

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

9:00 AM

**2:00-000000**

**Chapter**

- #1.00** Hearings in Judge Bason's courtroom (1545) are now simultaneously (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, and (3) via ZoomGov telephone.
- You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

**ZoomGov Instructions for all matters on today's calendar:**

Meeting ID: 160 663 9356

Password: 844857

Meeting URL: <https://cacb.zoomgov.com/j/1606639356>

Telephone: +1 669-254-5252 or +1 646-828-7666 or 833-568-8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

**Chapter 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.**

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so); (c) when you make your argument, please pause from time to time so that, for example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name or uses the wrong pronoun.

Docket 0

**Tentative Ruling:**

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

9:00 AM

**CONT...**

**Chapter**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:21-18463 Lilia Lugo Vera**

**Chapter 13**

**#1.00 Hrg re: Motion for relief from stay [RP]**

THE BANK OF NEW YORK MELLO  
vs  
DEBTOR

Docket 35

**Tentative Ruling:**

Grant in part and continue in part to 1/24/23 at 10:00 a.m. to address the following issues. Appearances are not required on 1/10/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Relief notwithstanding future bankruptcy cases.

As to the requested relief that will remain effective notwithstanding any future bankruptcy case, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (sometimes referred to in the mortgage context as the "original borrower(s)").

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**CONT... Lilia Lugo Vera**

**Chapter 13**

Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting such relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Anna Zabelina (dkt. 35, p. 17) and Alexander Popov (*id.*, p. 45). But Debtor's proof of service (*id.*, p. 12) does not reflect service on Alexander Popov.

Option for shortened time: This Court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant (i) serving, on the day after the current hearing date, the motion papers and notice of the continued hearing date, and (ii) filing that notice and a proof of service no later than the next day. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Option for interim/partial order: Movant may elect to lodge a proposed order granting the *partial* relief provided in this tentative ruling, but any such order must recite that a continued hearing has been set to consider additional relief (or, alternatively, that the movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

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

**Debtor(s):**

Lilia Lugo Vera

Represented By  
Ramiro Flores Munoz

**Movant(s):**

THE BANK OF NEW YORK

Represented By

**United States Bankruptcy Court  
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**CONT... Lilia Lugo Vera**

Kristin A Zilberstein

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-14360 Arizona Wilson**

**Chapter 13**

**#2.00 Hrg re: Motion for relief from stay [RP]**

THE BANK OF NEW YORK MELLON  
vs  
DEBTOR

Docket 34

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 38).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

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

**Debtor(s):**

Arizona Wilson

Represented By  
Joshua L Sternberg

**Movant(s):**

The Bank of New York Mellon FKA

Represented By  
Ciro Mestres  
Kristin A Zilberstein

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-16650 Anthony Bisserup**

**Chapter 13**

**#3.00 Hrg re: Motion for relief from stay [UD]**

PALOMA CDLB LLC  
vs  
DEBTOR

Docket 7

**Tentative Ruling:**

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

The automatic stay does not apply

This case has been dismissed, which terminates the automatic stay. See 11 U.S.C. 349(b)(3) & 362(c).

In the alternative and in addition, the tentative ruling is to grant relief from the automatic stay as follows.

Note regarding mootness: Judge Bason's standard tentative ruling is as follows. For three reasons the above tentative ruling that there *is no stay* does not moot requests for relief from whatever stay might apply.

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**CONT...**

**Anthony Bisserup**

**Chapter 13**

First, such *alternative* rulings are appropriate because (i) the very nature of *tentative* rulings is that this Court could be persuaded to depart from any one of them, and (ii) a *final* ruling on any one issue could be reversed on appeal. Second, even if there is currently no stay, that could change - e.g., if there is no stay because of dismissal of this bankruptcy case, such dismissal could be vacated and that might reimpose the stay even if there is a lack of adequate protection, or other grounds why the stay should not apply, and therefore the movant will suffer cognizable harm unless the issues are addressed now (Judge Bason regularly vacates dismissals based on stipulations or other good cause). Third, if the motion includes any request for relief as to *past* acts (annulment) or *future* cases (*in rem* relief), those things are still at issue even if there is no *current* automatic stay. See *In re Aheong*, 276 B.R. 233 (9th Cir. BAP 2002). For all of these reasons, the tentative ruling is that it is appropriate to address the following issues.

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a) (3).

