

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

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9:30 AM

1:00-00000

Chapter

**#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.**

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Video/audio web address: <https://cacb.zoomgov.com/j/1607598898>

Meeting ID: 160 759 8898

Password: 941762

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 759 8898

Password: 941762

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
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**Hearing Room 302**

9:30 AM

**1:17-11205 Shahla Hariri**

**Chapter 13**

**#1.00** Motion for relief from stay

MTGLQ INVESTORS, LP

fr. 5/5/21, 6/30/21; 7/28/21; 9/1/21

Docket 96

**Tentative Ruling:**

This hearing was continued from 9/1/21 so that the parties could discuss whether this can be resolved with a loan modification. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

5-5-21 TENTATIVE BELOW

Movant: MTGLQ Investors, LP.

Petition Date:05/05/2017

Chapter 13 plan confirmed: 06/29/2018

Service: Proper. Opposition filed on 4/20/21.

Property: 24143 Kittridge Street, West Hills, CA 91307

Property Value: \$710,000.00 (per debtor's schedules)

Amount Owed: \$686,806.46 (Per Movant's

Equity Cushion: 3.2%

Equity: \$23,193.54

Post-confirmation Delinquency: \$44,761.92 (4 Payments \$3,960.97, 7

Payments of \$3,963.78, Attorney's Fees and Costs \$1,238.00, Less

Suspense Account \$66.42)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay). Movant argues cause exists for lifting the stay because the Debtor has not been making postpetition payments. Movant alleges that the last payment it received was on or about 3/10/2020 of the amount of

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**CONT... Shahla Hariri**  
\$3,935.97.

**Chapter 13**

Debtor opposes this motion for relief of stay because the Debtor has been involved in a loan modification with the Lender as a result of payments arising during the Covid 19 pandemic. The Motion stated that the Movant never received the documents. Debtor's counsel resent these documents to the Movant. On this basis, the Debtor believes that the Court should deny this motion.

Did the Movant receive the Loan Modification papers? Does this resolve the motion for relief from stay?

Appearance Required.

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

Shahla Hariri

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-12226 Stephen Haskell Powers

Chapter 13

#2.00 Motion for relief from stay

MEB LOAN TRUST II

fr. 9/22/21

Docket 87

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 99) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stephen Haskell Powers

Represented By  
Raj T Wadhvani

**Movant(s):**

MEB Loan Trust II, as serviced by

Represented By  
Austin P Nagel

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:17-13285 Angela Jean Garcia**

**Chapter 13**

**#3.00** Motion for relief from stay

NEWREZ LLC DBA DBA SHELLPOINT  
MORTGAGE SERVICING

fr. 8/11/21, 9/8/21

Docket 54

**Tentative Ruling:**

This matter was continued from 9/8/2021 so that parties could work out an APO. What is the status of the matter?

Appearance Required.

Previous Tentative:

Petition Date: 12/8/2017

Ch. 13 plan confirmed: 11/26/2018

Service: Proper. No opposition filed.

Property: 1934 Lucas St. #3, San Fernando, CA 91340

Property Value: \$322,521 (per debtor's schedules)

Amount Owed: \$246,650

Equity Cushion: 16%

Equity: \$50,069

Post-Petition Delinquency: \$18,896.41 (12 payments of \$1,708.10, less suspense balance of \$1,600.79)

Movant alleges the last payment received was on or about May 17, 2021

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT**

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CONT... Angela Jean Garcia

Chapter 13

HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE  
THE FOLLOWING LANGUAGE:

"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

**Party Information**

**Debtor(s):**

Angela Jean Garcia

Represented By  
David H Chung

**Movant(s):**

NewRez LLC d/b/a Shellpoint

Represented By  
Nancy L Lee  
Jennifer C Wong

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:19-10565 Pamela M. Sorenson**

**Chapter 13**

**#4.00** Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSO.

fr. 11/18/20, 12/16/20, 2/24/21, 4/28/21; 5/5/21,  
6/30/21; 9/1/21

Docket 51

**Tentative Ruling:**

This matter was continued by stipulation from Sept. 1, 2021 because the parties were awaiting updated payment history. Nothing has been filed since the continued hearing. What is the status of this RFS motion?

Appearance Required.

PREVIOUS TENTATIVE BELOW

Petition Date: 03/11/2019

Chapter 13 plan confirmed: 7/22/19

Service: Proper. Opposition filed.

Property: 11052 Reseda Blvd., Northridge, CA 91326

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

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

Equity Cushion: 38.33%

Equity: \$223,109.18

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

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts there are grounds for relief from the stay because the Debtor has failed to

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**CONT... Pamela M. Sorenson**

**Chapter 13**

make postpetition payments. Movant alleges that the Debtor has only made partial payments for the months of August, September and October 2020.

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

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

Appearance Required.

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

Pamela M. Sorenson

Represented By  
Michael D Luppi

**Movant(s):**

Wilmington Trust, National

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**1:19-10108 Wilfredo Castillo and Carmen Rosa Castillo**

**Chapter 13**

**#4.01** Motion for Order Vacating Order Granting Relief  
from relief from the automatic stay of Movant,  
Nations Direct Mortgage

fr. 9/29/21

Docket 94

**\*\*\* VACATED \*\*\* REASON: Resolved per Stipulation, ECF doc. 99 - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Wilfredo Castillo

Represented By  
Donald E Iwuchuku

**Joint Debtor(s):**

Carmen Rosa Castillo

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:19-13021 Peter Clayton Purcell**

**Chapter 13**

**#4.02** Motion for relief from stay

REDWOOD HOLDINGS, LLC

Docket 51

**Tentative Ruling:**

Petition Date: 12/04/2019

Ch. 13 Plan confirmed: 3/19/2020

Service: Proper. No opposition filed.

Movant: Redwood Holdings, LLC

Property Address: 7210 Darnoch Way, West Hills, CA 91307

Type of Property: residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 7/29/2021

UD case filed: n/a

UD Judgment: n/a

On June 14, 2021, relief from stay was granted to US Bank as to this Property. ECF doc. 47. Movant, the purchaser of the Property at foreclosure sale, alleges grounds for annulment of the stay because it caused the Trustee's Deed Upon Sale to be recorded and a notice to quit to be served on Debtors on Sept. 30, 2021, without notice or knowledge of this bankruptcy. Motion, Ex. 3.

Disposition: GRANT under 11 U.S.C. 362(d)(2)). GRANT relief as requested in paragraphs 2 (proceed under non-bankruptcy law), 4 (stay annulled); and 6 (waiver of 4001(a)(3) stay). GRANT relief as to paragraph 7 (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law).

DENY relief requested in paragraphs 9 (binding and effective against any debtor for 180 days); 10 (binding and effective against this property 180 days); and 11 (binding and effective against this Debtor for 180 days), as Movant did not allege bad faith grounds for such relief.

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CONT... Peter Clayton Purcell

Chapter 13

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:

"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

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

Peter Clayton Purcell

Represented By  
David S Hagen

**Movant(s):**

Redwood Holdings, LLC

Represented By  
Sam Chandra

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

#5.00 Motion for relief from stay

RRA CP OPPORTUNITY TRUST 1

Docket 81

\*\*\* VACATED \*\*\* REASON: VACATED PER APO

**Tentative Ruling:**

VACATED PER APO

No Appearance Required

**Party Information**

**Debtor(s):**

Eduardo N Trillo Jr.

Represented By  
Elena Steers

**Joint Debtor(s):**

Maritess Biglangawa Trillo

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-10568 Rebecca Thompson

Chapter 13

#6.00 Motion for relief from stay

LAKEVIEW LOAN SERVICING LLC

Docket 29

\*\*\* VACATED \*\*\* REASON: VACATED PER APO.

**Tentative Ruling:**

VACATED PER APO.

No Appearance Required

**Party Information**

**Debtor(s):**

Rebecca Thompson

Represented By  
Gerald S Kim

**Movant(s):**

Lakeview Loan Servicing, LLC

Represented By  
Christina J Khil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:21-10202 Debbie Ann Ko**

**Chapter 13**

**#7.00** Motioin for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO, TRUSTEE  
RESIDENTIAL ASSET SECURITIZATION

Docket 30

**Tentative Ruling:**

Petition Date: 2/8/2021

Ch: 13

Service: Proper. Limited opposition filed.

Property: 12422 Sylvan St., North Hollywood, CA 91606

Property Value: \$696,000 (per debtor's schedules)

Amount Owed: \$743,241.58

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$21,775 (7 payments of \$3,110.85)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (relief from co-debtor stay); 6 (relief from the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments.

Debtor filed a limited opposition, requesting that no foreclosure or lock out occur within the next 90 days. Debtor explains that she is currently marketing the property to sell, and requests that relief be postponed until 1/18/2022.

Is Movant amenable to Debtor's request to delay foreclosure?

Appearance Required

**Party Information**

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**CONT... Debbie Ann Ko**

**Chapter 13**

**Debtor(s):**

Debbie Ann Ko

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-10596 Ada J. Ramos

Chapter 13

#8.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION  
DBA TOYOTA FINANCIAL SERVICES

Docket 27

\*\*\* VACATED \*\*\* REASON: Attorney filed a withdrawal of motion - Doc.  
#30. If

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ada J. Ramos

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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1:21-10746 Kimberly Michelle Michel

Chapter 13

#9.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING INC.

