

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

Tuesday, November 5, 2024

Hearing Room 303

10:00 AM

1: -

Chapter

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

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

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/1612127076>

ZoomGov meeting number: 161 212 7076

Password: 858392

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 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 "Telephonic Instructions."

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CONT...

Chapter

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 -

**United States Bankruptcy Court
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10:00 AM

1:19-11159 Craig Huxley

Chapter 13

#1.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF AMERICA

fr. 6/27/23, 7/11/23, 9/6/23, 10/17/23; 12/12/23; 2/6/24; 4/9/24;
6/4/24; 7/12/24; 8/27/24; 10/1/24

Docket 87

***** VACATED *** REASON: Case dismissed on 10/18/24; no prospective relief requested in US Bank's Motion for Relief from the Stay.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig Huxley

Represented By
Shai S Oved

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

1:21-10173 Heather Dawn Bottorff

Chapter 13

#2.00 Motion for relief from stay

ASPEN PROPERTIES GROUP, LLC

Docket 92

Tentative Ruling:

Ruling for 11/5/2024

Continued to 12/10/24, 10:00 a.m.

Party Information

Debtor(s):

Heather Dawn Bottorff

Represented By
Jeffrey J Hagen

Movant(s):

ASPEN PROPERTIES GROUP,

Represented By
Erica T Loftis Pacheco
Shannon A Doyle

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

1:21-11712 Jeffrey Scott Aronson

Chapter 7

#3.00 Motion for Relief from Stay

THE LAW FIRM OF FOX AND FOX

Docket 362

Tentative Ruling:

Ruling for November 5, 2024

Continued to 12/17/24, at 10:00 a.m.

Movant to file amended proof of service, showing service of the Motion on Debtor, on or before November 15, 2024.

Appearances waived on 11/5/24

Party Information

Debtor(s):

Jeffrey Scott Aronson

Represented By
Jeremy Faith
Ori S Blumenfeld
Anna Landa

Movant(s):

The Law Firm of Fox and Fox

Represented By
Frank O Fox

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:22-10010 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 106

Tentative Ruling:

Ruling for 11/5/2024

Granted under 362(d)(1); no waiver of FRBP 4001 stay

Party Information

Debtor(s):

Gregory Bernard Walker

Represented By
Thomas B Ure

Joint Debtor(s):

Brenda Yvonne Walker

Represented By
Thomas B Ure

Movant(s):

U.S. Bank National Association as

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

10:00 AM

1:23-10759 Lorna Papas Garcia

Chapter 13

#5.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 48

Tentative Ruling:

Ruling for November 5, 2024

Grant. No opposition filed. **Appearances waived.** The moving party shall lodge a conforming order no later than November 12, 2024.

Party Information

Debtor(s):

Lorna Papas Garcia

Represented By
H. Jasmine Papian

Movant(s):

Honda Lease Trust

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

1:23-11465 William Montiel

Chapter 13

#6.00 Motion for relief from stay

UNITED WHOLESALE MORTGAGE, LLC

Docket 47

Tentative Ruling:

Ruling for November 5, 2024

Continued to 12/17/24, 10:00 a.m.

Party Information

Debtor(s):

William Montiel

Represented By
Matthew D. Resnik

Movant(s):

United Wholesale Mortgage, LLC.

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

1:24-11244 Craig Eugene Holliman

Chapter 7

#7.00 Motion for relief from stay

RANJAN SANGHANI

Docket 21

***** VACATED *** REASON: Continued by stipulation to 11/19/24 at
10:00 am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig Eugene Holliman

Pro Se

Movant(s):

Ranjan Sanghani

Represented By
Coby Halavais

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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1:24-11514 Ben Relojero Mijares

Chapter 13

#8.00 Motion for relief from stay

ST ATHANASIUS COPTIC ORTHODOX CHURCH

Docket 10

Tentative Ruling:

Ruling for 11/5/24

Denied as moot, based on dismissal

Denied - prospective relief based on failure to prosecute

Party Information

Debtor(s):

