

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

10:00 AM

**2:18-10956 La Tanya R. Taylor**

**Chapter 13**

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

M & T BANK as Attorney in Fact for  
LAKEVIEW LOAN SERVICING, LLC  
vs  
DEBTOR

Docket 45

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

**Tentative Ruling:**

- NONE LISTED -

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

La Tanya R. Taylor

Represented By  
Sundee M Teeple  
Craig K Streed  
Cynthia L Gibson

**Movant(s):**

M&T Bank as Attorney in Fact for

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 15, 2019**

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10:00 AM

**2:18-15467 Rita M Fiora**

**Chapter 13**

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

U.S. BANK NA  
vs  
DEBTOR

Docket 47

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

**Tentative Ruling:**

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

Rita M Fiora

Represented By  
Bryan L Ngo

**Movant(s):**

U.S. Bank NA, successor trustee to

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**2:18-16732 Motiv8 Investments, LLC**

**Chapter 11**

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

CRESCENT CAPITAL HOLDINGS, LLC  
vs  
DEBTOR

Docket 78

**Tentative Ruling:**

Appearances required. The tentative ruling is either (1) if no evidence of insurance is provided at the hearing, or perhaps within a very short window, to grant immediate relief from the automatic stay, and otherwise (2) to require Debtor to sell the subject property immediately, and set related procedures including a continued hearing on this motion for relief from the automatic stay, all as set forth below.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling. See LBR 9021-1(b)(1)(B).

**(1) Background**

Movant previously filed a motion (dkt. 8) for relief from the automatic stay in this case. This Court issued an adequate protection order (dkt. 31, the "APO"). The APO provides that the stay will remain in place as long as Debtor makes adequate protection payments, but that the stay will not apply in any future bankruptcy case ("*in rem*" relief).

**(2) Alleged cause for relief under 11 U.S.C. 362(d)(1)&(4)**

**(a) Insurance**

Movant asserts that Debtor has failed to provide proof that the property is insured. See dkt. 78, p.3. Debtor's response (dkt. 83) fails to address this issue, as pointed out by Movant's reply (dkt. 85).

At the hearing, Debtor is directed to address whether the property is insured, and to make an offer of proof. This Court may be persuaded to terminate the automatic stay immediately if Debtor fails to provide adequate

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**Chapter 11**

proof of insurance that complies with the loan documents (e.g., naming Movant as a party entitled to notice and/or as an insured party, if that is what the loan documents require).

(b) Order for relief from the stay in a related case

Movant now seeks relief again, pointing out that since the APO was issued an order granting relief from the automatic stay has been issued in a case filed by Debtor's principal and 100% equity owner, Sergio Moreno Morales. See *In re Morales* (Case No. 2:18-bk-16365-WB), dkt. 31 (issued on 7/3/18) (the "*In Rem Order*"). The In Rem Order grants relief under 11 U.S.C. 362(d)(4) - i.e., relief that is applicable notwithstanding any future bankruptcy case. By definition the In Rem Order is not applicable to this pending bankruptcy case, but Movant apparently believes the issuance of that order should be considered cause under 11 U.S.C. 362(d)(1)&(4) to modify the APO so as to terminate the automatic stay immediately.

This Court is not persuaded. First, as Debtor points, in this case there is no evidence that Debtor has failed to comply with the APO.

Second, the In Rem Order itself recites that there was no opposition to that order. In contrast, in this case Debtor has responded and adequately established, long before the In Rem Order was issued, that there were grounds to hold Debtor to a strict APO but not terminate the stay.

To summarize this Court's prior reasoning in issuing the APO, although it is true that Mr. Morales has filed multiple bankruptcy cases and previously arranged an unauthorized transfer of title to the real property from Debtor to himself, (a) title was restored to Debtor on or about 6/1/18 (see dkt. 21, p.4:5-6), (b) Mr. Morales has adequately explained his prior bankruptcy cases and the unauthorized transfer of title, at least for purposes of issuing the APO rather than terminating the automatic stay (see dkt. 21, pp.4:9-5:21, and 7:12-10:22), and (c) creditors would be harmed if the stay were terminated in this case. Not only does this reasoning still apply, but the APO is the law of this case, and Movant has neither briefed the standards for overcoming the law of the case nor established legal or factual grounds for reconsidering the APO.