Docket 49

**Tentative Ruling:**

This case was dismissed on October 18, 2021, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING  
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Kimberly Michelle Michel

Represented By  
Axel H Richter

Kimberly Michelle Michel

Represented By  
Axel H Richter

**Movant(s):**

Select Portfolio Servicing Inc., as

Represented By  
Joseph C Delmotte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:21-11412 Jose Carlos Nevarez**

**Chapter 13**

**#10.00** Motion for relief from stay

OSM LOAN ACAUISIONS, IX LP

Docket 23

**Tentative Ruling:**

Appearance required; no tentative

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

Jose Carlos Nevarez

Represented By  
Nathan A Berneman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-11451 Ofelia D Miller and Robert C Miller

Chapter 7

#11.00 Motion for relief from stay

ACAR LEASING LTD dba GM FINANCIAL LEASING

Docket 12

**Tentative Ruling:**

Petition Date: 8/27/21

Ch: 7

Service: Proper. No opposition filed.

Property: 2018 Chevrolet Volt

Property Value: \$0 (LEASE, per debtor's schedules)

Amount Owed: \$17,519.77

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$17,519.77 (lease balance due)

Movant states that the lease matured on or about 7/1/2021 and Debtor voluntarily surrendered the personal property in February 2021.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ofelia D Miller

Represented By  
David S Hagen

**Joint Debtor(s):**

Robert C Miller

Represented By

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**CONT... Ofelia D Miller and Robert C Miller**

**Chapter 7**

David S Hagen

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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1:21-11541 Karine Karen Armenyan

Chapter 13

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

Docket 9

**Tentative Ruling:**

On September 19, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 21-10518, was a chapter 13 that was filed on March 26, 2021 and dismissed on June 24, 2021 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Service proper. No opposition filed. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make payments because her attempts to negotiate with her creditors outside of bankruptcy was unsuccessful. Debtor checked the box indicating that there has been a substantial change her financial affairs but did not provide an explanation of these circumstances. The Declaration of Movant that is on page 9 of the fill-in-the-blank form motion is also left blank, so that there is no evidence before the Court to support this Motion. ECF doc. 9, p. 9. A review of the docket reveals that Debtor did not file the supporting declaration separately. Without more, the Court cannot make the findings to grant this motion.

APPEARANCE REQUIRED  
RULING MAY BE MODIFIED AT HEARING

**Party Information**

**Debtor(s):**

Karine Karen Armenyan

Represented By  
Aris Artounians

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:21-11545 Melissa D Kurtz**

**Chapter 13**

**#13.00** Motion In Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 12

**Tentative Ruling:**

On September 20, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 19-10836-MT, was a chapter 13 that was filed on 4/8/2019 and dismissed on 2/3/2021 for failure to make required payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make payments because there was an unexpected death in her family and the time off & travel required to handle her family's business were unforeseen expenses. Debtor explains that there has been a substantial change in her financial affairs. Debtor states that since the First Filing was dismissed, she has received a promotion and a substantial raise. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence.

Service proper on regular time. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.  
NO APPEARANCE REQUIRED DUE TO SHORTENED TIME.

**Party Information**

**Debtor(s):**

Melissa D Kurtz

Represented By  
Kevin T Simon

**Movant(s):**

Melissa D Kurtz

Represented By

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**CONT... Melissa D Kurtz**

Kevin T Simon

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-11563 Christopher Michael Niblett

Chapter 13

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

Docket 9

**Tentative Ruling:**

On September 22, 2021, Debtor filed this chapter 13 case. Debtor had ? previous bankruptcy case that was dismissed within the previous year. The First Filing, 19-11762-MT, was a chapter 13 that was filed on July 15, 2019 and dismissed on July 16, 2021 for failure to make required payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments because his domestic partner left and he could not keep up with the payments. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, he has family members who have moved into his home and will assist him in making the payments. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.  
APPEARANCE REQUIRED DUE TO SHORTENED TIME

**Party Information**

**Debtor(s):**

Christopher Michael Niblett

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**1:16-11538 Majestic Air, Inc.**

**Chapter 11**

**#15.00** Application for Compensation Supplement for Stella A Havkin,  
Debtor's Attorney, Period: 8/18/2020 to 9/27/2021, Fee: \$7,812.50,  
Expenses: \$22.35.

Docket 398

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed Debtor's Counsel's application for compensation the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 10-20-2021. Movant to lodge an order within 7 days

**Party Information**

**Debtor(s):**

Majestic Air, Inc.

Represented By  
Stella A Havkin

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**1:16-11538 Majestic Air, Inc.**

**Chapter 11**

**#16.00 Status and Case Management Conference**

fr. 8/4/16(xfr from Judge Tighe's calendar); 8/30/16,  
9/27/16; 10/25/16; 11/15/16, 2/21/17, 5/16/17; 6/27/17,  
8/29/17, 1/23/18; 6/19/18, 9/18/18; 12/4/18; 2/12/19; 5/7/19  
6/11/19; 7/16/19; 8/20/19; 9/24/19, 12/17/19; 12/23/2019;  
2/11/20, 4/7/20; 6/23/20; 7/7/20, 7/21/20, 9/15/20, 10/27/20,  
12/22/20 (cont'd from GM calendar); 2/9/21, 3/10/21, 4/7/21,  
5/19/21

Docket 1

**Tentative Ruling:**

The Court continued this matter from May 19, 2021. Having considered the Debtor's recent status report, the Court finds cause to continue this matter to January 5, 2021, to allow the Debtor to wrap up the remaining matters in this case.

No Appearance Required.

**Party Information**

**Debtor(s):**

Majestic Air, Inc.

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 7**

**#17.00 Motion to Dismiss Debtors' Chapter 7 Case**

fr. 6/16/21; 8/18/21

Docket 170

**\*\*\* VACATED \*\*\* REASON: Cont'd to 12/8/21 at 10:30 per ord #200. If**

**Tentative Ruling:**

Continued to December 8, 2021 at 10:30 per stipulation.  
No Appearance Required on 10/20/21

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

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

10:30 AM

1:20-11196 Tadeh Ahani Avanesians

Chapter 7

- #18.00** Motion by chapter 7 Trustee to: (1) Approve sale of personal property free and clear of all liens, interests, claims and encumbrances with such liens, interests, claims and encumbrances to attach to proceeds pursuant to 11 U.S.C. § 363(b), (f) and (i); (2) Approve bidding procedures and (3) Determine that buyers are entitled to protection pursuant to 11 U.S.C. § 363(m)

Docket 79

\*\*\* VACATED \*\*\* REASON: Moved to be heard on 10/20/21 at 1pm

**Tentative Ruling:**

This will be moved to 1 pm to be heard with everything else related to this case.

The court will order all parties to mediation as the issues in this "sale" are highly interconnected with the adversary proceedings. All matters will be continued to February 9 at 1 pm to allow for the parties to participate in mediation. If no global settlement is reached and documented by January 21, the parties must submit briefs with caselaw of no more than 10 pages on that date addressing the following questions:

1. What is the law concerning whether there was detrimental reliance on the trustee's statement to debtor that he could file an action in state court after the no asset report was issued, causing debtor to incur significant fees and expenses thereafter;
2. How is this a sale motion and the criteria for a settlement motion need not be shown, given the problems the sale creates for further litigation? See, e.g., Goodwin v. Mickey Thompson Entm't Group, Inc. (In re Mickey Thompson Entm't Group), 292 BR 415 (9th Cir. BAP 2003).
3. If only pre-petition claims are being sold, why should they not be defined more clearly so that debtor may fairly bid?

It appears the parties are just buying more complicated litigation and damages issues through this sale, and bringing very little into the estate in exchange. Rather than purchasing unknown assets, a good faith attempt at a global settlement is more appropriate at this point.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**CONT... Tadeh Ahani Avaneessians**

**Chapter 7**

**Party Information**

**Debtor(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Trustee(s):**

David Seror (TR)

Represented By  
Tamar Terzian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:21-10293 PB 6 LLC**

**Chapter 11**

**#19.00** Amended Disclosure Statement Describing  
Amended Chapter 11 Plan

fr. 8/18/21

Docket 51

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 12/8/21 @11:30am**

**Tentative Ruling:**

VACATED Continued to December 8, 2021 at 10:30am.  
No Appearance Required

**Party Information**

**Debtor(s):**

PB 6 LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:21-10293 PB 6 LLC**

**Chapter 11**

**#20.00 Chapter 11 Case Mgmt Conference**

fr. 4/7/21, 9/8/21

Docket 0

**Tentative Ruling:**

Hearing on Debtor's disclosure statement is set for December 8, 2021 at 10:30am.

The Court finds cause to continue the s/c to December 8, 2021, at 10:30am.

No Appearance Required.