Ben Relojero Mijares

Pro Se

Movant(s):

St. Athanasius Coptic Orthodox

Represented By
Agop Gary Arakelian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:24-11730 Safaa Idyouss Kagan

Chapter 11

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

Docket 16

Tentative Ruling:

Ruling for November 5, 2024

Granted for property of the estate, excluding 2693 Old Topanga Rd.,
Topanga, CA 90290

Party Information

Debtor(s):

Safaa Idyouss Kagan

Represented By
Giovanni Orantes

Movant(s):

Safaa Idyouss Kagan

Represented By
Giovanni Orantes

**United States Bankruptcy Court
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10:00 AM

1:24-11684 Vincent Bo Zenga

Chapter 7

#8.02 Motion for relief from stay (UD)

KATHERINE KU

Docket 7

Tentative Ruling:

Ruling for 11/5/24:

Continued to 11/19/24, at 10 a.m.

Debtor's Opposition due 11/12/24

Movant's Reply due 11/15/24

Party Information

Debtor(s):

Vincent Bo Zenga

Represented By
Jasmine Motazed

Movant(s):

Katherine Ku

Represented By
Helen G Long

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:23-10547 Benjamin Arellano

Chapter 7

#9.00 Creditor David Arellano's Amended
Motion Objecting to a Claim of Exemption

fr. 9/26/23; 2/27/24; 8/27/24; 10/1/24

Docket 24

*** VACATED *** REASON: Motion withdrawn on 10/3/24 (case dkt. 41).

Tentative Ruling:

Ruling for October 1, 2024

Movant to file a notice of withdrawal, with leave of court, of the motion. Hearing continued to 11/5/24 @ 11:00 a.m., which will come off calendar if Movant files the notice of withdrawal.

Ruling for August 27, 2024

Continued to October 1, 2024 at 11:00 a.m. Attorney Ford shall appear at such continued hearing.

Ruling on February 27, 2024

Continued to August 27, 2024 at 11:00 a.m. Creditor Ariano will file a notice of continued hearing which mandates appearance of both Debtor and Creditor's counsel at the hearing.

Ruling on September 26, 2023

Continued to February 27, 2024 at 11:00 a.m. Instructions to file and serve a notice that matter continued, which is a status conference.

Party Information

Debtor(s):

Benjamin Arellano

Represented By
Faith A Ford

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:23-11574 Santiago Cuenca and Virginia M Cuenca

Chapter 7

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

Docket 33

Tentative Ruling:

Tentative Ruling for November 5, 2024

Approve the trustee's final report and account, and authorize proposed payments. No objections filed. The trustee shall lodge a conforming order no later than November 12, 2024. **Appearances waived.**

Party Information

Debtor(s):

Santiago Cuenca Pro Se

Joint Debtor(s):

Virginia M Cuenca Pro Se

Trustee(s):

David Keith Gottlieb (TR) Pro Se

**United States Bankruptcy Court
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11:00 AM

1:24-10791 Sayeh Khoei

Chapter 7

#11.00 Status conference re:
Creditors' Objection Claimed Exemption
of Mercedes Automobile

fr. 10/1/24

Docket 81

***** VACATED *** REASON: Continued by Stipulation to 11/19/24 at
11:00 am**

Tentative Ruling:

Ruling on October 1, 2024

Continued as a status conference only to 11/5/24 @ 11:00 a.m.

Party Information

Debtor(s):

Sayeh Khoei

Represented By
Michael S Kogan

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:24-10791 Sayeh Khoei

Chapter 7

#12.00 Status conference re:
Motion for relief from stay

ALBERT BENJI

fr. 10/1/24

Docket 98

*** VACATED *** REASON: Continued by Stipulation to 11/19/24 at
11:00 am

Tentative Ruling:

Ruling on October 1, 2024

Continued as a status conference only to 11/5/24 @ 11:00 a.m.

