

**United States Bankruptcy Court  
Central District of California  
Riverside  
Mark Houle, Presiding  
Courtroom 301 Calendar**

**Wednesday, November 13, 2024**

**Hearing Room 301**

11:00 AM

**6:24-14091 Martin Escobedo**

**Chapter 7**

**#1.00** Motion for extension of time to file a complaint objecting to discharge and the deadline to dismiss the bankruptcy case for the U.S. Trustee

EH \_\_\_\_

Docket 17

**Tentative Ruling:**

On July 17, 2024 (the "Petition date"), Martin Escobedo ("Debtor") filed a Chapter 7 voluntary petition, with a discharge and dismissal deadlines set on October 21, 2024. Debtor's Schedules E/F list the U.S. Small Business Administration as holding unsecured nonpriority claims of \$403,911.96, debts from COVID-related loans a few years before the bankruptcy filing.

On October 21, 2024, the United States Trustee filed a Motion to Extend Dismissal and Discharge Deadlines. In a declaration from Everett L. Green, attached to the motion, Green alleges the U.S. Trustee requested documents and "certain financial information from the Debtor," and that Debtor produced documents on September 17, 2024. Green alleges the U.S. Trustee is preparing a supplemental document request but will be unable to complete his discovery efforts before the discharge and dismissal deadlines expire.

Neither the Motion nor the Declaration list a reason for why the U.S. Trustee is unable to complete the discovery efforts before the discharge and dismissal deadlines expire, other than mentioning Debtor's COVID loans and stating that the "U.S. Trustee wishes to review the Debtor's pre-petition transactions and the transactions of his business." The U.S. Trustee has requested the Court extend the deadline 60 days past the original deadline to December 21, 2024, to give U.S. Trustee adequate time to complete discovery.

**DISCUSSION**

A case must be dismissed for abuse under Section 707(b) within sixty days after the first date set for the 341(a) meeting of creditors. Fed. R. Bank. P. 1017(e)(1). According to Fed Rule of Bankr. Proc. 1017(e)(1), however, "on request filed before the time has expired, the court[,] for cause[,] [can extend] the time for filing the motion to dismiss. Fed. Rule of Bankr. Proc. Rule 4004(b) also permits a court, for "cause," to extend the deadline on a motion brought by a party-in-interest before the time has expired.

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**CONT... Martin Escobedo**

**Chapter 7**

Congress did not define the term "cause" in the Bankruptcy Code. "The 'cause' determination is therefore left to the discretion of the bankruptcy court; it is fact-specific and must be made on a case-by case basis. *In re Bomarito*, 448 B.R. 242, 248 (Bankr. E.D. Cal. 2011) (citing *In re Molitor*, 395 B.R. 197, 205 (Bankr. S.D. Ga. 2008)).

In this case, U.S. Trustee has pointed to the fact that Debtor has listed loans worth \$403,911.96, that these loans are from the U.S. Small Business Administration and are COVID-related loans, and that Debtor has listed them as unsecured and non-priority. U.S. Trustee has submitted a request for documents and financial information of Debtor's business, and after having reviewed the initial discovery materials Debtor provided, U.S. Trustee is preparing a supplemental document request to look deeper into Debtor's business. U.S. Trustee has requested only 60 days extension to complete discovery. These facts collectively establish grounds to extend the deadlines.

**TENTATIVE RULING**

Service is Proper  
Opposition: None

There being no opposition, motion having been timely filed and service proper, the Court is inclined to GRANT U.S. Trustee's motion to Extend Dismissal and Discharge Deadlines, extending the deadlines to December 21, 2024.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

**Party Information**

**Debtor(s):**

Martin Escobedo

Represented By  
Summer M Shaw

**Movant(s):**

United States Trustee (RS)

Represented By  
Everett L Green

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Wednesday, November 13, 2024

