

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

Wednesday, February 12, 2025

Hearing Room 303

1:30 PM

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.

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/1603880521>

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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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1:24-11921 Micah McDonald

Chapter 11

#1.00 U.S. Trustee Motion to dismiss or convert
fr. 1/15/25

Docket 29

Tentative Ruling:

Tentative Ruling for February 12, 2025

Grant, pursuant to Bankruptcy Code section 1112(b)(4)(C), (F), and (H).

Ruling for January 15, 2025

Dtr must deliver the missing information and documents no later than 1/29/25.

Continued to 2/12/25 @ 1:30 p.m.

Party Information

Debtor(s):

Micah McDonald

Represented By
Stephen L Burton

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1:24-11921 Micah McDonald

Chapter 11

#2.00 Chapter 11 Scheduling and Case Mangement Conference

fr. 1/15/25

Docket 1

Tentative Ruling:

Ruling for January 15, 2025.

Continued to 2/12/25 @ 1:30 p.m.

Bar date is 2/28/25; bar date notice to be filed and served no later than 1/24/25.

Deadline to file a plan and disclosure statement is 3/21/25. Debtor to lodge an order fixing the foregoing deadlines.

Party Information

Debtor(s):

Micah McDonald

Represented By
Stephen L Burton

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1:24-10371 Socal Climate Control & Mechanical, Inc.

Chapter 11

#3.00 Post-confirmation status conference

fr. 7/30/24; 9/10/24

Docket 73

*** VACATED *** REASON: Continued to 3/18/25 at 1:30 pm per order ent. 2/11/25 [dkt#148]

Tentative Ruling:

Final Ruling for February 12, 2025

Pursuant to the *Order Confirming Debtor's First Amended Chapter 11 Plan of Reorganization* (Case Dkt. 118), the Debtor was required to file a detailed postconfirmation status report, on or before February 5, 2025. Debtor's counsel did not file a postconfirmation report for the Debtor or a motion seeking a continuance of the deadline to do so.

The status conference is continued to March 18, 2025, at 1:30 p.m. The Debtor shall file and serve on all creditors its postconfirmation report no later than March 11, 2025. The report shall be supported by declaration(s) under penalty of perjury attesting to the facts set forth therein. Separately, the Court will issue an Order to Show Cause directed to the Debtor's counsel regarding monetary sanctions for the missed filing.

Party Information

Debtor(s):

Socal Climate Control &

Represented By
Thomas B Ure

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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1:24-11297 Henry Garcia

Chapter 11

#4.00 Chapter 11 Status Conference

fr. 9/10/24; 11/27/24

Docket 0

Tentative Ruling:

Ruling for November 27, 2024

Continued to 2/12/25 at 1:30 p.m. Debtor's status report to be filed and served by 2/5/24.

Ruling for September 10, 2024

[Off the record, the Court will enter an order continuing the status conference to 11/17/24 @ 1:30 p.m. and setting a bar date of 12/4/24.]

Party Information

Debtor(s):

Henry Garcia

Represented By
Onyinye N Anyama

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1:24-11727 Double Play, LLC

Chapter 11

#5.00 Chapter 11 Scheduling and Case Management Conference

fr. 11/27/24; 12/10/24

Docket 1

Tentative Ruling:

Tentative Ruling for February 12, 2025

Continued to March 18, 2025. Appearances waived.

Debtor to file updated status report on or before 3/11/2025. If Debtor has filed a motion to dismiss this chapter 11 case, the requirement for an updated status report is waived.

Ruling for 12/10/24:

Cont'd to 2/12/25, 1:30 p.m.

Ruling for 11/27/24:

Continued to 12/10/24, at 1:30 p.m., to trail the Motion to Designate Case as a SARE as defined by 11 U.S.C. 101(51B).

Debtor to give notice of continued status conference

Party Information

Debtor(s):

Double Play, LLC

Represented By
David B Golubchik

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:25-10179 LeadPoint, Inc.

Chapter 11

#6.00 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

fr. 2/4/25

Docket 2

Tentative Ruling:

Ruling for February 4, 2025

Interim relief granted - UST & Subchapter V trustee to sign off on form of order

Continued to 2/12/25 at 1:30 p.m. for hearing on further interim relief

-Debtor to serve interim order & notice of continued hearing on all creditors by end
of day Feb. 5, 2025, including the putative class members

Party Information

Debtor(s):

LeadPoint, Inc.

Represented By
Ron Bender

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1:23-10993 Power Brands Consulting, LLC

Chapter 11

#6.01 Motion to Make Non-Material Modifications to the First
Amended Plan of Reorganization Prior To Confirmation

Docket 252

Tentative Ruling:

- NONE LISTED -

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

Chapter 11

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

fr. 2/4/25

Docket 225

Tentative Ruling:

Ruling for February 4, 2025

Continued to 2/12/25 at 1:30 p.m.

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

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Chapter 11

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 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.

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Chapter 11

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 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

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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,

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

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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 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

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Chapter 11

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 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

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Chapter 11

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 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

Chapter 11

#8.00 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;
2/4/25

Docket 1

Tentative Ruling:

Ruling for February 4, 2025

Continued to 2/12/25 at 1:30 p.m.

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

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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

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1:24-11877 Destinations to Recovery, LLC

Chapter 11

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

fr. 11/25/24; 12/18/24; 1/15/25; 2/4/25

Docket 14

Tentative Ruling:

Ruling for February 4, 2025

Continued to 2/12/25 @ 1:30 p.m.

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

#10.00 Chapter 11 Status Conference

fr. 1/15/25; 2/4/25

Docket 1

Tentative Ruling:

Ruling for February 4, 2025

Continued to 2/12/25 @ 1:30 p.m.

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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1:24-11606 Avocado Tree, LLC

Chapter 11

#11.00 Motion to Voluntarily Dismiss Chapter 11 Case
fr. 2/5/25

Docket 69

Tentative Ruling:

Ruling for February 5, 2025

Continued to 2/12/25 @ 1:30 p.m.

Party Information

Debtor(s):

Avocado Tree, LLC

Represented By
David I Brownstein

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1:24-11606 Avocado Tree, LLC

Chapter 11

#12.00 Motion for relief from stay

SOUND CAPITAL LOANS, LLC

fr. 1/28/25; 2/4/25; 2/5/25

Docket 54

Tentative Ruling:

Ruling for February 5, 2025

Continued to 2/12/25 @ 1:30 p.m.

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