Party Information

Debtor(s):

Sayeh Khoei

Represented By
Michael S Kogan

Movant(s):

Jaklin Benji

Represented By
Herbert Kraft

Albert Benji

Represented By
Herbert Kraft

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:24-10791 Sayeh Khoei

Chapter 7

#13.00 Status conference re:
Motion to Avoid Lien under 522(f) (Real Property)

fr. 8/27/24; 10/1/24

Docket 40

*** VACATED *** REASON: Continued by Stipulation to 11/19/24 at
11:00 am

Tentative Ruling:

Ruling on October 1, 2024

Continued as a status conference only to 11/5/24 @ 11:00 a.m.

Ruling for August 27, 2024

Continued as a status conference to 10/1/24 @ 11:00 a.m. By 9/6/24, the parties shall file either a stipulated discovery / trial schedule or a joint report identifying the scheduling issues that are in dispute

Party Information

Debtor(s):

Sayeh Khoei

Represented By
Michael S Kogan

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:24-10791 Sayeh Khoei

Chapter 7

Adv#: 1:24-01037 Benji et al v. Khoei

#14.00 Status conference re complaint

fri. 10/24/24

Docket 1

***** VACATED *** REASON: Continued by Stipulation to 11/19/24 at
11:00 am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sayeh Khoei

Represented By
Michael S Kogan

Defendant(s):

Sayeh Khoei

Pro Se

Plaintiff(s):

Albert Benji

Represented By
Herbert Kraft

Jaklin Benji

Represented By
Herbert Kraft

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-12093 Haim Malka

Chapter 7

#14.01 Motion in Limine to Exclude Documents not Produced by
Debtor in Response to Request for Production of Documents

Docket 273

Tentative Ruling:

Ruling on November 5, 2024

Continued to 11/8/24 @ 11:00 a.m.

Party Information

Debtor(s):

Haim Malka

Represented By
Mark E Goodfriend

Trustee(s):

Diane C Weil (TR)

Represented By
Jessica Wellington
David Seror
Steven T Gubner

**United States Bankruptcy Court
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Tuesday, November 5, 2024

Hearing Room 303

1:30 PM

1:22-11181 National Association of Television Program Executi

Chapter 11

#15.00 Application for Compensation for Leslie A
Cohen, Debtor's Attorney

Period: 5/1/2024 to 9/17/2024

Fees: \$34,262.50 Expenses: \$972.61

Docket 268

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

National Association of Television

Represented By
Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

1:30 PM

1:24-10676 Gregorian Development & Design

Chapter 11

#16.00 Chapter 11 Status Conference

fr. 6/4/24; 9/10/24

Docket 0

Tentative Ruling:

Tentative Ruling for November 5, 2024

Continued to 12/10/24, at 1:30 p.m. Debtor to file status report on or before December 3, 2024. Appearances waived on 11/5/24

Ruling for September 10, 2024

Continued to 11/5/24 at 1:30 p.m. A brief status report is due 10/29/24. Dtr to file and serve notice of the continued status conference.

Ruling for June 4, 2024

Continued to 9/10/24 @ 1:30 p.m. No new status report is required if a plan is on file.

Party Information

Debtor(s):

Gregorian Development & Design

Represented By
Matthew D. Resnik

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

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

Chapter 11

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

Fees: \$64,362.50 Expenses: \$1,025.06

Docket 130

Tentative Ruling:

Tentative Ruling for November 5, 2024

Approve and award the requested fees on a final basis. No objections filed. Counsel shall lodge a conforming order no later than November 12, 2024. **Appearances waived.**

Party Information

Debtor(s):

Socal Climate Control &

Represented By
Thomas B Ure

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

1:30 PM

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

Chapter 11

#18.00 Application for Payment of Final Fees and Expenses for Gregory Kent Jones Trustee

Period: 3/14/2024 to 10/1/2024

Fees: \$13,500.00 Expenses: \$20.10

Docket 110

Tentative Ruling:

Tentative Ruling for November 5, 2024

Approve and award the requested fees on a final basis. No objections filed. The sub V trustee shall lodge a conforming order no later than November 12, 2024.