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

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

**Debtor(s):**

Anthony Bisserup

Pro Se



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**CONT... Anthony Bisserup**

**Chapter 13**

**Movant(s):**

Paloma CDLB LLC

Represented By  
Richard Sontag

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-16797 Juan Herrera**

**Chapter 13**

**#4.00** Hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate

Docket 5

**Tentative Ruling:**

Grant, subject to the following conditions. Appearances are not required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

*Key documents reviewed (other than the motion papers):* N/A (no opposition on file as of the preparation of this tentative ruling).

After the hearing date this Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to continue/impose the automatic stay, and to continue/impose it as to all persons rather than just as to selected persons, because one purpose of the

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**Juan Herrera**

**Chapter 13**

automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this Court provides the foregoing simple process for reconsideration.

(3) Very limited ruling. This Court's tentative ruling to grant the foregoing relief is solely for purposes of this motion, and is not intended to have any binding effect with respect to any future assertions by any party in interest regarding the existence or lack of existence of good faith in any other context.

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

Juan Herrera

Represented By  
Jaime A Cuevas Jr.

**Movant(s):**

Juan Herrera

Represented By  
Jaime A Cuevas Jr.

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:15-11928 Yasmin Devika Nanayakkara**

**Chapter 7**

**#5.00** Cont'd hrg re: Motion to reopen case to enter judgment enforcing terms of parties stipulation fr. 9/6/22, 12/6/22

Docket 176

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Continue to 5/16/23 at 10:00 a.m. pursuant to Movants' Status Report (dkt. 184). Appearances are not required on 1/10/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**Tentative Ruling for 12/6/22:**

Appearances required.

This matter was originally scheduled to be heard on 9/6/22 at 11:00 a.m., but was continued by stipulation of the parties and an order thereon. Dkt. 180, 181. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

<b>Party Information</b>
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**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1545**

10:00 AM

**CONT... Yasmin Devika Nanayakkara**

**Chapter 7**

**Debtor(s):**

Yasmin Devika Nanayakkara

Pro Se

**Movant(s):**

Havkin & Shrago

Represented By  
Stella A Havkin

**Trustee(s):**

David A Gill (TR)

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:20-12065 Cleotilde V. Endique**

**Chapter 13**

**#6.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/6/22

DEUTSCHE BANK NATIONAL TRUST CO  
VS  
DEBTOR

Docket 41

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

**Tentative Ruling:**

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

**Debtor(s):**

Cleotilde V. Endique

Represented By  
Leonard Pena

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Sean C Ferry  
Fanny Zhang Wan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 10, 2023**

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10:00 AM

**2:21-10361 DOUGLAS E. WALLACE , JR**

**Chapter 13**

**#7.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 10/11/22, 11/8/22, 12/6/22

AJAX MORTGAGE LOAN TRUST 2021-G,  
MORTGAGE-BACKED SECURITIES, 2021  
vs  
DEBTOR

Docket 104

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

As to both motions for relief from the automatic stay (dkt. 104, 106), grant in part and continue in part, as set forth below.

Proposed order(s): Unless otherwise ordered, Movants are directed to lodge proposed interim order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed: motion for relief from stay filed by senior lienholder Ajax Mortgage Loan Trust 2021-G, Mortgage-Backed Securities, Series 2021-G, by U.S. Bank National Association, as Indenture Trustee ("US Bank") (dkt. 104); motion for relief from stay filed by junior lienholder Creative Investment Group, Inc. ("Creative" or, with US Bank, "Movants") (dkt. 106, 107); Oppositions of Debtor's "next friend," Danielle L. Davis-Wallace ("Next Friend") (dkt. 109, 110, 114 (correcting dkt. 112), 115); Reply by Creative (dkt. 111); Orders continuing hearings (dkt. 117, 118); Next Friend's supplemental declaration (dkt. 123); supplemental reply of Creative (dkt. 124).

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**CONT... DOUGLAS E. WALLACE , JR**

**Chapter 13**

*Analysis:*

Under 11 U.S.C. 362(d)(1) this Court "shall" grant relief from the automatic stay for "cause, including the lack of adequate protection of an interest in property." Debtor's Next Friend has asserted that the purported equity in the subject property, combined with the purported progress toward refinancing the subject property and paying US Bank and Creative, provide such adequate protection (11 U.S.C. 361), despite (a) the large number of months of missed payments, (b) the history of prior, unsuccessful bankruptcy cases, and (c) the lack of current monthly adequate protection payments. Although a sufficiently large equity cushion could constitute adequate protection (11 U.S.C. 361), the burden is on Debtor's Next Friend to show that whatever equity exists in the subject property is large enough to protect Movants' interests.