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11:00 AM

**6:24-11988 Barstow Towing, Inc.**

**Chapter 7**

**#1.10** Chapter 7 Trustee's Motion for Order Authorizing: (1) Payoff of Existing Liens on Estate Vehicles From Estate Funds; and (2) Surcharge of Collateral Pursuant to 11 U.S.C. § 506(c)  
(Motion filed 10/28/24)

EH\_\_

**[Tele. appr. Martin A. Eliopoulos, rep. Debtor]**

**[Tele. appr. Raffi Khatchadourian, rep. Wintrust Specialty Finance]**

**[Tele. appr. Larry Simons, chapter 7 trustee]**

Docket 61

**Tentative Ruling:**

**November 13, 2024**

**Service: Proper**

**Opposition: None**

Trustee has requested that the Court authorize Trustee to (1) use Estate funds to pay off certain existing lienholders an amount of \$160,649.90 and (2) surcharge secured creditors collateral in the amount of \$10,500.00 pursuant to 11 U.S.C. § 506(c). Having reviewed the motion, service being proper, no opposition having been filed, and the Court having found sufficient cause, the Court is inclined to GRANT the Motion in its entirety

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

**Party Information**

**Debtor(s):**

Barstow Towing, Inc.

Represented By

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**CONT... Barstow Towing, Inc.**

**Chapter 7**

Martin A Eliopulos

**Movant(s):**

Larry D Simons (TR)

Represented By  
Melissa Davis Lowe

**Trustee(s):**

Larry D Simons (TR)

Represented By  
Melissa Davis Lowe

**United States Bankruptcy Court  
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**Hearing Room 301**

2:00 PM

**6:21-14856 Li Yao and Hengli Rao**

**Chapter 7**

**#2.00** CONT. Chapter 7 Trustee's Notice of Objection and Objection to Debtor's Claim of Exemption  
(Motion filed 5/24/23)

From: 6/28/23, 7/27/23, 12/6/23, 4/17/24, 7/31/24

EH\_\_

Docket 49

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/12/25 BY ORDER  
ENTERED 10/9/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Li Yao

Represented By  
Jonathan J. Lo

**Movant(s):**

Larry D Simons (TR)

Represented By  
Anthony A. Friedman

**Trustee(s):**

Larry D Simons (TR)

Represented By  
Anthony A. Friedman

**United States Bankruptcy Court  
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Wednesday, November 13, 2024

Hearing Room 301

2:00 PM

6:21-14856 Li Yao

Chapter 7

Adv#: 6:23-01050 Simons v. Rao

**#3.00** CONT. Pre-Status Conference re Complaint by Larry D. Simons against Hengli Rao. (\$350.00 Fee Charge To Estate). - Complaint: (A) for Avoidance and Recovery of Fraudulent Transfer; (B) to Preserve Recovered Transfer for Benefit of Debtors Estate; (C) Sale of Interest of Co-Owner in Property of the Estate; and (D) Turnover of Property [11 U.S.C. § 544 and California Civil Code § 3439 et. seq.; 11 U.S.C. §§ 548, 550, and 551; and 11 U.S.C. §§ 363(h) and 542] - Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property))

From: 7/27/23, 12/6/23, 4/17/24, 7/31/24

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/12/25 BY ORDER  
ENTERED 10/9/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Li Yao

Represented By  
Jonathan J. Lo

**Defendant(s):**

Hengli Rao

Represented By  
Jonathan J. Lo  
Kelvin J Lo

**Plaintiff(s):**

Larry D. Simons

Represented By

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**CONT... Li Yao**

**Chapter 7**

Anthony A. Friedman

**Trustee(s):**

Larry D Simons (TR)

Represented By  
Anthony A. Friedman

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2:00 PM

**6:23-13418 John Golden**

**Chapter 7**

Adv#: 6:24-01073 Chacon v. Golden

**#4.00** Defendant's Motion to Dismiss Adversary Proceeding  
(Motion filed 10/14/24)

Also #5

EH\_\_

**[Tele. appr. Brett Ramsaur, rep. Plaintiff]**

Docket 4

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Golden

Represented By  
Todd L Turoci

**Defendant(s):**

John Golden

Represented By  
Todd L Turoci

**Movant(s):**

John Golden

Represented By  
Todd L Turoci

**Plaintiff(s):**

Ingrid Chacon

Represented By  
Brett Ramsaur

**Trustee(s):**

Robert Whitmore (TR)