**Party Information**

**Debtor(s):**

PB 6 LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:21-11113 Larisa Nagapetian**

**Chapter 7**

**#21.00** Motion to Extend Bar Date for Filing Complaint Objecting to Discharge and/or a Motion to Dismiss Under Section 707(b)

Docket 26

**Tentative Ruling:**

This matter is now moot since the Court granted a stipulation dismissing that bankruptcy case. Denied as moot.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

APPEARANCES WAIVED ON 10-20-2021

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

Larisa Nagapetian	Pro Se
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**Trustee(s):**

Nancy J Zamora (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

10:30 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

- #22.00 Motion by Chapter 7 Trustee to:
- 1) Approve Sale of Real Property Free and Clear of All Liens, Interests, Claims and Encumbrances with Such Liens, Interests, Claims and Encumbrances to Attach to Proceeds Pursuant to 11 U.S.C. §§ 363(b) and (f);
  - 2) Approve Overbid Procedures; and
  - 3) Determine that Buyer is Entitled to Protection Pursuant to 11 U.S.C. § 363(m)

Docket 2622

**Tentative Ruling:**

Background:

Owner Management Service (Debtor) initiated this bankruptcy proceeding when it filed a voluntary Chapter 11 petition on 1/9/2012. The case was then converted to Chapter 7 and David Seror (trustee in this case) was appointed Trustee. On 4/25/2017, the Trustee filed a motion for Approval of Compromise seeking approval of a settlement agreement between the Trustee and the Consolidated Debtors. The motion was granted and approved on June 30, 2017. As part of the agreement, Trustee was provided with a mechanism to attempt to make a 100% distribution on allowed unsecured claims, which included that the Trustee would seek to liquidate real properties as needed to pay any such allowed claims. It is in connection with that motion that the Trustee now seeks authority to sell the Property here. The assets of this Estate consist primarily of numerous parcels of residential real property and the rental income collected therefrom.

The Trustee, moves pursuant to 11 U.S.C. §§ 363(b)(1), (f), and (m) of the Federal Rules of Bankruptcy Procedure, for an order (1) authorizing the Trustee to sell that certain real property located at 10125 De Soto Avenue # 41, Chatsworth, CA 91311 ("Property") to Mustafa Yama Sayed ("Buyer"), free and clear of all liens, interests, claims, and encumbrances, with such liens, interests, claims, and encumbrances to attach to the Sale proceeds,

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**CONT... Owner Management Service, LLC**

**Chapter 7**

with the same priority and rights of enforcement as previously existed; (2) approving solicitation of overbids concerning the sale of the Property at the hearing on the Motion and the procedures for such solicitation; (3) finding that the purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m); and (4) approving payments for Broker's commissions, normal and customary escrow closing costs and the secured lienholders on the Property through escrow as set forth in the motion.

The Property was listed for sale for \$460,000 beginning in August 2021. The Broker received 15 inquiries regarding the Property and conducted eight showings of the Property to potential buyers, including to the Buyer. The foregoing marketing efforts resulted in the Buyer's offer to purchase the Property for \$15,000 over asking price. Ultimately, the Buyer's offer was the best and highest offer to purchase the Property for the full listing price. Sale Price: Trustee proposes to sell the Property to the Buyer, subject to Court approval, for \$475,000 ("Purchase Price"), payable in cash upon close of escrow. Financing is not a condition of sale. Earnest Money Deposit: Buyer has deposited with escrow a deposit in the amount of \$14,400 ("Deposit"). Broker's Commission: Subject to Court approval, the Trustee as seller will pay to the brokers through escrow real estate broker commissions totaling six percent (6%) of the Purchase Price ("Commission"). Broker and the Buyer's broker will share the Commission. The Trustee will also pay the normal closing costs and costs of sale through escrow, including the cost of a standard coverage title insurance policy, recording fees, documentary transfer taxes, and other normal and customary charges, pro-rations, costs, and fees. Sale is AS-IS, WHERE IS.

The Trustee further moves the Court for an order authorizing the following overbid procedures: (1) any person interested in submitting an overbid on the Property must attend the hearing on the Motion or be represented by an individual with written authority to participate in the overbid process; (2) To be a qualified overbidder ("Qualified Overbidder"), each party participating in the overbid process (except for the Buyer, who has already paid the Deposit to the Trustee), must remit to the Trustee, care of his counsel of record at the address set forth on the top left of the first page of the Motion, at or prior to the hearing on the Motion, payment in the form of a cashier's check (no other form of payment shall be accepted) made payable to "David Seror, Chapter 7

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

10:30 AM

CONT... **Owner Management Service, LLC**

**Chapter 7**

Trustee” (payment made payable to any other party may, in the sole discretion of the Trustee and/or Trustee’s counsel, be deemed inadequate and rejected) in a deposit amount of \$14,400.00 (“Overbid Deposit”). The Overbid Deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Property per the terms of the proposed sale within fifteen (15) calendar days after entry of an order approving this Motion; (3) an overbid will be defined as an initial overbid of \$485,000, with each additional bid in increments of at least \$5,000.

Standard:

Section 363(b)(1) of the Bankruptcy Code provides that:

“The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.”

11 U.S.C. § 363(b)(1). The standard of review used in determining approval of a proposed sale of property is whether sound business reasons support the sale outside the ordinary course of business. In re Walter, 83 B.R. 14, 19 (9th Cir. BAP 1988); In re Lionel Corp., 722 F.2d 1063, 1066 (2d Cir. 1983). In order for a sale to be approved under section 363 of the Bankruptcy Code, the purchase price must be fair and reasonable. In re Coastal Indus., Inc., 63 B.R. 361 (Bankr. N.D. Ohio 1986).

Analysis

Based upon the current real estate market and other sale transactions in the area, the Trustee believes that the sale price represents the fair market value of the Property. Indeed, the listing price for the Property was in the amount of \$630,00, and the Purchaser has agreed to purchase the Property for \$630,000 in cash. Additionally, the trustee and the Broker believe that further marketing will not result in any substantial incremental benefit to the estate. Thus the Trustee submits that the proposed sale represents a sound exercise of the Trustee's business judgement. The Court agrees that the sale is in the best interest of the estate.

The Bankruptcy Court has the power to authorize the sale of property free and clear of liens or interests. See 11 U.S.C.

§ 363(f); In re Gerwer, 898 F.2d 730, 733 (9th Cir. 1990). Section 363(f) of the Bankruptcy Code permits a sale of property “free and clear of any interest in such property of an entity other than the estate” if any one of the following

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**CONT... Owner Management Service, LLC**

**Chapter 7**

five conditions is met:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
  - (2) such entity consents;
  - (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
  - (4) such interest is in bona fide dispute; or
  - (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.
- 11 U.S.C. § 363(f).

The Trustee is unaware of any disputes regarding any encumbrances of record, however, the relief here is requested so that the proposed sale may go forward even if a dispute arises later, such as with the details of payoff demands to be received in escrow.

Buyer is a Good Faith Purchaser

Section 363(m) provides that “[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith . . . .” 11 U.S.C. § 363(m). As set forth in the Declarations of David Seror (Trustee) and Steve Flores (real estate broker), there is no affiliation between the Purchaser and the Trustee and that the agreement was negotiated at arms-length with fair consideration for the property. Accordingly, the Court finds the Purchaser is a good faith buyer.

Additionally, the Court finds the broker's fee of 6% reasonable and the court grants those fees.

Court will approve the Proposed Bidding Procedures

The Bidding Procedures here ensure that the Estate receives the maximum benefit of the sale. Sale Approved. Are there any overbidders?

Appearance Required.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**CONT... Owner Management Service, LLC**

**Chapter 7**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian  
Jorge A Gaitan  
Robyn B Sokol  
Jessica Wellington  
Jeffrey L Sumpter

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#23.00** Post-Confirmation Status Conference

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18;  
12/18/18, 2/20/19; 6/6/19/ 7/16/19; 8/8/19, 10/2/19; 12/11/19,  
3/11/20, 8/27/20, 12/2/20; 3/17/21, 5/19/21

Docket 0

**Tentative Ruling:**

Having considered the post-confirmation status report, the Court finds cause to continue this status conference to December 8, 2021, at 10:30 a.m. to allow motion for final decree to be filed

Reorganized Debtor to give notice of continued status conference.

NO APPEARANCE REQUIRED ON 10/20/21

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:16-13617 Bahareh Bahadini**

**Chapter 7**

**#24.00** Trustee's Final Report and Applications for  
Compensation and Deadline to Object

Trustee:  
Amy Goldman

Accountant for Trustee:  
Karl T. Anderson

Docket 50

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 10-20-21. Movant to lodge an order with the court within 7 days.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bahareh Bahadini

Represented By  
Bert Briones

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:19-10925 Roben Saeidian**

**Chapter 7**

**#25.00** Trustee's Final Report and Applications for Compensation

Docket 74

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 10-20-21. Movant to lodge an order with the court within 7 days.