In the past, this Court has interpreted Debtor's (somewhat vague) declarations to assert that she has some basis on which to opine as to the value of the subject property, and consequently to assert that there is a large equity cushion. But after two prior continuances (from 10/11/22 to 11/8/22, and then to 12/6/22), this Court issued orders (dkt. 117, 118) setting a deadline to provide "better evidence" than what Debtor's Next Friend has provided to date regarding the value of the subject property, and regarding other liens and the purported equity in the property.

Despite those orders, Debtor's Next Friend has simply defiled a (belated) declaration re-attaching a purported copy of appraisal that was done for another party, and asserting based on that unauthenticated hearsay that there is equity in the property. See dkt. 123, at PDF p. 3, para. 2 & 3 and Ex. 1. In addition, although the owner of property generally is considered competent to opine as to its value (see Hon. Barry Russell, Bankr. Evid. Manual, section 701:2 (Thomson Reuters, 2022-23 Ed.)), Debtor's Next Friend has not addressed whether she asserts a sufficient ownership interest to qualify to opine as to the value of the subject property, nor has she actually expressed her own opinion as to value. *Compare* Next Friend's declaration (dkt. 123, at PDF pp. 3-4) *with* Order (dkt. 117), p. 2:16-24 (deadline to file and serve "better evidence" of value, "e.g., a declaration from Debtor's own appraiser or, failing that, a more comprehensive declaration from Debtor (A) establishing that she has a legal interest in the property, due to being an heir or on other grounds, and (B) explaining how long she has lived at the



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**CONT... DOUGLAS E. WALLACE , JR**

**Chapter 13**

property, and/or (C) some other foundation for sufficient familiarity with the property to support the admissibility of her opinion of its value").

Accordingly, the tentative ruling is that Debtor's Next Friend has not satisfied the deadline in this Court's orders, nor has she met her statutory burden to show adequate protection. See 11 U.S.C. 362(g). Accordingly, this Court "shall" grant some form of relief from the automatic stay.

The tentative ruling is that this Court must direct that unless Movants receive monthly payments in the full dollar amount of the non-default rates of interest to which they would be entitled under the loan documents, this Court must grant one of the following forms of relief from the automatic stay. The tentative ruling is that such relief should take the form of a deadline by which to file a refinance motion, with a realistic prospect of fully resolving these motions for relief from the automatic stay, including a draft escrow statement showing payment in full. Alternatively, this Court could terminate the automatic stay, but prohibit any actual foreclosure sale prior to a set deadline, or this Court could grant other relief.

The parties are directed to address at the hearing what form of relief this Court should grant.

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

DOUGLAS E. WALLACE JR

Represented By  
Misty Wilks

**Movant(s):**

Ajax Mortgage Loan Trust 2021-G,

Represented By  
Reilly D Wilkinson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:21-10361 DOUGLAS E. WALLACE , JR**

**Chapter 13**

**#8.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 10/11/22, 11/8/22, 12/6/22

CREATIVE INVESTMENT GROUP, INC  
vs  
DEBTOR

Docket 106

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Please see the tentative ruling for calendar no. 7 (1/10/23 at 10:00 a.m.).

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

DOUGLAS E. WALLACE JR

Represented By  
Misty Wilks

**Movant(s):**

Creative Investment Group, Inc.

Represented By  
Julian K Bach

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1545**

10:00 AM

**2:21-15116 Felipe Gerardo**

**Chapter 13**

**#9.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/6/22

DEUTSCHE BANK NATIONAL TRUST CO  
VS  
DEBTOR

Docket 44

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

**Tentative Ruling:**

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

**Debtor(s):**

Felipe Gerardo

Represented By  
Jaime A Cuevas Jr.

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Sean C Ferry  
Fanny Zhang Wan  
Theron S Covey

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:21-18217 Deonne Louise Marilyn Watson**

**Chapter 13**

**#10.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 11/15/22

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 57

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Appearances required.

At the hearing on 11/15/22 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**Tentative Ruling for 11/15/22:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 65).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

<b>Party Information</b>
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**CONT... Deonne Louise Marilyn Watson**

**Chapter 13**

**Debtor(s):**

Deonne Louise Marilyn Watson

Represented By  
Elena Steers

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Joseph C Delmotte

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1545**

10:00 AM

**2:22-11347 Adonis Ogbeni**

**Chapter 13**

**#11.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/6/22

U.S. BANK TRUST NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 73

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

**Tentative Ruling:**

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

**Debtor(s):**

Adonis Ogbeni

Represented By  
Anthony Obehi Egbase

**Movant(s):**

U.S. Bank Trust National

Represented By  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-11865 Marco Antonio Gonzales and Sonia Guadalupe Gonzales**

**Chapter 13**

**#12.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/6/22

DEUTSCHE BANK TRUST COMPANY AMERICAS  
VS  
DEBTOR

Docket 52

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

**Tentative Ruling:**

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

**Debtor(s):**

Marco Antonio Gonzales

Represented By  
Jaime A Cuevas Jr.

