Continued to February 6, 2024 at 1:30 p.m.

Ruling for November 28, 2023

Continued to 12/12/23 at 1:30 p.m.

Post-confirmation status report must be filed by 12/8/23. Dtr must also be current on reports to the OUST.

Ruling for May 9, 2023

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Ida Eduwiges Alvarez

Chapter 11

Continued to August 22, 2023 at 1:30 p.m. No later than May 16, 2023, the debtor must serve all creditors with notice of the continued status conference, including the Zoom information for the continued status conference. No later than August 8, 2023, the debtor also shall file a brief status report addressing whether the debtor has been able to cure the payment default to lender JP Morgan Chase.

Ruling for March 21, 2023

Continued to 5/9/23 @ 1:30 p.m. The OUST may set a forthcoming motion to dismiss for hearing on the same date and time. The Court will prepare an order re: the continuance.

Ruling for March 10, 2023

Continued to March 21, 2023.

Ruling for May 25, 2022

The status conference is continued to 12/14/22 @ 1:30 p.m. An updated status report is due by 11/30/22.

Ruling for April 20, 2022

The status conference is continued to May 25, 2022 at 1:30 p.m. By May 18, 2022, the Debtor is required to file a status report explaining what is going on with the payments to Class 6(b) and the apparently failure to provide the same treatment for all members of Class 6(b). Debtor is required to appear by zoom. Debtor to file a notice of continued status conference on all creditors.

Tentative Ruling for November 10, 2021: Continued to April 20, 2022 at 1:30 p.m. If a final decree has not yet been entered, the Reorganized Debtor must file a status report supported by evidence by April 6, 2022. **Appearances on November 10, 2021 are waived.**

Ruling for May 11, 2021: Continued to 11/10/21 at 1:30 p.m. Status report must be filed by 11/3/21. The status report must include whether the Debtor is current on post-confirmation tax liability.

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CONT... Ilda Eduwiges Alvarez

Chapter 11

Debtor(s):

Ilda Eduwiges Alvarez

Represented By
Lionel E Giron
Joanne P Sanchez

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1:21-10757 PS On Tap, LLC

Chapter 11

#8.00 Reorganized Debtor Grill Concepts Services, Inc.'s
Motion To Enforce Chapter 11 Plan And Confirmation
Order Against The Internal Revenue Service

fr. 4/30/24; 5/28/24; 7/12/24; 7/16/24; 10/17/24; 12/17/24

Docket 601

*** VACATED ***

Tentative Ruling:

Ruling for February 4, 2025

The Court has determined that no further argument on these matters is necessary and takes them off calendar. The Court will enter its memorandum of decision on these matters before the continued post-confirmation status conference.

Ruling for July 16, 2024

Continued to October 17, 2024 at 1:30 p.m.

Ruling for May 28, 2024

Continued to 7/12/24 @ 1:30 p.m. Supp'l briefing from the IRS due on 6/14/24.
Supp'l briefing from the Dtr due on 6/28/24.

Party Information

Debtor(s):

PS On Tap, LLC

Represented By
Carol Chow

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:21-10757 PS On Tap, LLC

Chapter 11

#9.00 Reorganized Debtor Grill Concepts Services, Inc.'s
Motion re: Objection to Proof of Claim No. 2-7 Filed
By The Internal Revenue Service

fr. 4/30/24; 5/28/24; 7/12/24; 7/16/24; 10/17/24; 12/17/24

Docket 602

*** VACATED ***

Tentative Ruling:

Ruling for February 4, 2025

The Court has determined that no further argument on these matters is necessary and takes them off calendar. The Court will enter its memorandum of decision on these matters before the continued post-confirmation status conference.

Ruling for July 16, 2024

Continued to October 17, 2024 at 1:30 p.m.

Ruling for May 28, 2024

Continued to 7/12/24 @ 1:30 p.m. Supp'l briefing from the IRS due on 6/14/24.
Supp'l briefing from the Dtr due on 6/28/24.