**Party Information**

**Debtor(s):**

Roben Saeidian

Represented By  
Hamid Soleimanian

**Trustee(s):**

David Seror (TR)

Represented By  
Elissa Miller  
Sulmeyer Kupetz



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:21-11313 Harbour Community, L.P., a California limited part Chapter 11**

Adv#: 1:21-01052 Harbour Community, L.P., a California limited part v. California Department

**#26.00** Motion for Remand Defendants California Department  
of Housing And Community Development And Gustavo Velasquez

Docket 5

**\*\*\* VACATED \*\*\* REASON: Moved to 10/21/21 @10am**

**Tentative Ruling:**

Moved to 10/21/21 @10am  
APPEARANCES WAIVED ON 10-20-21

**Party Information**

**Debtor(s):**

Harbour Community, L.P., a

Represented By  
Andrew Goodman

**Defendant(s):**

California Department of Housing

Represented By  
Norma N Franklin

**Plaintiff(s):**

Harbour Community, L.P., a

Represented By  
Andrew Goodman

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:21-11313 Harbour Community, L.P., a California limited part Chapter 11**

Adv#: 1:21-01053 Harbour Community, L.P., a California limited part v. City Of Los Angeles,

**#27.00** Motion for Remand

Docket 5

**\*\*\* VACATED \*\*\* REASON: Move to 10/21/21 @10am**

**Tentative Ruling:**

Moved to 10/21/21 @10am  
APPEARANCES WAIVED ON 10-20-21

<b>Party Information</b>
--------------------------

**Debtor(s):**

Harbour Community, L.P., a

Represented By  
Andrew Goodman

**Defendant(s):**

City Of Los Angeles, Acting

Represented By  
Wendy A Loo

**Plaintiff(s):**

Harbour Community, L.P., a

Represented By  
Andrew Goodman

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

10:30 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#28.00** Motion for Authority to Use Cash Collateral

Docket 807

**\*\*\* VACATED \*\*\* REASON: Matter moved to 11am calendar. (eg)**

**Tentative Ruling:**

Moved to the 11:00am Calendar.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith  
Jeffrey S Kwong  
Juliet Y Oh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#29.00** Motion by JP Morgan to convert case from chapter 11 to 7 or in the alternative to dismiss

fr. 1/17/13, 2/21/13, 5/30/13, 10/10/13, 3/27/14, 10/2/14, 4/23/15, 4/23/15; 12/3/15, 2/4/16, 4/7/16; 6/9/16, 8/4/16, 11/10/16; 1/26/17, 3/1/17; 3/22/17, 4/26/17, 6/14/17, 6/20/17; 7/6/17; 8/1/17; 8/16/17, 8/17/17, 9/13/17; 10/11/17, 12/14/17, 2/7/18; 3/7/18, 5/1/18, 6/21/18, 7/18/18; 12/12/18, 2/27/19; 5/22/19, 7/31/19, 10/23/19, 1/29/20; 4/8/20; 5/13/20, 11/18/20, 2/24/21; 6/16/21

Docket 210

**Tentative Ruling:**

Having considered the Ch. 11 Status Report, filed 10/6/2021, the Court finds cause to continue this hearing to February 23, 2022, at 10:30 a.m.

Debtor to give notice of continued status conference.  
NO APPEARANCE REQUIRED ON 10/20/21

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Christopher M McDermott

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#29.01 Motion for Authority to Use Cash Collateral**

Docket 807

**Tentative Ruling:**

On April 8, 2021, the Court entered an order authorizing Debtor to use cash collateral on a final basis through October 31, 2021 in accordance with an approved budget. Debtor is continuing to use cash collateral in accordance with Court-approved budget.

On September 29, 2021, Debtor filed a motion to use cash collateral on final basis through April 30, 2022. As Debtor's authority to use cash collateral will expire on October 31, 2021, Debtor has filed this Motion for authority to continue using cash collateral, through and including April 30, 2022, in accordance with the Debtor's proposed budget, Motion, Ex. 1.

Service proper. No objections filed. Having reviewed the Motion for Authority to Use Cash Collateral on a Final Basis, the Motion is GRANTED.

APPLICANT TO LODGE ORDER WITHIN 7 DAYS.  
APPEARANCES WAIVED ON 10/20/21.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith  
Jeffrey S Kwong  
Juliet Y Oh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#30.00 Status and case management conference**

fr. 9/29/10, 2/10/11, 5/26/11, 11/10/11,  
3/15/12, 3/29/12, 11/28/12, 2/7/13,  
2/21/13, 5/30/13, 10/10/13,  
3/27/14, 10/2/14, 4/9/15; 4/23/15; 12/3/15  
4/7/16, 4/7/16, 6/9/16, 8/4/16, 11/10/16; 1/26/17,  
3/1/17; 3/22/17, 4/26/17, 6/14/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/13/17, 2/7/18; 3/7/18,  
5/1/18, 6/21/18, 7/18/18, 2/12/18, 2/27/19; 5/22/19,  
7/31/19, 10/23/19, 1/29/20; 4/8/20; 5/13/20, 11/18/20,  
2/24/21; 6/16/21

Docket 1

**Tentative Ruling:**

Having considered the Ch. 11 Status Report, filed 10/6/2021, the Court finds cause to continue this status conference to February 23, 2022, at 10:30 a.m.

Debtor to give notice of continued status conference.  
NO APPEARANCE REQUIRED ON 10/20/21

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

Adv#: 1:21-01007 Esworthy v. The Bank of New York Mellon fka The Bank of New Yo

**#31.00** Status Conference Re: Complaint for  
Violation of Third Amended Plan of  
Reorganization

fr. 4/7/21; 6/16/21

Docket 1

**Tentative Ruling:**

Having considered the Joint Adversary Status Report, filed 10/6/2021, the Court finds cause to continue this status conference to January 26, 2022, at 11:00 a.m.

Debtor to give notice of continued status conference.  
NO APPEARANCE REQUIRED ON 10/20/21

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

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**Defendant(s):**

The Bank of New York Mellon fka

Pro Se

BAYVIEW LOAN SERVICING,

Pro Se

**Plaintiff(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#32.00 Post Confirmation status conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17, 2/14/18, 4/25/18,  
6/13/18, 7/18/18, 9/12/18, 6/26/19, 9/18/19,  
12/18/19; 2/11/20, 3/4/20; 6/24/20, 12/2/20,  
3/31/21; 6/16/21

Docket 1

**Tentative Ruling:**

Having considered the Joint Adversary Status Report, filed 10/6/2021, the Court finds cause to continue this status conference to January 26, 2022, at 11:00 a.m.

Debtor to give notice of continued chapter 11 status conference.  
NO APPEARANCE REQUIRED ON 10/20/21

**Party Information**

**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#33.00** Post-Trial Status Conference

fr. 6/2/21, 7/7/21; 9/8/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to Dec. 8, 2021, at 11 a.m. - hm**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Ashkan Ashour

Hanrit Moussighi

Represented By  
Ashkan Ashour

Moeir and Hanrit Moussighi dba

Represented By  
Ashkan Ashour  
Raymond H. Aver

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

11:00 AM

**1:20-10069 Shawn Sharon Melamed**

**Chapter 7**

Adv#: 1:20-01068 GOLDMAN v. Dardashti et al

**#34.00** Status Conference Re:  
Trustee's Complaint for Avoidance and  
Recovery of Fraudulent Transfers

fr. 9/24/20; 10/7/20, 3/31/21, 9/22/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Memorandum of Decision re MSJ entered  
10/5/21(doc. 80) - hm**

**Tentative Ruling:**

Memorandum of decision entered; status conference vacated

**Party Information**

**Debtor(s):**

Shawn Sharon Melamed

Represented By  
Giovanni Orantes

**Defendant(s):**

Shawn Dardashti

Pro Se

DOES 1 - 20, Inclusive

Pro Se

**Joint Debtor(s):**

Jenous Tootian

Represented By  
Giovanni Orantes

**Plaintiff(s):**

AMY L GOLDMAN

Represented By  
Scott E Gizer

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Scott E Gizer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10069 Shawn Sharon Melamed**

**Chapter 7**

Adv#: 1:20-01046 Mazakoda, Inc. v. Melamed et al

**#34.01** Pre-trial conference re: complaint objecting to discharge pursuant to 11 U.S.C. sec 727(3)(3), 727(a)(4)(A); 727(a)(4)(D). and 727(a)(5)

fr. 6/17/20; 7/8/20; 7/15/20, 8/19/20; 4/14/21; 7/28/21, 9/8/21; 9/29/21

Docket 1

**Tentative Ruling:**

On Oct. 10, 2021, Defendant/Debtor filed a Unilateral Status Report, informing the Court that he is waiting to hear from Plaintiff Mazakoda, Inc. as to how it intends to proceed with this 727(a) action, after the Court's ruling on the Summary Judgment in *Goldman v. Dardashti*, 1:20-ap-01068-MT, ECF 80; 82. Nothing was filed on behalf of Plaintiff Mazakoda, Inc.

On October 15, 2021, Trustee Goldman, Plaintiff in the *Goldman v. Dardashti* matter, filed a *Notice of Appeal and Statement of Election to the U.S. District Court*, ECF doc. 86, indicating her intention to appeal the Court's judgment in favor of Defendant Shawn Dardashti.

APPEARANCE REQUIRED to discuss how Plaintiff intends to proceed.