**Joint Debtor(s):**

Sonia Guadalupe Gonzales

Represented By  
Jaime A Cuevas Jr.

**Movant(s):**

Deutsche Bank Trust Company

Represented By  
Fanny Zhang Wan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-14119 Maria Teresa Melendez Rey**

**Chapter 7**

**#13.00** Cont'd hrg re: Reaffirmation Agreement  
[Nissan Motor Acceptance Company LLC  
fka Nissan Motor Acceptance Corporation]  
fr. 12/19/22

Docket 16

**Tentative Ruling:**

There is no tentative ruling.

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

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

**Debtor(s):**

Maria Teresa Melendez Rey

Represented By  
Christopher J Langley

**Trustee(s):**

John P Pringle (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-15134 Laura Susan Najarro**

**Chapter 7**

**#14.00** Cont'd hrg re: Reaffirmation Agreement  
[Capital One Auto Finance, a division of Capital One, N.A.]  
fr. 12/19/22

Docket 16

**Tentative Ruling:**

There is no tentative ruling.

**Appearances required.**

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

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

**Debtor(s):**

Laura Susan Najarro

Represented By  
Barry E Borowitz

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

10:00 AM

**2:22-16022 Angel Steve Varella**

**Chapter 7**

**#15.00** Cont'd hrg re: Reaffirmation Agreement  
[Toyota Motor Credit Corporation]  
fr. 12/19/22

Docket 17

**Tentative Ruling:**

There is no tentative ruling.

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

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

**Debtor(s):**

Angel Steve Varella

Represented By  
Christopher J Lauria

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:21-16499 Larry Li**

**Chapter 7**

Adv#: 2:22-01066 MENCHACA v. Li et al

**#1.00** Hrg re: Trustee's motion to dismiss adversary proceeding

Docket 19

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 2, 1/10/23 at 11:00 a.m.).

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

**Debtor(s):**

Larry Li

Represented By  
George J Paukert  
David B Lally

**Defendant(s):**

Larry Li

Represented By  
David B Lally

Hanguang Li

Represented By  
David B Lally

**Plaintiff(s):**

JOHN J MENCHACA

Represented By  
Wesley H Avery

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:21-16499 Larry Li**

**Chapter 7**

Adv#: 2:22-01066 MENCHACA v. Li et al

**#2.00** Cont'd status conference re: Trustee's complaint to deny the debtor's discharge; to avoid fraudulent transfers; to recovery avoided transfers; to object to putative exemption; to impose a resulting trust; for an accounting; for a declaratory judgment; for turnover; for injunctive relief; for permission to sell real property in which a non-debtor asserts an interest; and for substantive consolidation of spouse defendant with the debtor's estate [11 U.S.C. sections 105(a), 363(h) 522(g), 541(a)(2), 542, 544(b) 548, 550 and 727(a), 28 U.S.C. sections 2201(a) and Cal.Civ. Code section 3439.04(a)(1) fr. 5/31/22, 8/23/22, 10/25/22

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Grant Plaintiff/Trustee's motion to dismiss this proceeding and conclude this status conference (no further continuance), as set forth below. Appearances are not required on 1/10/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**(1) Current issues**

**(a) Plaintiff/Trustee's motion to dismiss adversary proceeding (adv. dkt. 19), no opposition on file**  
Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 10, 2023**

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11:00 AM

**CONT...**

**Larry Li**

**Chapter 7**

lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(c) Deadlines

This adversary proceeding has been pending since 3/14/22. The tentative ruling is to conclude the status conference (no continuance).

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

Larry Li

Represented By  
George J Paukert

**Defendant(s):**

Larry Li

Represented By  
George J Paukert  
David B Lally

Hanguang Li

Represented By  
George J Paukert  
David B Lally

**Plaintiff(s):**

JOHN J MENCHACA

Represented By  
Wesley H Avery

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:20-17525 Nicole R. Prause**

**Chapter 7**

Adv#: 2:20-01662 Minc v. Prause

**#3.00** Cont'd Status Conference re: Complaint for Monetary and Equitable Relief and Demand for a Jury Trial fr. 01/26/21, 2/9/21, 03/02/21, 4/6/21, 6/15/21, 10/26/21, 2/15/22, 6/14/22, 10/11/22

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Continue to 3/21/23 at 11:00 a.m., based on this Court's review of Plaintiff's status report (adv. dkt. 31), with a *brief* status report due 3/9/23.