Party Information

Debtor(s):

PS On Tap, LLC

Represented By
Carol Chow

Movant(s):

PS On Tap, LLC

Represented By
Carol Chow
Carol Chow

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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CONT... PS On Tap, LLC

Chapter 11

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1:21-10757 PS On Tap, LLC

Chapter 11

#10.00 Post -confirmation status conference

fr. 2/16/22; 6/15/22; 9/28/22; 10/4/22; 1/24/23; 7/11/23; 12/12/23;
6/28/24; 7/12/24; 7/16/24; 10/17/24; 12/17/24

Docket 356

***** VACATED *** REASON: Continued to 4/1/25 @ 1:30 p.m.
Reorganized Debtors to file and serve a post-confirmation status report no
later than 3/25/25.**

Tentative Ruling:

Ruling for July 16, 2024

Continued to October 17, 2024 at 1:30 p.m.

Ruling for December 12, 2023

Continued to 6/28/24 at 1:30 p.m. The Reorganized Debtors to file an updated status report by 6/21/24, if the case has not been closed. **Appearances on 12/12/23 waived.**

Ruling for July 11, 2023

Continued to 12/12/23 @ 1:30 p.m. Dtrs to file and serve an updated status report by 11/28/23. Dtrs to file and serve notice to creditors of the continued status conference. **Appearances on July 11, 2023 are waived.**

Ruling for January 24, 2023

Continued to 7/11/23 @ 1:30 p.m. Dtrs to file an updated status report supported by admissible evidence addressing the topics required by LBR 3020-1 by 6/30/23. Dtrs to file and serve notice to creditors of the continued status conference. The hearing on the Dtrs' Motion to Compel Arbitration is continued to 3/21/23 @ 1:30 p.m. and Ms. Gonzalez' clients deadline to oppose that Motion is 2-weeks prior to that hearing. Dtrs to lodge an order.

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,

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CONT... PS On Tap, LLC

Chapter 11

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

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:22-10567 LIGCEDB LLC

Chapter 11

#11.00 Motion for Order Dismissing Debtors Chapter 11 Bankruptcy Case upon Distribution of Funds to Creditors and Request for Order Authorizing Distribution from Segregated, Blocked Debtor-In-Possession Account

Docket 180

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LIGCEDB LLC

Represented By
Thomas B Ure
Leonard Pena

Movant(s):

LIGCEDB LLC

Represented By
Thomas B Ure
Thomas B Ure
Leonard Pena
Leonard Pena

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1:22-10567 LIGCEDB LLC

Chapter 11

#12.00 Application for Compensation for
Pena & Soma, APC, Special Counsel

Period: 8/1/2024 to 1/8/2025
Fees: \$23,400.00 Expenses: \$165.45

Docket 169

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LIGCEDB LLC

Represented By
Thomas B Ure
Leonard Pena

Movant(s):

Pena & Soma, APC

Represented By
Leonard Pena

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1:22-10567 LIGCEDB LLC

Chapter 11

#13.00 Application For Payment of Final Fees And/Or
Expenses for Thomas B Ure, Debtor's Attorney

Fees: \$68,445.00 Expenses: \$806.82

Docket 172

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LIGCEDB LLC

Represented By
Thomas B Ure
Leonard Pena

Movant(s):

LIGCEDB LLC

Represented By
Thomas B Ure
Thomas B Ure
Leonard Pena
Leonard Pena

**United States Bankruptcy Court
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1:23-10158 Tracey N. Sylvester and David Garnett

Chapter 11

#14.00 Post-Confirmation Status Conference in Chapter 11 case
fr. 8/20/24; 12/17/24

Docket 0

Tentative Ruling:

Ruling for August 20, 2024

Continued to December 17, 2024 at 1:30 and an updated status report shall be filed and served by December 10, 2024.