**Party Information**

**Debtor(s):**

Shawn Sharon Melamed

Represented By  
Giovanni Orantes

**Defendant(s):**

Shawn Sharon Melamed

Pro Se

Jenous Tootian

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

---

11:00 AM

**CONT... Shawn Sharon Melamed**

**Chapter 7**

**Joint Debtor(s):**

Jenous Tootian

Represented By  
Giovanni Orantes

**Plaintiff(s):**

Mazakoda, Inc.

Represented By  
Scott E Gizer

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Scott E Gizer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10324 Rooter Hero San Gabriel, Inc.**

**Chapter 7**

Adv#: 1:21-01032 Weil v. Akhoian et al

**#35.00** Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other) fr. 8/18/21; 9/8/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rooter Hero San Gabriel, Inc.

Represented By  
David S Hagen

**Defendant(s):**

John Akhoian

Pro Se

Plumber Hero, Inc.

Pro Se

**Plaintiff(s):**

Diane C. Weil

Represented By  
Anthony A Friedman

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10325 RHSF, Inc.**

**Chapter 7**

Adv#: 1:21-01034 Weil v. Akhoian et al

**#36.00** Status Conference Re:Complaint to:  
(1) Avoid and Recover Fraudulent Transfer; and  
(2) to Preserve Recovered Transfer for Benefit  
of Debtor's Estate [11 U.S.C. § 544 and California  
Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548  
and 550]

fr. 8/18/21; 9/8/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

RHSF, Inc.

Represented By  
David S Hagen

**Defendant(s):**

John Akhoian

Pro Se

RH BAS, Inc.

Pro Se

**Plaintiff(s):**

Diane C. Weil

Represented By  
Anthony A Friedman

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10326 Rooter Hero 9, Inc.**

**Chapter 7**

Adv#: 1:21-01033 Weil v. Akhoian et al

**#37.00** Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)

fr. 8/18/21; 9/8/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rooter Hero 9, Inc.

Represented By  
David S Hagen

**Defendant(s):**

John Akhoian

Pro Se

Plumber Hero, Inc.

Pro Se

**Plaintiff(s):**

Diane C. Weil

Represented By  
Anthony A Friedman

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10327 Rooter Hero of Ventura, LLC**

**Chapter 7**

Adv#: 1:21-01030 Goldman v. Akhoian et al

**#38.00** Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other.

fr. 8/18/21, 9/8/21

Docket 1

\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rooter Hero of Ventura, LLC

Represented By  
David S Hagen

**Defendant(s):**

John Akhoian

Pro Se

RH LAN, Inc.

Pro Se

**Plaintiff(s):**

Amy L. Goldman

Represented By  
Anthony A Friedman

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Anthony A Friedman

Diane C Weil

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10328 RHSFND**

**Chapter 7**

Adv#: 1:21-01031 Goldman v. Akhoian et al

**#39.00** Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)

fr. 8/18/21, 9/8/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

RHSFND

Represented By  
David S Hagen

**Defendant(s):**

John Akhoian

Pro Se

RH LAN, Inc.

Pro Se

**Plaintiff(s):**

Amy L. Goldman

Represented By  
Anthony A Friedman

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Anthony A Friedman

Diane C Weil

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

11:00 AM

**1:20-10577 Rooter Hero Plumbing, Inc.**

**Chapter 7**

Adv#: 1:21-01035 Goldman v. RH Orange, Inc. et al

**#40.00** Motion of Chapter 7 Trustee for Preliminary Injunction

fr. 6/24/21, 8/18/21, 9/8/21

Docket 2

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am.**

**Tentative Ruling:**

Apperance Required.

**Party Information**

**Debtor(s):**

Rooter Hero Plumbing, Inc.

Represented By  
David S Hagen

**Defendant(s):**

RH Orange, Inc.

Pro Se

Call Pro's, Inc.

Pro Se

John Akhoian

Pro Se

RH BAS, Inc.

Pro Se

RH LAN, Inc.

Pro Se

Plumber Hero, Inc.

Pro Se

**Plaintiff(s):**

Amy L. Goldman

Represented By  
Anthony A Friedman

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**CONT... Rooter Hero Plumbing, Inc.**

**Chapter 7**

Diane C. Weil

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-10577 Rooter Hero Plumbing, Inc.**

**Chapter 7**

Adv#: 1:21-01035 Goldman v. RH Orange, Inc. et al

- #41.00** Status Conference Re: Complaint to:  
(1) Avoid and Recover Fraudulent Transfers;  
(2) Avoid and Recover Post-Petition Transfers;  
(3) to Preserve Recovered Transfers for Benefit of Debtors Estate;  
(4) Permanent Injunction;  
(5) Trademark Infringement; and  
(6) Turnover of Property of the Estate

fr. 8/18/21 9/8/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/17/21 @11am.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rooter Hero Plumbing, Inc.

Represented By  
David S Hagen

**Defendant(s):**

RH Orange, Inc.

Pro Se

Call Pro's, Inc.

Pro Se

John Akhoian

Pro Se

RH BAS, Inc.

Pro Se

RH LAN, Inc.

Pro Se

Plumber Hero, Inc.

Pro Se

**Plaintiff(s):**

Amy L. Goldman

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**CONT... Rooter Hero Plumbing, Inc.**

**Chapter 7**

Anthony A Friedman

**Trustee(s):**

Amy L Goldman (TR)

Represented By

Anthony A Friedman

Diane C. Weil

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-11099 Arthur Martiryan**

**Chapter 7**

Adv#: 1:20-01121 JPMORGAN CHASE BANK, N.A. v. Martiryan

**#42.00** Status Conference Re: Complaint for  
Determination of Dischargeability of Debt  
Under 11 U.S.C. Sec. 523

fr. 2/17/21, 3/31/21, 5/19/21, 6/30/21; 8/4/21,  
9/8/21

Docket 1

**Tentative Ruling:**

Having considered the Plaintiff's Unilateral Status Report, filed 10/7/2021, the Court finds cause to continue this hearing to December 8, 2021, at 11:00 a.m.

Plaintiff to give notice of continued status conference.  
NO APPEARANCE REQUIRED ON 10/20/21

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arthur Martiryan Pro Se

**Defendant(s):**

Arthur Martiryan Pro Se

**Plaintiff(s):**

JPMORGAN CHASE BANK, N.A. Represented By  
Jillian A Benbow

**Trustee(s):**

Diane C Weil (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-11196 Tadeh Ahani Avaneessians**

**Chapter 7**

Adv#: 1:21-01051 Avaneessians v. ATS Accounting Group, Inc.

**#43.00** Status Conference re Notice of Removal of State Court Civil Action

Docket 1

**\*\*\* VACATED \*\*\* REASON: Moved to be heard on 10/20/21 @1pm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Defendant(s):**

ATS Accounting Group, Inc.

Represented By  
Bretton Pollack

**Plaintiff(s):**

Tadeh Ahani Avaneessians

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-11601 Andrea Ricci and Tonya Crooks**

**Chapter 13**

**#44.00 Evidentiary Hearing re: Motion to Disallow Claims**

fr. 9/23/21

Docket 64

**Tentative Ruling:**

This matter will be resolved when the Court grants the stipulation resolving the amount of the claim. According to the terms of the stipulation, the Debtor's claim objection shall be deemed withdrawn with prejudice upon the effective date.

No Appearance Required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Andrea Ricci

Represented By  
Robert M Aronson

**Joint Debtor(s):**

Tonya Crooks

Represented By  
Robert M Aronson

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:20-11601 Andrea Ricci**

**Chapter 13**

Adv#: 1:20-01120 Hensarling et al v. Crooks

**#45.00** Motion to compel responses to discovery from defendants and to extend discovery cutoff

Docket 25

**Tentative Ruling:**

Tonya Crooks ("Defendant") requests that the Court compel the Plaintiffs to turn over supplemental responses and documentation, and the Defendant requests the Court to extend the discovery deadline which is currently set to expire on October 30, 2021. Ashley and Sandra Hensarling ("Plaintiffs") oppose.

**Standard:**

The instant motion arises under Federal Rule of Civil Procedure 37(a), made applicable to bankruptcy proceedings through Federal Rule Bankruptcy Proceeding 7037(a), which authorizes a party to apply for an order to compel disclosure or discovery. If a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions. Fed. R. Civ. P. 37(a)(2) (A); see also *Soto v. City of Concord*, 162 F.R.D. 603, 609 (N.D. Cal 1995). FRCP 26, made applicable to bankruptcy proceeding through FRBP 7026, provides that a party has a general duty to disclose, without awaiting a discovery request, names and contact information of individuals with discoverable information, a copy of all documents that control or may be used to support claims or defenses, computation of damages, and any applicable insurance agreement. Fed. R. Civ. P. 26(a); Fed. R. Bankr. P. 7026(a). A party may obtain discovery "regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case[.]" Fed. R. Civ. P. 26(b)(1). Factors to consider include "the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**CONT... Andrea Ricci**

**Chapter 13**

parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Id. Information need not be admissible in evidence to be discoverable. Id. However, a court "must limit the frequency or extent of discovery otherwise allowed by [the Federal] rules" if "(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1)." Fed. R. Civ. P. 26(b)(2)(C).