Pro Se



**United States Bankruptcy Court  
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**6:23-13418 John Golden**

**Chapter 7**

Adv#: 6:24-01073 Chacon v. Golden

**#5.00** Status Conference re: Complaint by Ingrid Chacon against John Golden. Willful and malicious injury))

EH\_\_

**[Tele. appr. Brett Ramsaur, rep. Plaintiff]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Golden

Represented By  
Todd L Turoci

**Defendant(s):**

John Golden

Represented By  
Todd L Turoci

**Plaintiff(s):**

Ingrid Chacon

Represented By  
Brett Ramsaur

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court  
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2:00 PM

**6:23-15109 Juana Erika Velasquez**

**Chapter 7**

Adv#: 6:24-01009 Velasquez v. UNITED STATES DEPARTMENT OF EDUCATION et al

**#6.00** CONT. Status Conference re: Complaint by Juana Erika Velasquez against United States Department of Education

From: 7/17/24

(Alias Summons issued 4/12/24)

EH\_\_

**[Tele. appr. Lauren M. Foley, rep. Debtor]**

**[Tele. appr. Elan Levey, rep. Defendant, US Dept. of Education]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juana Erika Velasquez

Represented By  
Lauren M Foley

**Defendant(s):**

UNITED STATES DEPARTMENT

Pro Se

U.S. Department of Education

Represented By  
Elan S Levey

**Plaintiff(s):**

Juana Erika Velasquez

Represented By  
Lauren M Foley

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**CONT... Juana Erika Velasquez**

**Chapter 7**

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court  
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**6:22-14723 Better Nutritionals, LLC**

**Chapter 7**

Adv#: 6:24-01015 Simons, Chapter 7 Trustee v. Hoffman et al

**#7.00** CONT. Status Conference re Complaint by Larry D. Simons, Chapter 7 Trustee against Sharon Hoffman, Odelya Hoffman. (2) Breach of Fiduciary Duty - Duty of Care; (3) Breach of Duty of Good Faith and Fair Dealing; (4) Breach of Fiduciary Duty to Creditors - Trust Fund Doctrine; (5) Aiding and Abetting - Breach of Fiduciary Duty; and (6) Equitable Subordination Nature of Suit: (14 (Recovery of money/property - other))

[Amended Complaint filed 8/9/24]

From: 5/1/24, 5/15/24, 7/10/24, 10/16/24

EH\_\_

**[Tele. appr. Larry D. Simons, Plaintiff]**

**[Tele. appr. Jack Praetzellis, rep. Larry Simons, Plaintiff]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Defendant(s):**

Sharon Hoffman

Pro Se

Odelya Hoffman

Pro Se

RGL Holdings, LLC, a Delaware

Pro Se

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**CONT... Better Nutritionals, LLC**

**Chapter 7**

**Plaintiff(s):**

Larry D. Simons, Chapter 7 Trustee

Represented By  
Michael A Sweet  
Tinho Mang  
Keith C Owens  
Jack Praetzellis

**Trustee(s):**

Larry D Simons (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Michael A Sweet  
Daniel A Lev

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**6:22-14723 Better Nutritionals, LLC**

**Chapter 7**

Adv#: 6:24-01033 Harco National Insurance Company v. Simmons et al

**#8.00** CONT. Amended Motion to Dismiss Adversary Proceeding [Defendants' Motion to Dismiss Complaint and/or For More Definite Statement Pursuant to Fed. R. Civ. Proc. 12; Memorandum of Points and Authorities in Support Thereof] (with Hearing Notice) filed by Defendant Sharon Hoffman, Defendant Odelya Hoffman)  
(Motion filed 6/5/24)