Appearances are not required on 1/10/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**[INTERIM TENTATIVE RULING(S) OMITTED]**

**Tentative Ruling for 10/26/21:**

Continue as set forth below. Appearances are not required on 10/26/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

This nondischargeability matter has continued a number of times to give the parties an opportunity to explore settlement, but, despite repeated mediations, the mediator reports (adv. dkt. 19) that this matter did not settle. Meanwhile, this Court has issued an order (dkt. 80) terminating the automatic stay to permit plaintiff Mr. Minc to proceed with the underlying litigation

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**CONT...**

**Nicole R. Prause**

**Chapter 7**

against Debtor (and, at least previously, other person(s)) in the State courts of Ohio. This Court issued another order (adv. dkt. 10) staying this adversary proceeding.

The tentative ruling is to continue this status conference out several months, in the expectation (x) that the State Court litigation will be issue preclusive on relevant elements of the nondischargeability claim, and (y) that, once a final judgment is rendered in the State Court litigation, one or both parties will file appropriate papers in this adversary proceeding seeking to remove the stay of this nondischargeability matter and then do whatever may be necessary or appropriate to conclude their litigation before this Court.

Based on all of the foregoing, the tentative ruling is to continue this Status Conference to **2/15/21**[error: should be 2022] **at 2:00 p.m.**, with a *brief status report due 2/1/21*[error: should be 2022].

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

Nicole R. Prause

Represented By  
Michael Jay Berger

**Defendant(s):**

Nicole R. Prause

Pro Se

**Plaintiff(s):**

Aaron M Minc

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:22-11884 James Benjamin Williams**

**Chapter 13**

Adv#: 2:22-01179 Williams v. Apex Equity DBA Equitable Management Team

**#4.00** Cont'd status conference re: Complaint for a declaratory judgment to determine the validity, priority and extent of liens in property and for quiet title fr. 12/20/22

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order granting default judgment [dkt. 18]**

**Tentative Ruling:**

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

**Debtor(s):**

James Benjamin Williams

Represented By  
Sanaz Sarah Bereliani

**Defendant(s):**

Apex Equity DBA Equitable

Pro Se

**Plaintiff(s):**

James Benjamin Williams

Represented By  
Sanaz Sarah Bereliani

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:22-13079 Jose Reyes Torres**

**Chapter 7**

Adv#: 2:22-01133 Yoo v. De La Cruz

**#5.00** Cont'd status conference re: Complaint for (1) Avoidance of voidable transfer; (2) Recovery of avoided transfer; (3) Sale of interest of co-owner in property of the estate; and (4) Turnover of property fr. 9/6/22, 10/25/22

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Continue to 2/7/23 at 11:00 a.m. Appearances are not required on 1/10/23.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**(1) Current issues**

This Court has reviewed the parties' status report (dkt. 21) and has no issues to raise sua sponte at this time.

**(2) Standard requirements**

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

**(a) Venue/jurisdiction/authority**

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adversary docket number 14).

**(b) Mediation**

This matter was ordered to mediation on 11/8/22. Adv. dkt. 19.

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Central District of California  
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Neil Bason, Presiding  
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**Hearing Room 1545**

11:00 AM

**CONT... Jose Reyes Torres**

**Chapter 7**

**(c) Deadlines**

This adversary proceeding has been pending since 6/24/22.

The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 16).

**Tentative Ruling for 10/25/22:**

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**(1) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 14) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte*.

**(2) Standard requirements**

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

**(a) Venue/jurisdiction/authority**

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. See *generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**CONT...**

**Jose Reyes Torres**

**Chapter 7**

2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a **deadline of 11/8/22** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 6/24/22.

Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: 2/14/23

Discovery cutoff (for *completion* of discovery): 2/24/23

Joint Status Report: 11/29/22

Continued status conference: 12/6/22 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: 3/3/23

Pretrial conference: 3/7/23 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 3/20/23 (for the format of exhibits and other trial procedures, please see the Procedures of Judge Bason (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "Trial Practice" BUT, at least during the COVID-19 shut down of the courtroom, also see the forms of order regarding video trials, posted on Judge Bason's portion of the Court's above-referenced web page)

Trial commencement: 3/23/23 at 9:00 a.m.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**CONT... Jose Reyes Torres**

**Chapter 7**

**Party Information**

**Debtor(s):**

Jose Reyes Torres

Represented By  
Jaime A Cuevas Jr.