Party Information

Debtor(s):

Tracey N. Sylvester

Represented By
Marcus G Tiggs

Joint Debtor(s):

David Garnett

Represented By
Marcus G Tiggs

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1:23-10993 Power Brands Consulting, LLC

Chapter 11

#15.00 Hearing on Debtor's First Amended Chapter
11 Plan Dated December 3, 2024

Docket 225

Tentative Ruling:

Tentative Ruling for February 4, 2025

There are numerous issues with the confirmation papers filed by Debtor and Debtor shall address the following issues at the hearing:

1 – Debtor Has Yet to File a Revised Disclosure Statement as Instructed by the Court

On October 17, 2004, Debtor filed its original plan (dkt. 209) and original disclosure statement (dkt. 210). The Court set a hearing on the original disclosure statement for December 10, 2024 (the "December 10 Hearing"). On December 3, 2024, Debtor filed its *First Amended Chapter 11 Plan Dated December 3* (the "December 3 Plan") (dkt. 225) and its *First Amended Disclosure Statement Describing Debtor's First Amended Plan Dated December 3, 2024* (the "December 3 Disclosure Statement") (dkt. 226).

At the December 10 Hearing, the Court did not approve the December 3 Disclosure Statement. The Court identified necessary revisions to the December 3 Disclosure Statement, and exhibit 1 thereto, but held that it would conditionally approve a forthcoming amended disclosure statement incorporating the Court's required revisions. The Court expressly directed Debtor to file a further amended disclosure statement so that it would have its own docket entry, lodge an order approving the further amended disclosure statement and stated that Debtor could file a redlined version of the further amended disclosure statement consisting of only the revised pages. To date, Debtor has not filed a further amended disclosure statement as its own docket entry and, as a result, the Court cannot enter an order approving a disclosure statement.

On December 16, 2024, Debtor filed a redlined version of *Debtor's First Amended Disclosure Statement Describing Debtor's First Amended Chapter 11 Plan Dated*

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CONT... Power Brands Consulting, LLC

Chapter 11

December 3, 2024 (the "December 16 Redline") (dkt. 230) but did not file a clean version of this disclosure statement. In addition to having the identical caption as the December 3 Disclosure Statement, which the Court did not approve at the December 10 Hearing, as detailed below, the December 16 Redline fails to remedy the problems identified by the Court at the December 10 Hearing.

2 – The Disclosure Statement Attached to Debtor’s Confirmation Notice Is Not Approved by the Court

Because Debtor has not filed a further amended disclosure statement, no order approving a disclosure statement has been entered. On December 23, 2024, Debtor filed a *Notice of Hearing on Confirmation of Debtor’s First Amended Plan of Reorganization under Chapter 11 Dated December 3, 2024* (the "Confirmation Notice") (dkt. 235) with an attached proof of service stating it was served on December 20, 2024. Attached to the Confirmation Notice is a document captioned as *First Amended Disclosure Statement Describing Debtor’s First Amended Plan Dated December 3, 2024*, which is the identical caption of the December 3 Disclosure Statement which the Court did not approve at the December 10 Hearing. Compare Case Dkt. 226 with Case Dkt. 235-2.

3 – Debtor’s December 3 Plan Cannot Be Confirmed as it Fails to Classify and Provide Treatment for Non-Tax Priority Claims

Bankruptcy Code section 1123(a) requires a plan to designate classes of claims and to specify whether that class is unimpaired or, if it is impaired, specify a treatment for claims in that class. 11 U.S.C. § 1123(a)(1), (a)(2), (a)(3). Tastes Natural, LLC filed a priority unsecured claim as POC#32. Flex Ads Marketing, LLC filed a priority unsecured claim as POC#64. The December 3 Plan fails to create a class of non-tax priority claims and fails to provide any treatment for paying these priority claims.