Appearances waived.

Party Information

Debtor(s):

Socal Climate Control &

Represented By
Thomas B Ure

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

1:30 PM

1:23-10993 Power Brands Consulting, LLC

Chapter 11

#19.00 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

Docket 1

***** VACATED *** REASON: Continued to 12/10/24 @ 1:30 p.m. to trail
the hearing on the Debtor's disclosure statement (dkt. 212)**

Tentative Ruling:

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

Continued to 11/2/23 @ 1:30 p.m. with a status report to be filed and served by

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CONT... Power Brands Consulting, LLC

Chapter 11

11/14/23. The deadline for the debtor to file its initial plan and disclosure statement is
12/15/23.

Party Information

Debtor(s):

Power Brands Consulting, LLC

Represented By
Marc C Forsythe
Reem J Bello

**United States Bankruptcy Court
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1:22-11402 Anusha Gerard Silva

Chapter 11

#20.00 Status conference re: Motion RE: Objection to Claim Number 6 by Claimant California Department of Tax & Fee Administration in the amount of \$3,558,256.53

fr. 3/26/24; 4/30/24; 6/11/24; 9/25/24

Docket 92

Tentative Ruling:

Ruling for June 11, 2024

Continued as a status conference to 9/25/24 @ 2:30 p.m. (specially set). The discovery cut-off is 9/13/24. If the parties which to submit supplemental briefing on issues including whether the bankruptcy court can determine the tax liability of non-debtor Alpha-Omega Enterprise, Inc, the parties shall file such briefs no later than 9/10/24. Supplemental reply briefs shall be filed by 9/17/24.

Ruling for April 30, 2024

Continued to 6/11/24 @ 2:30 p.m. (adversary calendar)
Supplemental briefs addressing the issues identified at the hearing due:
5/17/24 - Dtr
6/3/24 - CDTFA

Party Information

Debtor(s):

Anusha Gerard Silva

Represented By
Tamar Terzian

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:22-11402 Anusha Gerard Silva

Chapter 11

#21.00 Chapter 11 Subchapter V Status Conference

fr. 2/21/23; 4/4/23; 6/13/23; 8/22/23(court's own mtn),
9/6/23; 12/12/23; 2/27/24; 3/5/24; 3/26/24; 5/28/24;
6/11/24; 9/25/24

Docket 1

Tentative Ruling:

Ruling for June 11, 2024

Continued to 9/25/24 @ 2:30 p.m. to trail the status conference on the Debtor's objection to POC#5 (specially set). Debtor's chapter 11 status report due 9/13/24.

Ruling for March 26, 2024

Reports must be on file by May 7, 2024.

Second amended plan on file by May 24, 2024.

Status conference continued to May 28, 2024 @ 1:30 p.m.

Ruling on March 5, 2024

Status conference continued to 3/26/24 @ 1:30 p.m. At that time the Court will set a new schedule for filing an amended plan.

Ruling for December 12, 2023

Deadline for amended sub-V plan is 1/31/24. Confirmation hearing 2/27/24 at 1:30 p.m. Objections by 2/14/24. Brief and evidence in support of confirmation by 2/21/24. Status conference is continued to 2/27/24 at 1:30pm. No status report required.

Ruling for September 6, 2023

Continued to December 12, 2023 at 1:30 p.m. No updated status report required.

Ruling for June 13, 2023

Continued to August 22, 2023 at 1:30 p.m. Debtor must file and serve notice of the

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CONT... Anusha Gerard Silva

Chapter 11

continued status conference. No updated status report is required.

Ruling for April 4, 2023

Continued to June 13, 2023 at 11:00 a.m.

Ruling for February 21, 2023

Continued to 4/4/23 @ 1:30 p.m. No updated status report is required.

Party Information

Debtor(s):

Anusha Gerard Silva

Represented By
Tamar Terzian

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

1:24-10647 Megna Pacific Dreams at Oxnard Shores, Inc.