The Plaintiffs oppose the production of documents because the document request would violate a confidential protective order in the state court action and that the stipulation does not comply with LBR 7026-1(C).

According to LBR 1001-1(d), "[t]he court may waive the application of any Local Bankruptcy Rule in any case or proceeding, or make additional orders as it deems appropriate, in the interest of justice." In order to get the heart of the issue, the Court will waive the LBR 7026-1 concerns and address the heart of the discovery dispute. Similarly, the Court invokes this rule for Defendant's request to strike the Plaintiff's objection for being filed late.

The Defendant's document and interrogatory requests are reasonable and related to the issues before this Court. Plaintiff asserts that the protective order entered into in the state court case prohibits the Plaintiff from turning documents. This argument is a weak one. First, the Plaintiff fails to provide any details or examples of how certain documents violate the protective order. The Plaintiff merely uses the protective order as a blanket objection for producing document. Second, it appears that the Defendant's counsel is now a party to this protective order. If the Plaintiff is concerned about a particular document or documents, the Court can add additional protections if need be. But the protective order does not absolve the Plaintiff's obligations from turning over requested documents.

The motion to compel is GRANTED. Any outstanding documents or interrogatories must be turned over to the Defendant within 14 days. Further, the discovery deadline will be extended to January 3, 2022.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

CONT... Andrea Ricci

**Chapter 13**

Appearance Required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Andrea Ricci

Represented By  
Robert M Aronson

**Defendant(s):**

Tonya Crooks

Represented By  
Robert M Aronson  
Alberto J Campaign

**Joint Debtor(s):**

Tonya Crooks

Represented By  
Robert M Aronson

**Plaintiff(s):**

Ashely Hensarling

Represented By  
Alberto J Campaign  
Robert M Aronson

Browgal, LLC (in its derivative

Represented By  
Alberto J Campaign  
Robert M Aronson

Sandra Hensarling

Represented By  
Alberto J Campaign  
Robert M Aronson

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

11:00 AM

**1:20-11601 Andrea Ricci and Tonya Crooks**

**Chapter 13**

**#46.00** Motion to approve stipulation by debtor and creditor  
Kinsella Weitzman Iser Kump LLP, regarding  
settlement of claim #18-1

Docket 76

**Tentative Ruling:**

Having reviewed the Motion to Approve the stipulation, the Court finds that the terms of the stipulation comply with the requirements under FRBP 9019(a). Further, the five factors ((1) the probability of success in the litigation; (2) the likely difficulties in collection; (3) the complexity of the litigation; (4) the expense, inconvenience and delay necessarily attending it; and (5) the paramount interest of the creditors) favors granting the stipulation. In re A&C Properties, 784 F.2d 1377 (9th Cir. 1986). The Motion is GRANTED.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

APPEARANCES WAIVED ON 10-21-2021

**Party Information**

**Debtor(s):**

Andrea Ricci

Represented By  
Robert M Aronson

**Joint Debtor(s):**

Tonya Crooks

Represented By  
Robert M Aronson

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

11:00 AM

**1:20-12023 Gregory Scott Caul**

**Chapter 7**

Adv#: 1:21-01023 Zhang et al v. Caul et al

**#47.00** Status Conference re: First Amended Complaint for seeking relief of claim #8. The Covid-19 Rental Debt, from Discharge . (RE: related document(s)1 Adversary case 1:21-ap-01023. Complaint by Charles Zhang , Tian Ping Wang against Gregory Scott Caul , Amber Marie Caul . (d),(e))) ,(65 (Dischargeability - other)) ,(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) filed by Plaintiff Charles Zhang, Plaintiff Tian Ping Wang).

Docket 11

**\*\*\* VACATED \*\*\* REASON: Dimissed w/ prejudice on Oct. 1, 2021 (ECF doc. 34) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gregory Scott Caul

Represented By  
Kevin T Simon  
David Brian Lally

**Defendant(s):**

Amber Marie Caul

Represented By  
David Brian Lally

Gregory Scott Caul

Represented By  
David Brian Lally

**Joint Debtor(s):**

Amber Marie Caul

Represented By  
Kevin T Simon  
David Brian Lally

**Plaintiff(s):**

Charles Zhang

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

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11:00 AM

**CONT... Gregory Scott Caul**

**Chapter 7**

Tian Ping Wang

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 20, 2021

Hearing Room 302

11:00 AM

**1:21-11024 Fred Solomon**

**Chapter 13**

Adv#: 1:21-01041 Rahm v. Solomon

**#48.00** Status Conference Re: Complaint to  
Determine Nondischargeability of Debt  
Pursuant to 11 U.S.C. Sec. 523(a)(6)

fr. 9/22/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main bankruptcy case dismissed on Oct. 1,  
2021 (ECF doc. 25) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Fred Solomon

Represented By  
Julie J Villalobos  
Jeff Katofsky

**Defendant(s):**

Fred Solomon

Pro Se

**Plaintiff(s):**

Donna Rahm

Represented By  
Christina M Coleman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:00 AM

**1:21-11024 Fred Solomon**

**Chapter 13**

Adv#: 1:21-01048 SOLOMON v. Solomon

- #49.00** Status Conference re: Complaint 1) Elder Abuse  
2) Fraudulent Conveyance  
3) Fraudulent Transfer  
4) Conversion  
5) Breach of Fiduciary Duty - Director/Officer  
6) Fraud - Concealment

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main bankruptcy case dismissed on Oct. 1, 2021 (ECF doc. 25) - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fred Solomon

Represented By  
Julie J Villalobos  
Jeff Katofsky

**Defendant(s):**

Fred Solomon

Pro Se

**Plaintiff(s):**

GERALD SOLOMON

Represented By  
Jeff Katofsky

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

11:30 AM

**1:18-12698 Green Nation Direct, Corporation**

**Chapter 7**

Adv#: 1:20-01096 Zamora, Chapter 7 Trustee v. Barahona

**#50.00** Status Conference Re: Complaint for:  
(1) Avoidance and Recovery of Preferential  
Transfers [11 U.S.C. Sections 547(b), 550(a),  
and 551]

fr. 1/6/21, 4/7/21, 6/9/21

Docket 1

**Tentative Ruling:**

No status report was filed in advance of this status conference. The last document filed in this case was Defendant's Answer, filed June 4, 2021 (ECF doc. 15). What is the status of this case?

**APPEARANCE REQUIRED**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Green Nation Direct, Corporation Pro Se

**Defendant(s):**

Miguel Barahona Pro Se

**Plaintiff(s):**

Nancy J Zamora, Chapter 7 Trustee Represented By  
Richard P Steelman Jr  
Jeffrey S Kwong  
Edward M Wolkowitz

**Trustee(s):**

Nancy J Zamora (TR) Represented By  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
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11:30 AM

**CONT... Green Nation Direct, Corporation**

**Chapter 7**

Edward M Wolkowitz  
Richard P Steelman Jr

**United States Bankruptcy Court  
Central District of California  
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Wednesday, October 20, 2021

Hearing Room 302

1:00 PM

1:20-11196 Tadeh Ahani Avanesians

Chapter 7

- #50.01 Motion by chapter 7 Trustee to: (1) Approve sale of personal property free and clear of all liens, interests, claims and encumbrances with such liens, interests, claims and encumbrances to attach to proceeds pursuant to 11 U.S.C. § 363(b), (f) and (i); (2) Approve bidding procedures and (3) Determine that buyers are entitled to protection pursuant to 11 U.S.C. § 363(m)

Docket 79

**Tentative Ruling:**

The court will order all parties to mediation as the issues in this "sale" are highly interconnected with the adversary proceedings. All matters will be continued to February 9 at 1 pm to allow for the parties to participate in mediation. If no global settlement is reached and documented by January 21, the parties must submit briefs with caselaw of no more than 10 pages on that date addressing the following questions:

1. What is the law concerning whether there was detrimental reliance on the trustee's statement to debtor that he could file an action in state court after the no asset report was issued, causing debtor to incur significant fees and expenses thereafter;
2. How is this a sale motion and the criteria for a settlement motion need not be shown, given the problems the sale creates for further litigation? See, e.g., Goodwin v. Mickey Thompson Entm't Group, Inc. (In re Mickey Thompson Entm't Group), 292 BR 415 (9th Cir. BAP 2003).
3. If only pre-petition claims are being sold, why should they not be defined more clearly so that debtor may fairly bid?

It appears the parties are just buying more complicated litigation and damages issues through this sale, and bringing very little into the estate in exchange. Rather than purchasing unknown assets, a good faith attempt at a global settlement is more appropriate at this point.

**Party Information**

**United States Bankruptcy Court  
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1:00 PM

**CONT... Tadeh Ahani Avaneessians**

**Chapter 7**

**Debtor(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Trustee(s):**

David Seror (TR)

Represented By  
Tamar Terzian

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 20, 2021**

**Hearing Room 302**

1:00 PM

**1:20-11196 Tadeh Ahani Avaneessians**

**Chapter 7**

Adv#: 1:21-01051 Avaneessians v. ATS Accounting Group, Inc.

**#51.00** Motion to Remand State Court Action Per  
28 U.S.C. Section 1452(b)

fr. 9/22/21

Docket 12

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Defendant(s):**

ATS Accounting Group, Inc.