**Defendant(s):**

Guadalupe I De La Cruz

Represented By  
Richard T Baum

**Plaintiff(s):**

Timothy J. Yoo

Represented By  
Carmela Pagay

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:22-13430 Kenny Kwang Um**

**Chapter 7**

Adv#: 2:22-01151 Um v. United States Department of Education et al

**#6.00** Cont'd Status Conference re: Complaint to Determine Dischargeability of Student Loans for Discharge of Student Loans Under 11 § 523(a)(8) fr. 10/11/22, 11/15/22

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 4/18/23 at 11:00 a.m. [dkt. 12]**

**Tentative Ruling:**

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

**Debtor(s):**

Kenny Kwang Um

Represented By  
Rosendo Gonzalez

**Defendant(s):**

United States Department of

Pro Se

Aidvantage, form unknown

Pro Se

**Plaintiff(s):**

Kenny Kwang Um

Represented By  
Rosendo Gonzalez

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:20-10484 The New School of Cooking, Inc.**

**Chapter 7**

Adv#: 2:22-01014 Avery v. JP MORGAN CHASE BANK, N.A.

**#7.00** Cont'd Status Conference re: Complaint for Avoidance and Recovery of Voidable and/or Fraudulent Transfers and Objection to Claim fr. 3/29/22, 4/12/22, 7/5/22, 9/20/22, 11/15/22

Docket 1

**\*\*\* VACATED \*\*\* REASON: Per order (adv. dkt. 19)**

**Tentative Ruling:**

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

**Debtor(s):**

The New School of Cooking, Inc.

Represented By  
Crystle Jane Lindsey  
Daniel J Weintraub  
James R Selth

**Defendant(s):**

JP MORGAN CHASE BANK, N.A.

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Matthew A Lesnick

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Lesnick Prince & Pappas, LLP  
Jeffrey L Sumpter  
Debra E Cardarelli  
Matthew A Lesnick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:20-10484 The New School of Cooking, Inc.**

**Chapter 7**

Adv#: 2:22-01021 Avery v. WELLS FARGO BANK N.A

**#8.00** Cont'd Status Conference re: Complaint for Avoidance and Recovery of Voidable and/or Fraudulent Transfers and Objection to Claim fr. 3/29/22, 4/12/22, 7/5/22, 9/20/22, 11/15/22

Docket 1

**\*\*\* VACATED \*\*\* REASON: Per order (adv. dkt. 14).**

**Tentative Ruling:**

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

**Debtor(s):**

The New School of Cooking, Inc.

Represented By  
Crystle Jane Lindsey  
Daniel J Weintraub  
James R Selth

**Defendant(s):**

WELLS FARGO BANK N.A

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Matthew A Lesnick

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Lesnick Prince & Pappas, LLP  
Jeffrey L Sumpter  
Debra E Cardarelli  
Matthew A Lesnick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
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**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:20-10484 The New School of Cooking, Inc.**

**Chapter 7**

Adv#: 2:22-01012 Avery v. CITIBANK N.A.

**#9.00** Cont'd Status Conference re: Complaint for Avoidance and Recovery of Voidable and/or Fraudulent Transfers; and Objection to Claim fr. 3/29/22, 5/10/22, 10/25/22, 12/6/22

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Continue to 2/7/23 at 11:00 a.m., subject to being vacated if the Trustee moves to dismiss this proceeding pursuant to the parties' settlement agreement and order thereon (2:20-bk-10484-NB, dkt. 237-239, 242).

Appearances are not required on 1/10/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**[PRIOR TENTATIVE RULING(S) OMITTED]**

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

**Debtor(s):**

The New School of Cooking, Inc.

Represented By  
Crystle Jane Lindsey  
Daniel J Weintraub  
James R Selth

**Defendant(s):**

CITIBANK N.A.

Represented By  
Jillian A Benbow



**United States Bankruptcy Court  
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**Hearing Room 1545**

11:00 AM

**CONT... The New School of Cooking, Inc.**

**Chapter 7**

**Plaintiff(s):**

Wesley H Avery

Represented By  
Matthew A Lesnick  
Lauren N Gans

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Lesnick Prince & Pappas, LLP  
Jeffrey L Sumpter  
Debra E Cardarelli  
Matthew A Lesnick  
Lauren N Gans

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:20-10484 The New School of Cooking, Inc.**

**Chapter 7**

Adv#: 2:22-01011 Avery v. CEC Educational Services, LLC

**#10.00** Cont'd Status Conference re: Complaint for Avoidance and Recovery of Voidable and/or Fraudulent Transfers; and Objection to Claim fr. 03/29/22, 05/10/22, 6/14/22, 7/26/22, 9/6/22, 10/11/22, 11/8/22

Docket 1

**\*\*\* VACATED \*\*\* REASON: Per order (adv. dkt. 19)**

**Tentative Ruling:**

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

**Debtor(s):**

The New School of Cooking, Inc.