Chapter 11

#22.00 Hearing on Debtor's Disclosure Statement

Docket 58

***** VACATED *** REASON: Debtor's atty filed a withdrawal of D/S on
10/29/24 - Dkt. #67.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Megna Pacific Dreams at Oxnard

Represented By
Mark T Young

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1:24-10647 Megna Pacific Dreams at Oxnard Shores, Inc.

Chapter 11

#23.00 Chapter 11 Status Conference

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

Docket 1

Tentative Ruling:

Ruling on July 30, 2024

Continued to 10/17/24 @ 1:30 p.m.

The deadline for the Dtr to file an initial plan and disclosure statement is 9/20/24. Dtr to lodge an order.

Ruling for July 12, 2024

Continued to July 30, 2024 at 1:30 p.m. to trail the sale motion hearing.

Ruling for May 28, 2024

Bar date is set as 7/8/24 and require the bar date notice to be filed and served by 6/3/24. Debtor to lodge an order. Continued to 7/12/24 @ 1:30 p.m. No later than 6/4/24, Debtor shall disclose any and all marketing activities for a sale of the Property.

The UST is directed to look into whether the Debtor's insider is providing services as a real estate broker to the Debtor and to the other related Megna debtors.

Party Information

Debtor(s):

Megna Pacific Dreams at Oxnard

Represented By
Mark T Young

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

Tuesday, November 5, 2024

Hearing Room 303

1:30 PM

1:24-10677 Camarillo HHCA, Inc.

Chapter 11

#24.00 Motion for Order Authorizing Debtor to
Maintain Prepetition Bank Account

fr. 4/30/24, 5/20/24; 6/28/24; 8/20/24

Docket 9

Tentative Ruling:

Ruling for August 20, 2024

Continued to November 5, 2024 at 1:30 p.m.

Ruling for June 28, 2024

Continued to 8/20/24 @ 1:30 p.m. No additional notice is required.

Ruling for May 20, 2024

Continued to 6/28/24 @ 1:30 p.m. Debtor to file and serve notice of the continued hearing.

Ruling for April 30, 2024

Granted on an interim basis. Account may stay open for Statements from this account will be included in MORs. Account swept into DiP account daily.

Continued to May 20 at 2:30 p.m.

Party Information

Debtor(s):

Camarillo HHCA, Inc.

Represented By
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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

Tuesday, November 5, 2024

Hearing Room 303

1:30 PM

1:24-10677 Camarillo HHCA, Inc.

Chapter 11

#25.00 Hearing on chapter 11 plan confirmation

Docket 93

Tentative Ruling:

Tentative Ruling for November 5, 2024:

Deny confirmation.

1. Bankruptcy Code section 1129(a)(1) requires a plan to comply "with the applicable provisions of this title."
 - a. The "applicable provisions" include section 1123(a). Subsection 1123(a)(4) requires that a plan "shall—provide for the same treatment for each claim or interest of a particular class, unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest." Class 5 includes differing treatment for claims within the same class and therefore violates section 1123(a)(4).
 - i. To the extent certain holders of claims in Class 5 purportedly have agreed to lesser treatment, no evidence is submitted of such agreement.
 - b. Subsection 1123(a)(6) requires the inclusion in the charter of the debtor a provision prohibiting the issuance of nonvoting equity securities and related provisions. The plan does not contain such a provision.
 - c. Bankruptcy Code section 1122 provides that claims or interests within

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Camarillo HHCA, Inc.