Represented By  
Bretton I Pollack

**Plaintiff(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 20, 2021**

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1:00 PM

**1:20-11196 Tadeh Ahani Avaneessians**

**Chapter 7**

Adv#: 1:21-01051 Avaneessians v. ATS Accounting Group, Inc.

**#52.00 Amend Motion to Dismiss Adversary Proceeding**

Docket 24

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Defendant(s):**

ATS Accounting Group, Inc.

Represented By  
Bretton I Pollack

**Plaintiff(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, October 20, 2021**

**Hearing Room 302**

1:00 PM

**1:20-11196 Tadeh Ahani Avaneessians**

**Chapter 7**

Adv#: 1:21-01051 Avaneessians v. ATS Accounting Group, Inc.

**#52.01** Status Conference re Notice of Removal of State Court Civil Action

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tadeh Ahani Avaneessians

Represented By  
Sevan Gorginian

**Defendant(s):**

ATS Accounting Group, Inc.

Represented By  
Bretton Pollack

**Plaintiff(s):**

Tadeh Ahani Avaneessians

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

1:00 PM

**1:20-11983 Vahid Naziri**

**Chapter 7**

Adv#: 1:21-01011 Talaie v. Naziri

**#53.00** Status Conference re: Complaint seeking to determine dischargeability of debt pursuant to 11 u.s.c. section 523(a)(6)

fr. 4/7/21, 5/19/21

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED - no status report was filed, no order was lodged on motion to dismiss - has plaintiff abandoned this case?

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26



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**CONT... Vahid Naziri**

**Chapter 7**

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vahid Naziri

Represented By  
Levi Reuben Uku

**Defendant(s):**

Vahid Naziri

Pro Se

**Plaintiff(s):**

Mohammad Talaie

Represented By  
Nicholas S Nassif

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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Hearing Room 302

1:00 PM

1:21-10020 Stephen Joseph Waichulis

Chapter 7

Adv#: 1:21-01016 Waichulis v. UNITED STATES OF AMERICA on behalf of the INTERNAL

#54.00 Motion to Dismiss Pursuant to FRCP  
12/FRBP 7012

Docket 13

\*\*\* VACATED \*\*\* REASON: Case Dismissed Per Stipulated Order #18. If

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stephen Joseph Waichulis

Represented By  
Stephen L Burton

**Defendant(s):**

UNITED STATES OF AMERICA

Represented By  
Angela Gill

**Plaintiff(s):**

Stephen Joseph Waichulis

Represented By  
Stephen L Burton

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Hearing Room 302

1:00 PM

1:21-10263 Svetlana Buzina

Chapter 13

Adv#: 1:21-01012 Buzina v. Cardenas Three LLC, a California Limited Liability

#55.00 Motion to Dismiss Plaintiff's Adversary Complaint

Docket 17

**Tentative Ruling:**

In January 2017, Svetlana Buzina ("Plaintiff") and her spouse Arkady Buzin were facing foreclosure of real property 19237 Charles Street, Tarzana, CA 91356 (the "Property") and listed it for sale with a licensed real estate agent. Complaint ("Complaint"), ¶ 14. Sometime in January or February 2017, Plaintiff alleges that they were contacted by Shahid Naeem ("Naeem") who had learned that Plaintiff were in default and informed them that he was a real estate agent/broker. Id. at ¶ 15. Plaintiff alleges that Naeem explained that he could "immediately" arrange for a buyer to buy the Property at a higher price than being offered through their agent. Id. As the prior owner of the Property, Naeem represented that he knew the Property was larger than reflected in the County records and so its sale would garner a "substantially higher price" than the price for which it had been listed. Id. Plaintiff then terminated their listing agreement with their previous agent. Id.

On or about March 23, 2017, Plaintiff entered into a Listing Agreement with Naeem, granting him the exclusive right to market, solicit, and negotiate for the disposition of the Property, listing the sale price as \$1,800,000 and to pay Naeem a commission of 6%. Id. at ¶ 17. On the same day the Listing Agreement was executed, Plaintiff alleges that Naeem presented an offer in which "a buyer would purchase the Property for \$1,800,000, giving Plaintiff the option to continue to live in the Property and to invest their equity from the proceeds of the proposed sale in making improvements and updates to the Property. Id.

On or about April 9, 2017, Plaintiff accepted a written offer for the Property for \$1,800,000 and executed a home purchase agreement (the "Agreement"), prepared by Naeem, identifying Charles Street LLC, and/or Assigns as the equity purchaser. Id. at ¶ 20. Inaam Rasheed Naeem ("Inaam Rasheed") signed the Agreement on behalf of Charles Street LLC. Id. at ¶ 21. Plaintiff alleges that it was not until they executed the Agreement that they learned that the buyer was related to their broker Naeem. Id.

On or about April 13, 2017, Naeem and Plaintiff signed an Equity Sharing

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**CONT... Svetlana Buzina**

**Chapter 13**

Addendum (the "Equity Addendum"), allegedly prepared by Naeem. The Equity Addendum provided that Plaintiff would invest up to \$400,000 in "the buying entity" referred to as the "LLC" and for how the funds would be invested and provisions for how the proceeds of any future sale would be distributed. Id. at ¶ 23 - ¶24. Thereafter, on April 17, a Notice of Trustee's Sale was recorded on the Property, setting the auction for May 8, 2017. Id. at ¶ 19.

On or about May 4, 2017, Plaintiff alleges that they were presented with Amended Escrow Instructions (the "Am. Escrow Instructions") providing that the buyer, identified as Charles Street Investments, Inc. ("CSI"), would obtain a loan in the amount of \$1,560,000 secured by a first deed of trust in favor of Cardenas Three, LLC ("C3"). Id. at ¶ 25. The Am. Escrow Instructions also provided that CSI would obtain a second deed of trust in the amount of \$100,000 in favor of Plaintiff, payable 60 days after the close of escrow if they moved out of the Property, and a third deed of trust in the amount of \$300,000 in favor of Plaintiff payable 36 months after the close of escrow. Id. The Am. Escrow Instructions disclosed for the first time, as Plaintiff alleges, that Naeem the broker/real estate agent is related to Inaam Rashid of CSI and is also receiving commission as an agent/broker. Id. at ¶ 26.

Plaintiff signed the Am. Escrow Instructions and grant deed in favor of CSI, contending that they did so believing they had "no other choice" so that the sale would close before the date of the noticed Trustee's Sale. Id. at ¶ 27. On or about May 4, 2017, C3 loaned the sum of \$1,560,000 to CSI and CSI granted a first Deed of Trust in favor of C3, securing the loan. Id. at ¶ 29.

In July 2017, Plaintiff alleges that CSI, through Naeem, sent to Plaintiff a Notice of Breach of Agreement and a Notice to Perform Covenant (Cure) or Quit, seeking payment of \$62,500. Id. at ¶ 32. Naeem is then alleged to have attempted to gain entry to the Property to show it to prospective purchasers. Id. On August 3, 2017, Plaintiff claim they notified "Defendants" of their belief that the Agreement and Equity Addendum did not meet the requirements of Cal. Civ. Code § 1695, et seq. and offered to return the consideration received to resolve the claims. Id. at ¶ 33. On August 19, 2017, Plaintiff recorded a Notice of Rescission in the Los Angeles County Recorder's Office. Id. at ¶ 34.

Litigation History

On September 8, 2017, Plaintiff and Arkady Buzin filed a Complaint in the Los Angeles County Superior Court against C3 and others seeking, among other things, title to the Property and to obtain a judicial declaration that C3's Deed of Trust was

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CONT... Svetlana Buzina

Chapter 13

invalid (the "State Court Action"). RJN ISO MTD, Ex. 1.

On November 22, 2017, Plaintiff and Arkady Buzin filed a *First Amended Complaint in the State Court Action alleging causes of action for: 1) Quiet Title; 2) Rescission Based On Violation of Home Equity Sales Contract Act (California Civil Code §1695 et seq.); and 3) Damages Based on Violation of Home Equity Sales Contract Act (California Civil Code §1695 et seq.)* against C3. *Id.*, Ex. 2. In the First Amended Complaint, Plaintiff sought, among other things, title to the Property and a judicial declaration that C3's Deed of Trust was invalid.

On or about August 10, 2020, C3's *Demurrer to the First Amended Complaint* was sustained without leave to amend as to the causes of action for Rescission Based on Violation of Home Equity Sales Contract Act (California Civil Code §1695 et seq.) and Damages Based on Violation of Home Equity Sales Contract Act (California Civil Code §1695 et seq.). *Id.*, Ex. 3. As a result, the only remaining cause of action alleged by Plaintiff and Arkady Buzin against C3 was the First Cause of Action for Quiet Title.

On May 28, 2021, C3's *Motion for Summary Judgment* was granted with respect to the only remaining cause of action for Quiet Title alleged against C3 in the First Amended Complaint. *Notice of Ruling Regarding Defendant Cardenas Three LLC's Motion for Summary Judgment*. RJN ISO MTD, Ex. 4. On June 22, 2021, judgment was entered in favor of C3 and against Plaintiff and Arkady Buzin on the First Amended Complaint. *Id.*, Ex. 5. On July 16, 2021, post-judgment, Plaintiff removed State Court Action to this Court, as adversary proceeding no. 1:21-ap-01044-MT.