Represented By  
Crystle Jane Lindsey  
Daniel J Weintraub  
James R Selth

**Defendant(s):**

CEC Educational Services, LLC

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Matthew A Lesnick  
Lauren N Gans

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Lesnick Prince & Pappas, LLP  
Jeffrey L Sumpter  
Debra E Cardarelli  
Matthew A Lesnick  
Lauren N Gans

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

11:00 AM

**2:21-16214 Jeffrey Glynn Russell**

**Chapter 7**

**#11.00** Cont'd hrg re: Debtor's Motion for Order to Show Cause  
fr. 10/25/22

Docket 16

**\*\*\* VACATED \*\*\* REASON: Voluntary Dismissal of Motion filed 12/7/22  
(dkt. 24)**

**Tentative Ruling:**

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

Jeffrey Glynn Russell

Represented By  
Steven A Alpert  
L. Tegan Rodkey

**Movant(s):**

Jeffrey Glynn Russell

Represented By  
Steven A Alpert  
Steven A Alpert  
L. Tegan Rodkey  
L. Tegan Rodkey

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1545 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 1545**

1:00 PM

**2:22-13987 Magic Designs, Inc.**

**Chapter 11**

**#1.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 7/27/22, 8/23/22, 9/27/22, 11/8/22

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/10/23:**

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Debtor's subchapter V plan of reorganization (dkt. 83, "Plan")

The tentative ruling is to set a **deadline of 2/7/23** for Debtor to file, **BUT NOT SERVE** on anyone except the United States Trustee and parties requesting a copy, manually "blacklined" and "clean" copies of an amended Plan, with the **exception** that if Debtor's eligibility for Employee Retention Credit(s) has not been worked out by then, the tentative ruling is that it would be premature for Debtor to draft and file a new plan and Debtor is instead directed to file a brief status report. The issues to be corrected/addressed are as follows:

(i) Feasible plan?

Debtor has not done the math to show that Debtor's projected net monthly income is sufficient to cover the proposed monthly plan payments to creditors. Debtor should include a chart demonstrating that the plan as proposed is feasible.

(ii) Cash flow projections (Ex. 4, PDF pp. 29-35)

Debtor's projected cash flow for November 2022 anticipated monthly ending cash of \$1,670.48, but that figure is significantly higher than Debtor's actual net cash flow of \$1,004.76 for the month as reflected in Debtor's November Monthly Operating Report ("MOR") (dkt. 84, p. 2, para. 22). How

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**Magic Designs, Inc.**

**Chapter 11**

do Debtor's projections for December 2022 compare with it's December MOR?

Additionally, Debtor's cash flow projections do not include a line for income taxes or monthly plan payments. Is Debtor missing any other expenses?

(iii) IRS Priority (p. 5)

Debtor states that the IRS's Priority unsecured claim will be paid in full over 60 months of the Effective Date, but 1129(a)(9)(C)(ii) requires payments to be completed within 60 months from the petition date. Is Debtor anticipating that the IRS will waive or forfeit that statutory deadline?

(iv) IRS Priority (p. 5)

Debtor states that it does not believe it owes any taxes to the IRS based on tax returns Debtor filed after the IRS filed it's proof(s) of claim (p. 5, fn. 2) and, alternatively, that any tax liability owing to the IRS will be significantly reduced if Debtor receives an Employee Retention Credit (*id.*, fn. 3). If Debtor's tax liability is significantly reduced or eliminated, does Debtor intend to keep the money currently allocated to pay the IRS each month, or will Debtor increase distributions to creditors?

(v) EDD priority (p. 6)

Debtor states that monthly payments to the EDD will be \$251.36 and the total estimated distributions to the EDD will be \$15,081.61 based on a \$4,619.31 claim at 5% interest per annum. Is Debtor's math correct?

(vi) Class 1: IRS secured (p. 6)

Debtor states that Class 1(a) will be paid in full over 72 months from the Effective Date, but 11 U.S.C. 1129(a)(9)(D) requires payment to be completed within 60 months from the petition date. Is Debtor anticipating that the IRS will waive or forfeit that statutory deadline?