4 – Debtor’s December 3 Plan Excludes Some Claims from Class 1 in Violation of 11 U.S.C. § 502(a) and Conflicts with FRBP 3003(c)(3) and Binding Supreme Court Authority.

Bankruptcy Code section 502(a) provides that a filed proof of claim "is deemed allowed unless a party in interest . . . objects." 11 U.S.C. §502(a). The December 3

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Chapter 11

Plan provides the following treatment for Class 1:

1. General Unsecured Claims – Class 1

General Unsecured Claims are not entitled to priority under 11 U.S.C. § 507. The following table identifies the Plan's treatment of the Class containing all the General Unsecured Claims against the Estate that the Debtor does not dispute, which are all unsecured claims in the amount of \$8,804,756. These Claims are listed in Schedule E/F of the Schedules and also include timely filed Proofs of Claim.¹ General Unsecured Claims will receive pro rata distributions from the Net Proceeds the assets of the Liquidating Trust. This Class of Creditors is Impaired under the Plan.

¹ Note that this Class does not include any Late-Filed Claims as the Liquidating Trustee may be seeking to have all such Late-Filed Claims denied in their entirety.

Case Dkt. 225 at 17. In addition to omitting the referenced table identifying plan treatment, by its express terms, the December 3 Plan excludes from Class 1 all "Late Filed Claims," which is defined as a claim that was filed after the Bar Date, because it is possible the post-confirmation liquidating trustee may object to such claims sometime in the future. Case Dkt. 225 at 8, ¶46. The December 3 Plan includes only two classes of claims – Class 1 for general unsecured claims and Class 2 for equity interests. Excluding Late-Filed Claims from Class 1 excludes such claims from the plan entirely.

Pursuant to section 502(a), even untimely filed claims are allowed claims until someone objects. Debtor has not objected to any late filed claims. Five non-tax proofs of claim were filed after the non-governmental bar date of November 13, 2023:

POC#71 by Strong Brews LLC,

POC#72 by Martin Bauer Inc.,

POC#73 by The Adecco Group,

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CONT... **Power Brands Consulting, LLC**

Chapter 11

POC#74 by Shooter Pops LLC and

POC #75 by Ingredion Incorporated.

Until a party in interest objects, these late-filed claims are allowed and Debtor's plan cannot exclude them from being in any class.

Additionally, Rule 3003, which applies in chapter 11 cases, expressly states that some late filed claims may be allowed. F.R.B.P. 3003(c)(3). One such instance applies where "the notice was insufficient to give the creditor a reasonable time to file." FRBP 3002(c)(2). See also *Pioneer Inv. Serv. Co. v. Brunswick Assocs. Ltd P'ship*, 113 S.Ct. 1489 (1993) (late filed claims may be allowed as a result of excusable neglect). The Adecco Group filed its proof of claim on November 17, 2023, which is after the general bar date of November 13, 2023, but the Adecco Group does not appear on Debtor's proof of service of the bar date notice. Case Dkt. 35. Martin Bauer Inc. filed POC#72 after the general bar date but has moved to deem it timely filed based on excusable neglect. Case Dkt. 151. Excluding Late-Filed Claims to which no party has filed an objection violates section 502(a) and conflicts with the allowance of certain late-filed claims under Rule 3003(c)(3) and *Pioneer Investments*.

5 – Debtor's December 3 Plan Appears to Include in Class 1 238 Claims Scheduled as Disputed, Contingent or Unliquidated and Debtor Solicited Votes from Creditors Without Allowed Claims