Chapter 11

a given class must be "substantially similar." 11 U.S.C. § 1122(a). A claim that is not substantially similar to other claims may not be classified with those claims. *Steelcase v. Johnston (In re Johnston)*, 21 F.3d 323, 327-28 (9th Cir. 1994). To determine whether claims are substantially similar, "bankruptcy court judges must evaluate the nature of each claim, i.e., the kind, species, or character of each category of claims." *Id.* at 327. A claim that is substantially similar to other claims may be classified separately from those claims, even though section 1122(a) does not say so expressly. *Barakat v. Life Ins. Co. of Va. (In re Barakat)*, 99 F.3d 1520, 1524-25 (9th Cir. 1996). Substantially similar claims may be classified separately if there is a "legitimate business or economic justification" for doing so. *In re Rexford Props. LLC*, 558 B.R. 352, 361 (Bankr. C. D. Cal. 2016) (citing *Barakat*, 99 F.3d at 1526).

i. No legitimate business or economic justification has been given for the separate classification of Adenna Zargarian in Class 5, rather than in Class 3.

ii. Notably, with no Class 5 creditors voting in favor of the plan, the class is deemed to reject. This necessitates confirmation under Bankruptcy Code section 1191(b).

d. It is not clear why there are parties who are not the holders of claims listed in Class 5. This does not appear to be proper.

2. Bankruptcy Code section 1125(a)(5) requires the plan proponent to disclose the identity and affiliation of any individual proposed to serve as a director or officer of the reorganized debtor and demonstrate that such appointment is consistent with public policy, and disclosure the identity and compensation of

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Camarillo HHCA, Inc.

Chapter 11

any insider that will be employed or retained by the reorganized debtor. The Plan identifies existing equity holder and insiders but does not comply with section 1129(a)(5).

3. The plan describes the treatment of claims in two separate places: Article 4 (Treatment of Claims and Interests under Plan) and in various exhibits. The plan should describe the treatment of claims and interests once, in a single place. The current structure is an invitation for disputes. For instance, which treatment language controls in the event of a difference in language? Also, it requires the reader to look in two places to determine plan treatment (and detect any differences). The Plan is unnecessarily complicated in this way and needs to be corrected.
4. Article 10 of the Plan states: "(f) If the confirmation of Debtor's Plan is non-consensual, the assets will not revert in the Debtor upon plan confirmation. Instead, the assets will revert in the Debtor when all payments required under the Plan are completed." "Non-consensual" is not defined in the Bankruptcy Code or the plan. Does the Debtor mean to say, if confirmation occurs under Bankruptcy Code section 1191(a)?
5. Article 10 of the Plan also states: "Termination of the Subchapter V Trustee's Services. Unless otherwise ordered by the Court, the Subchapter V Trustee's services shall terminate upon entry of the order approving the final fee application, unless the Debtor's Plan is confirmed non-consensually, in which case Subchapter V Trustee's services will not terminate until the case is closed." The meaning of this passage is unclear because of the way the word "unless" is used twice in this language. What is the Debtor's intention? Is it making a request?
6. Article 4 (Class 2 Treatment) states in part: "SBA will not pursue the personal

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Chapter 11

guarantor if the loan payments remain current, as long as there is no default on the loan. If the guarantor files personal bankruptcy, the SBA will not be restricted or limited from filing a proof of claim in that personal bankruptcy due to these terms." Is this in the existing loan, or is this a change of terms? It is not clear from the plan whether any changes are being made.

7. If these issues are fixed, confirmation may be possible.

Party Information

Debtor(s):

Camarillo HHCA, Inc.

Represented By
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Tuesday, November 5, 2024

Hearing Room 303

1:30 PM

1:24-10677 Camarillo HHCA, Inc.

Chapter 11

#26.00 Chapter 11 Status Conference

fr. 6/28/24, 8/20/24

Docket 1

Tentative Ruling:

Ruling for August 20, 2024

The following dates will be set. Debtor shall lodge an order memorializing the schedule.

Confirmation Hearing Date: November 5, 2024 at 1:30 p.m.

Deadline to Mail Out the Voting Package: August 30, 2024.

Deadline for Creditors to Return Ballots and File Objections to Plan: September 27, 2024.

Deadline for Debtor to file confirmation brief and summary of ballots: October 15, 2024

Ruling for June 28, 2024

Continued to 8/20/24 @ 1:30 p.m. No new status report is required but Dtr must file a proposed confirmation schedule no later than 8/13/24.

Party Information

Debtor(s):

Camarillo HHCA, Inc.

Represented By
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se