(vii) Class 1: IRS secured (p. 6)

If Debtor's liability to the IRS on account of it's secured claim is significantly reduced or eliminated does Debtor intend to keep the money currently allocated to pay the IRS each month or will Debtor increase distributions to creditors?

(viii) Class 2: General Unsecured Claims; SBA underwater (p. 7)

Debtor states that Class 2 includes the unsecured portion of the claims of the SBA because "the unsecured portion of these liens will be permanently stripped off of the Debtor's assets (*as set forth above*)" (emphasis added) but, so far as this Court can tell, there is nothing about the SBA's lien set forth

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**Magic Designs, Inc.**

**Chapter 11**

"above" or anywhere in the Plan.

(ix) Distributions (p. 9:15-20)

Debtor states that it will rely on the addresses shown in its schedules or in a creditor's proof of claim to make distributions to creditors. What about other addresses that may be required by Rule 2002(g) (Fed. R. Bankr. P.)?

(x) Deadline for 11 U.S.C. 1111(b) elections (p. 10:7-9)

Debtor should modify its reference to Local Bankruptcy Rule 3014-1(a) (1) and the corresponding deadline to make an election under 11 U.S.C. 1111(b) to add a reference to Rule (Fed. R. Bankr. P.) 3014.

(xi) Chapter 7 Trustee's fees (p. 12:3-6)

Debtor's calculation of estimated chapter 7 trustee's fees references 11 U.S.C. 326(a), but since this is a subchapter V case, 11 U.S.C. 326(a) is inapplicable. Debtor should instead refer to 11 U.S.C. 326(b) and modify the estimated fees as set forth in that section.

(xii) Liquidation analysis (p. 12:10-21)

Debtor's liquidation analysis should distinguish more clearly between its chapter 7 liquidation analysis and its plan projections. For example, Debtor could separate the last two columns of information into a separate chart and include text making it clear that the former chart shows how creditors would fare in a chapter 7 case and the latter chart shows how creditors would fare under Debtor's proposed plan.

(xiii) Cramdown (p. 13:10)

Debtor states that it will seek cramdown if a class of creditors votes against the Plan, but Debtor should also add that cramdown will be requested in the event that a class of qualified creditors neither votes in favor of nor against the Plan.

(xiv) Discharge (p. 13:20-28)

Does Debtor really mean that it will not receive a discharge of "any" debt owed to the IRS until "all" plan payments to the IRS are made?

(2) Dates/procedures. This case was filed on 7/23/22.

(a) Bar date: 10/3/22 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 37).

(b) Procedures Order: dkt. 2 (untimely served, dkt. 73)

(c) Plan/Disclosure Statement: see above.

(d) Continued status conference: 2/21/23 at 1:00 p.m. No written

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**CONT...**      **Magic Designs, Inc.**  
status report required.

**Chapter 11**

**Tentative Ruling for 11/8/22:**

Continue as set forth below. Appearances are not required on 11/8/22. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Payment of prepetition debts?

Debtor's Monthly Operating Report ("MOR") for September 2022 (dkt. 80, Ex.A&B at PDF pp. 1-5) could be read to imply that some unauthorized payments of prepetition debts were made. This might be cause for various types of remedies (see, e.g., 11 U.S.C. 549, 1112), but the expense of any remedies likely would exceed any recoveries, and the tentative ruling is that this Court will not take any action on its own motion at this time. *Cf. generally* 11 U.S.C. 105(a).

(2) Dates/procedures. This case was filed on 7/12/22.

(a) Bar date: 10/3/22 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 37).

(b) Procedures Order: dkt. 2 (untimely served, dkt. 73)

(c) Plan/Disclosure Statement: file by 12/5/22 (per dkt. 76, 78) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 12/20/22 at 1:00 p.m. (no written status report required).

**[PRIOR TENTATIVE RULINGS OMITTED]**

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**CONT... Magic Designs, Inc.**

**Chapter 11**

**Debtor(s):**

Magic Designs, Inc.

Represented By  
Tamar Terzian  
Dawn M Coulson

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros



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**2:22-15362 Child's Trucking, LLC**

**Chapter 11**

**#2.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 10/18/22, 10/25/22, 11/3/22, 11/15/22,  
12/6/22

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont. to 2/7/23 at 1:00 p.m. per oral ruling  
at Status Conf. on 1/3/23.**

**Tentative Ruling:**

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

Child's Trucking, LLC

Represented By  
Michael Jay Berger

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se