At the December 10 Hearing, the Court instructed Debtor to revise exhibit 1 to the disclosure statement to show which creditors are in Class 1. To date, Debtor has not filed a disclosure statement which includes such an exhibit. Instead, the December 3 Plan states Class 1 consists of claims "listed in Schedule E/F of the Schedules and also include timely filed Proofs of Claim." Case Dkt. 225 at 17. Debtor's most recently amended Schedule F lists 243 claims, all of which except for five, are listed a contingent, unliquidated or disputed. Case Dkt. 58 at 29 – 64. Based on the language of the December 3 Plan, all 243 scheduled claims are included in Class 1 despite 238 of such claims being scheduled as contingent, unliquidated or disputed. In chapter 11, allowed claims against the estate consist of all liabilities listed on a debtor's schedules that are not scheduled as disputed, contingent or unliquidated, and all filed proofs of claim. F.R.B.P. 3003(b)(1), (c)(2). Because 238 of the Schedule F claims are identified as contingent, unliquidated or disputed, they are not allowed claims unless

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the creditor filed a proof of claim.

Neither section 1122 nor 1123 of the Bankruptcy Code expressly prohibit Debtor including claims which are not allowed in Class 1. However, section 1126(a) expressly provides that only the holder of an *allowed claim* may vote on a plan. Based on the proof of service of the Confirmation Notice it appears Debtor served solicitation packages and ballots on all 243 creditors listed on Schedule F, including those without allowed claims.

On January 28, 2025, Debtor filed its *Brief in Support of Confirmation of Debtor's First Amended Chapter 11 Plan of Reorganization Dated December 3, 2024* (the "Confirmation Brief") which includes eight ballots received by Debtor's counsel. Case Dkt. 242 at 21 – 62. As a threshold matter, the declarations attached to the Confirmation Brief do not explain who cast the attached ballots:

Debtor received seven (7) ballots from holders of Class 1 Claims. Six (6) of the ballots from holders of Class 1 Claims voted to accept the Plan and one (1) ballot from holders of Class 1 Claims voted to reject the Plan. As set forth in the Plan Ballot Summary attached as Exhibit 2, Class 1 has voted to accept the Plan with 87.50% of the total number of claims voting in favor of accepting the Plan and with 84.92 % of the dollar amount of claims voting in favor of accepting the Plan.

Case Dkt. 242 at 15, ¶4. Five of the votes cast in Class 1 include creditors' names which do not appear on either the claims register or Debtor's Amended Schedule E/F -- Gongolez LLC, Pam Burger, Michael Real, Siwat Siengsanaoh and Brian Mitteldorf – so it is unclear which creditors cast these votes and Debtor's declarations in support of confirmation fail to address this issue. Comparing the addresses listed on the claims cast by Gongolez LLC, Pam Burger and Michael Real with addresses on Debtor's amended schedules suggests the Gongolez LLC ballot was cast by scheduled creditor Ahmed Hassan; the Pam Burger ballot appears to have been cast by scheduled creditor Chemco Products Co.; the Michael Real ballot appears to have been cast by scheduled creditor Real Food Marketing. Case Dkt. 242 at 23, 27, 48, 54. Each of these claims were scheduled as disputed, unliquidated or contingent and such creditors failed to file proofs of claims as required by Rule 3003(c)(2) ("Who Must

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File a Proof of Claim . . . A creditor . . . whose claim . . . is scheduled as disputed, contingent or unliquidated must file a proof of claim . . ."). Because each of these three claims are not allowed claims, the holders of the claims are not allowed to vote pursuant to section 1126(a). Debtor's analysis of the votes cast on the December 3 Plan fails to address this problem and fails to address why Debtor served solicitation packages and ballots on hundreds of creditors without allowed claims.

6 - Debtor's Revisions in the December 16 Redlined Disclosure Statement Are Inadequate

At the December 10 Hearing, the Court ruled that the December 3 Disclosure Statement was inadequate because it states that members of Class 1 are listed on exhibit 1 to that disclosure statement which includes only a claims register. The Court explained to Debtor that in chapter 11 claims listed on its schedules not identified as contingent, unliquidated or disputed are allowed claims and needed to be included on exhibit 1. The Court expressly directed Debtor to re-do exhibit 1 and noted that this case is not so large so as to preclude Debtor from including a proper exhibit listing the members of Class 1. The December 16 Redline fails to include an exhibit 1 and therefore fails to address the Court's concerns.