#### Bankruptcy History

On or about December 8, 2017, Plaintiff and Arkady Buzin filed a Voluntary Petition in the United States Bankruptcy Court for the Central District of California – San Fernando Division entitled *In Re Arkady Alexandrovich Buzin, Svetlana Buzina*, Case No. 1:17-bk-13284-MT (the "First Bankruptcy Matter"). RJN ISO MTD, Ex. 6. On or about February 28, 2018, Plaintiff and Arkady Buzin filed an Adversary Proceeding in the United States Bankruptcy Court for the Central District of California – San Fernando Division entitled *Arkady Alexandrovich Buzin, Svetlana Buzina v. Charles Street Investments Inc., et al.*, Case No. 1:18-ap-01021-MT (the "First Adversary Proceeding"). *Id.* at Ex. 7.

On or about October 17, 2019, the Court dismissed the First Bankruptcy Matter as Plaintiff and Arkady Buzin agreed to settle with their creditors, including C3, and the

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**CONT... Svetlana Buzina**

**Chapter 13**

First Adversary Proceeding was closed thereafter. Id., Ex. 8; 9; and 10.

On November 20, 2020, Arkady Buzin filed a Voluntary Petition in the United States Bankruptcy Court for the Central District of California – San Fernando Division entitled *In Re Arkady Alexandrovich Buzin*, Case No. 1:20-bk-12030-MT (the "Second Bankruptcy Matter"). Id., Ex 11. On January 28, 2021, the Court dismissed the Second Bankruptcy Matter. Id., Ex 12.

On February 18, 2021, Plaintiff filed a Voluntary Petition in the United States Bankruptcy Court for the Central District of California – San Fernando Division entitled *In Re Svetlana Buzina*, Case No. 1:21-bk-10263-MT ("Plaintiff's Bankruptcy Matter"). Id., Ex 13.

On February 23, 2021, Plaintiff filed the Complaint against C3 and others. Plaintiff's Complaint alleges causes of action against C3 for 1) Determination and Priority of Liens; 2) Negligence; and 3) Declaratory Relief. Plaintiff's Complaint seeks, among other things, title to the Property and a judicial declaration that C3's Deed of Trust is invalid. (See Adversary Complaint, ¶¶43-52).

C3 moves to dismiss this adversary complaint, as it argues that the claims alleged in Plaintiff's Complaint are barred by claim and issue preclusion. Plaintiff's position is that the claims raised by Plaintiff are identical in Plaintiff's Complaint and in the First Amended Complaint in the State Court Action that resulted in a Judgment in favor of C3 and the party against whom preclusion is asserted in the instant adversary proceeding (Plaintiff) was a party in the State Court Action.

Standard for Motion to Dismiss Under FRCP 12(b)(6)

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. "A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008) (*quoting* Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1990)).

In resolving a Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff, and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, and unwarranted inferences cast as factual allegations. Bell Atl.

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CONT... Svetlana Buzina

Chapter 13

Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

"While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." Twombly, 550 U.S. at 555 (citations omitted). "In practice, a complaint . . . must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." Id. at 562 (emphasis added) (*quoting* Car Carriers, Inc. v. Ford Motor Co., 745 F.2d 1101, 1106 (7th Cir. 1984)).

In Ashcroft v. Iqbal, 556 U.S. 662 (2009), the Supreme Court elaborated on the Twombly standard: To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. . . . Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. 550 U.S. at 570 (citations and internal quotation marks omitted).

Further, the allegations of the complaint, along with other materials properly before the court on a motion to dismiss, can establish an absolute bar to recovery. See Weisbuch v. County of Los Angeles, 119 F.3d 778, 783 n. 1 (9th Cir. 1997) ("If the pleadings establish facts compelling a decision one way, that is as good as if depositions and other expensively obtained evidence on summary judgment establishes the identical facts."). While the court generally must not consider materials outside the complaint, the court may consider exhibits submitted with the complaint. Durning v. First Boston Corp., 815 F.2d 1265, 1267 (9th Cir. 1987).

"Under *res judicata*, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action." Allen v. McCurry, 449 U.S. 90, 94 (1980) (citation omitted); Estate of Redfield, 193 Cal.App.4th 1526, 1534 (2011) ("*Res judicata*, or claim preclusion, prevents relitigation of the same cause of action in a second suit between the same parties or parties in privity with them"). "Congress has specifically required all federal courts to give preclusive effect to state-court judgments whenever the courts of the State from which the judgments emerged would do so." Allen, 449 U.S. 95 (citation omitted). "Under the doctrine of *res judicata*, 'all claims based on the same cause of action must be decided in a single suit; if not brought initially, they may not be raised



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Svetlana Buzina

Chapter 13

at a later date." Federal Home Loan Bank of San Francisco v. Countrywide Financial Corp., 214 Cal.App.4th 1520, 1527(2013) (quotation omitted). "*Res judicata* precludes piecemeal litigation by splitting a single cause of action on a different legal theory or for different relief." Id. (quotation omitted). "*Res judicata* bars a cause of action that was or could have been litigated in a prior proceeding if '(1) the present action is on the same cause of action as the prior proceeding; (2) the prior proceeding resulted in a final judgment on the merits; and (3) the parties in the present action or parties in privity with them were parties to the prior proceeding.'" Id. (quotation omitted).

"California courts apply the 'primary rights theory' to 'determine whether two proceedings involve identical causes of action for purposes of claim preclusion.'" Id. at 1530 (quotation omitted). "[T]he cause of action is based upon the harm suffered, as opposed to the particular theory asserted by the litigant." Id. (quotation omitted). "Thus, under the primary rights theory, the determinative factor is the harm suffered." Id. at 1531 (quotation omitted).

Defendant argues that claim and/or issue preclusion bars Plaintiff's claims because Plaintiff's Adversary Complaint is based on the same claims as the State Court Action. It is undisputed that in Plaintiff's Complaint, she seeks a judicial declaration that the C3 Deed of Trust is invalid. (Complaint, ¶¶43, 49-52). It is also undisputed that in the State Court Action, Plaintiff sought a judicial declaration that C3's Deed of Trust was invalid. (RJN, Ex. 2, p. 12). Defendant contends that under the primary rights theory, Plaintiff's claims in the Adversary Complaint and in the State Court Action are identical because she seeks to invalidate the C3 Deed of Trust in both proceedings. Second, it is undisputed that on June 22, 2021, judgment was entered in favor of C3 and against Plaintiff and Arkady Buzin on the First Amended Complaint in the State Court Action. (RJN, Ex. 5). Third, it is undisputed that Plaintiff and C3 are parties in both matters. Thus, it is Defendant's position that the claims related to the C3 Deed of Trust were actually litigated and decided in the State Court Action, and they cannot be re-litigated in this adversary action.

Having reviewed the Motion to Dismiss, the Request for Judicial Notice filed in support, and finding no opposition to the Motion, the Defendant's motion is GRANTED and the Complaint is dismissed with prejudice, as Defendant has demonstrated that amendment would be futile.

**Party Information**

**Debtor(s):**

Svetlana Buzina

Represented By



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**CONT... Svetlana Buzina**

**Chapter 13**

Nancy Korompis

**Defendant(s):**

Cardenas Three LLC, a California

Represented By  
Timothy J Silverman

Franklin Advantage, Inc.

Pro Se

Charles Street Investments, Inc.

Represented By  
Stella A Havkin

Charles Street Investment, LLC.

Pro Se

Inaam Rasheed Naeem, an

Represented By  
Stella A Havkin

**Plaintiff(s):**

Svetlana Buzina

Represented By  
Nancy Korompis  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**1:21-10263 Svetlana Buzina**

**Chapter 13**

Adv#: 1:21-01012 Buzina v. Cardenas Three LLC, a California Limited Liability

**#56.00** Status Conference Re: Complaint for  
Quiet Title  
1 - To Determine the Extent and Validity of  
Liens on Real Property;  
2 - Quiet Title - Fraud  
3 - Fraud  
4 - Violation of Home Equity Sales Contract  
Act California Civil Code, Sec. 1695  
5 - Breach of Contract  
6 - Negligence  
7 - Declaratory Relief

[Re Property located at:  
19237 Charles St.  
Tarzana, CA 91356]

fr. 4/28/21; 5/5/21; 8/18/21

Docket 5

**Tentative Ruling:**

This matter to be dismissed - see Tentative Ruling re cal. no. 55

**Party Information**

**Debtor(s):**

Svetlana Buzina

Represented By  
Nancy Korompis

**Defendant(s):**

Cardenas Three LLC, a California

Pro Se

Franklin Advantage, Inc.

Pro Se

Charles Street Investments, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 20, 2021**

**Hearing Room 302**

1:00 PM

**CONT... Svetlana Buzina Chapter 13**

Charles Street Investment, LLC. Pro Se

Inaam Rasheed Naeem, an Pro Se

**Plaintiff(s):**

Svetlana Buzina Represented By  
Nancy Korompis

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se