Also #9

From: 7/10/24, 9/11/24

EH\_\_

**[Tele. appr. Larry D. Simons, Defendant]**

**[Tele. appr. Tinho Mang, rep. Larry D. Simons, Defendant]**

Docket 11

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Defendant(s):**

Larry D Simmons

Represented By  
Tinho Mang

Sharon Hoffman

Pro Se

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**CONT... Better Nutritionals, LLC**

**Chapter 7**

Odelya Hoffman Pro Se

**Movant(s):**

Sharon Hoffman Pro Se

Odelya Hoffman Pro Se

**Plaintiff(s):**

Harco National Insurance Company Represented By  
Robert A Hyatt

**Trustee(s):**

Larry D Simons (TR) Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Michael A Sweet  
Daniel A Lev

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**6:22-14723 Better Nutritionals, LLC**

**Chapter 7**

Adv#: 6:24-01033 Harco National Insurance Company v. Simmons et al

**#9.00** CONT. Status Conference re Adversary case 6:24-ap-01033. Complaint by Harco National Insurance Company against Larry D Simmons, Sharon Hoffman, Odelya Hoffman. 2023 letter from Trustee's counsel # 9 Exhibit Exhibit I - March 28, 2024 Letter to Casal # 10 Exhibit Exhibit J - March 5, 2024 Letter to Casal) Nature of Suit: (91 (Declaratory judgment))

From: 7/10/24, 10/9/24

EH\_\_

**[Tele. appr. Larry D. Simons, Defendant]**

**[Tele. appr. Tinho Mang, rep. Larry D. Simons, Defendant]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Defendant(s):**

Larry D Simmons

Represented By  
Tinho Mang

Sharon Hoffman

Pro Se

Odelya Hoffman

Pro Se



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**CONT... Better Nutritionals, LLC**

**Chapter 7**

**Plaintiff(s):**

Harco National Insurance Company

Represented By  
Robert A Hyatt

**Trustee(s):**

Larry D Simons (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Michael A Sweet  
Daniel A Lev

**United States Bankruptcy Court  
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**6:22-14723 Better Nutritionals, LLC**

**Chapter 7**

**#10.00** CONT. Notice of Motion and Motion of Allied Universal Security Services for Allowance of an Administrative Priority Expense Claim; \$78,525.46 (Motion filed 9/29/23)

[Specially set]

(Holding date)

From: 11/1/23/ 1/31/24, 3/27/24, 5/29/24, 7/31/24, 10/2/24

EH\_\_

**[Tele. appr. Larry D. Simons, trustee]**

**[Tele. appr. Tinho Mang, rep. Larry D. Simons]**

Docket 646

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Movant(s):**

Allied Universal Security Services

Represented By  
Jamie L Edmonson

**Trustee(s):**

Larry D Simons (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
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**CONT... Better Nutritionals, LLC**

**Chapter 7**

David Wood  
Tinho Mang  
Michael A Sweet  
Daniel A Lev

**United States Bankruptcy Court  
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6:22-14723 Better Nutritionals, LLC

Chapter 7

#11.00 CONT. Motion By Goli Nutrition Inc For Allowance Of Chapter 11 Administrative Priority And Super priority Claims  
(Motion filed 9/28/23)

From: 11/1/23, 1/31/24, 3/27/24, 5/29/24, 10/9/24

[SPECIALLY SET)

EH\_\_

Docket 633

\*\*\* VACATED \*\*\* REASON: PER ORDER ENTERED 10/24/24

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Movant(s):**

Goli Nutrition, Inc.

Represented By  
Eve H. Karasik  
Joseph M Rothberg  
Daniel H Reiss  
Todd M Arnold  
Carmela Pagay

**Trustee(s):**

Larry D Simons (TR)

Represented By  
D Edward Hays  
David Wood

**United States Bankruptcy Court  
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**CONT... Better Nutritionals, LLC**

**Chapter 7**

Tinho Mang  
Michael A Sweet  
Daniel A Lev