At the December 10 Hearing, the Court also discussed that the December 3 Plan failed to provide any treatment for secured POC#21 in favor of Wells Fargo and secured POC#22 in favor of Toyota. The December 16 Redline includes revisions stating that the December 3 Plan does not include any classes for secured claims "as there are no remaining creditors holding Secured Claims in Debtor's Estate" based on Debtor surrendering the collateral securing POC#21 and POC#22. Case Dkt. 236 at 26 - 27. The discussion of Wells Fargo POC#21 is sufficient as Wells Fargo filed an amended POC#21-2 which no longer asserts a secured claim and only asserts an unsecured deficiency claim. Toyota, however, has not amended its proof of claim and POC#22 remains a secured claim for \$14,896. POC#22 is an allowed claim unless a party in interest objects to it. 11 U.S.C. § 502(a). The December 16 Redline does not state Debtor will object to POC#22. Instead, it unilaterally declares "Toyota no longer holds a Secured Claim against Debtor's Estate." *Id.* at 27:2-3. Debtor can either provide for plan treatment for POC#22, get Toyota to amended POC#22 to be an unsecured claim or file an objection to POC#22. Debtor cannot circumvent section 502(a) and Rule 3007 regarding objections to claims to unilaterally declare filed

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proofs of claims disallowed. The December 16 Redline fails to remedy the problem of the December 3 Plan failing to provide any treatment for an allowed filed secured proof of claim.

Party Information

Debtor(s):

Power Brands Consulting, LLC

Represented By
Marc C Forsythe
Reem J Bello

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1:23-10993 Power Brands Consulting, LLC

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#16.00 Chapter 11 Status Conference

fr. 8/22/23; 8/25/23; 11/28/23, 1/23/24 (per stip);
2/27/24; 4/30/24; 6/4/24; 8/27/24; 11/5/24; 12/10/24

Docket 1

Tentative Ruling:

Ruling for 12/10/24

Continued to 2/4/25 @ 1:30 p.m. to trail the confirmation hearing

Ruling for August 27, 2024

Continued to 11/5/24 @ 1:30 p.m. Debtor may self-calendar a disclosure statement hearing for the same date and time provided at least 42 days notice is given. If no disclosure statement is on file, a status report is due 7 days before the status conference.

Ruling for June 4, 2024

Continued to 8/27/24 @ 1:30 p.m. If no disclosure statement and plan is on file, a brief status report is due by 8/20/24.

Ruling for April 30, 2024

Continued to 6/4/24 @ 1:30 p.m.

Ruling for February 27, 2024

Status Conference continued to April 30, 2024 at 1:30 p.m.
Updated status report is due April 23, 2024.
Deadline to file plan and disclosure statement is vacated.

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

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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

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1:24-10277 Ivania Holodnak

Chapter 11

#17.00 Chapter 11 status conference

fr. 8/20/24; 1/7/25

Docket 1

Tentative Ruling:

Ruling for January 7, 2025

Cont'd to 2/4/25, at 1:30 p.m., so that Debtor can move & show cause to continue the Ch. 11 deadlines set

Ruling for August 20, 2024

Deadline for claims is November 15, 2024

Deadline for objection to claims is December 31, 2024

Deadline for a disclosure statement and plan is December 31, 2024

Deadline for confirmation is February 28, 2025

Bar date notice should be sent within the next seven days.

Party Information

Debtor(s):

Ivania Holodnak

Represented By
Robert M Yaspan

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1:24-11290 Cinemoi North America, LLC

Chapter 11

#18.00 Chapter 11 Status Conference

fr. 9/10/24

Docket 0

***** VACATED *** REASON: case converted to chapter 7 on 1/17/25.**

Tentative Ruling:

Ruling for September 10, 2024

10/31/24 is the bar date and Dtr shall serve notice of the bar date no later than 9/17/24
Continued to 2/4/25 @ 1:30 p.m. An updated status report to be filed by 1/28/25.

Party Information

Debtor(s):

Cinemoi North America, LLC

Represented By
Sandford L. Frey

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1:24-11399 MacLeod Ale Brewing Company, LLC

Chapter 11

#19.00 Confirmation Of The Debtor's Amended Plan of Reorganization

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

MacLeod Ale Brewing Company,

Represented By
Matthew J Stockl
Lovee D Sarenas
Jonathan Serrano

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:24-11399 MacLeod Ale Brewing Company, LLC

Chapter 11

#20.00 Chapter 11 Status Conference

fr. 10/17/24; 12/10/24

Docket 1

Tentative Ruling:

Ruling for December 10, 2024

Cont'd to 2/4/2025, at 1:30 p.m.

Ruling for October 17, 2024

Continued to 12/10/24 @ 1:30 p.m. No new status report is required provided Dtr has timely filed its sub V plan.

Party Information

Debtor(s):

MacLeod Ale Brewing Company,

Represented By
Matthew J Stockl
Lovee D Sarenas
Jonathan Serrano

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:24-11877 Destinations to Recovery, LLC

Chapter 11

#21.00 Emergency motion In Individual Chapter 11 Case
for order Authorizing Use of Cash Collateral

fr. 11/25/24; 12/18/24; 1/15/25

Docket 14

Tentative Ruling:

Ruling for January 15, 2025

Continued to 2/4/25 @ 1:30 p.m.

Ruling for 12/18/24

Stipulated use of cash collateral on interim basis through 1/15/25

Cont'd to 1/15/25, 1:30 p.m.

Ruling for 11/25/24

Approved on an interim basis; cont'd to 12/18/24, 1:30 p.m.

Party Information

Debtor(s):

Destinations to Recovery, LLC

Represented By
Eric Bensamochan

Trustee(s):

Mark M Sharf (TR)

Pro Se

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1:24-11877 Destinations to Recovery, LLC

Chapter 11

#22.00 Chapter 11 Status Conference

fr. 1/15/25

Docket 1

Tentative Ruling:

Ruling for January 15, 2025

Continued to 2/4/25 @ 1:30 p.m. The Court sets a supplemental bar date of 2/24/25 with Dtr to serve notice of the supplemental bar date notice by 1/21/25. Dtr to lodge a supplemental bar date order.

Party Information

Debtor(s):

Destinations to Recovery, LLC

Represented By
Eric Bensamochan

Trustee(s):

Mark M Sharf (TR)

Pro Se

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1:24-12055 Clinical Network Research Development Corporation

Chapter 11

#23.00 Order to Show Cause Why: (1) The Debtor Should Not Be Deemed A Health Care Business; and (2) A Patient Case Ombudsman Should Not Be Appointed

fr. 1/7/25

Docket 23

***** VACATED *** REASON: Continued to 3/4/25 at 1:30 pm, per order entered 1/27/25**

Tentative Ruling:

Ruling for January 7, 2025

Cont'd to February 4, 2025, 1:30 p.m.

Party Information

Debtor(s):

Clinical Network Research

Represented By
Michael Tusken

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1:24-12055 Clinical Network Research Development Corporation

Chapter 11

#24.00 Chapter 11 Scheduling and Case Management Conference

Docket 1

***** VACATED *** REASON: Continued to 3/4/25 at 1:30 pm, per order
entered 1/27/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clinical Network Research

Represented By
Michael Tusken

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1:25-10179 LeadPoint, Inc.

Chapter 11

#25.00 Debtor's Emergency Motion To (1) Maintain Certain Elements Of The Debtor's Cash Management System And (2) Lift Any Holds On The Debtor's Bank Accounts

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LeadPoint, Inc.

Represented By
Ron Bender