(3) Alleged grounds for relief under 11 U.S.C. 362(d)(2)

As Debtor argues, Movant must show both (a) a lack of equity in the property and (b) that the property is not necessary for an effective reorganization. Debtor disputes both of these prongs. Ultimately, however,

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**CONT... Motiv8 Investments, LLC**

**Chapter 11**

both parties' arguments depend on whether there is equity in the property. If there is, then the property can be sold and net proceeds distributed to creditors. If there is no equity, Debtor has not suggested any reason why the property would be necessary to an effective reorganization.

Any equity in the property is equal to the property's value minus costs of sale and liens or other encumbrances. Debtor questions whether the dollar amount that Movant claims to be owed on its lien takes into consideration the payments made under the APO. That may make a difference of a few thousand dollars. The larger issue is the value of the property.

Movant asserts that the value is \$750,000. See *dk. 78, p.8 & Ex.M, and dk. 85 at PDF pp.11 et seq.* (Mauch Decl.). Debtor's principal asserts (*dk. 83, pp.9:20-10:2*) that Debtor has recently accepted an offer to purchase the property for \$850,000, for which he will seek this Court's approval under 11 U.S.C. 363(b)&(f). Debtor's principal also asserts (*id.*) that he believes the property is actually worth much more - approximately \$915,000 - but that "in the interest of moving Debtor's reorganization along and avoiding Movant's attempts at relief and foreclosure" he "has determined that it is in the best interest of the estate to accept a purchase price of \$850,000.00."

The tentative ruling is that the best method of determining whether Debtor has an equity in the property (and hence, in the circumstances of this case, whether the property is necessary to an effective reorganization of Debtor's finances) is to move forward with the proposed sale of the property (presumably subject to overbids). As the Supreme Court has stated, generally "the best way to determine value is exposure to a market." *Bank of Am. v. 203 N. LaSalle St. P'ship*, 526 U.S. 434, 457 (1999).

This Court takes judicial notice that Debtor has filed an application (*dk. 82*) to employ a real estate broker. In other words, Debtor appears to be taking steps to proceed with the proposed sale of the property.

Accordingly, the tentative ruling is to set a deadline for Debtor to file and serve its motion to sell the property under 11 U.S.C. 363(b)&(f), and defer any other issues until after this Court determines whether or not to approve the proposed sale. The tentative ruling is that a motion to sell must be filed and served no later than 2/1/19, and self-calendared for hearing on 2/26/19 at 1:00 p.m.

In addition, the tentative ruling is to continue the present motion for relief from the automatic stay to the same time (specially set at 1:00 p.m., rather than the usual time of 10:00 a.m.). In addition, the tentative ruling is to

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reschedule the upcoming Status Conference in this case from 2/5/19 to 2/26/19 at 1:00 p.m.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Motiv8 Investments, LLC

Represented By  
Lionel E Giron

**Movant(s):**

Crescent Capital Holdings, LLC

Represented By  
Amy E Martinez

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**2:18-20928 James Burton Brown**

**Chapter 13**

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

PACIFIC UNION FINANCIAL, LLC  
vs  
DEBTOR

Docket 22

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling. See LBR 9021-1(b)(1)(B).

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(4).

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.

Grant the following relief pursuant to 11 U.S.C. 362(d)(4) and the legal analysis in *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31), as applicable:

If this order is duly recorded in compliance with applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case.

For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed, including any eviction actions, through and including any lockout or other enforcement by the Sheriff or other authorized legal authority.

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**James Burton Brown**

**Chapter 13**

Note: Per Judge Bason's posted procedures (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) this Court's order will state that the Court "does not make" a finding that Debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that Debtor was involved and Debtor is given clear notice that the movant seeks an express finding that Debtor was involved. The tentative ruling in this particular case is that there is sufficient evidence and notice.

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

James Burton Brown

Represented By  
Andrew Edward Smyth  
Stephen S Smyth

**Movant(s):**

Pacific Union Financial, LLC

Represented By  
Cassandra J Richey

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**Chapter 13**

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10:00 AM

**2:16-25361 Sandy G. Villanueva and Antonio Figueroa**

**Chapter 13**

**#5.00 Hrg re: Motion for relief from stay [PP]**

TOYOTA MOTOR CREDIT CORPORATION  
vs  
DEBTOR

Docket 57

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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).

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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**CONT... Sandy G. Villanueva and Antonio Figueroa**

**Chapter 13**

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

Sandy G. Villanueva

Represented By  
Michael E Plotkin

**Joint Debtor(s):**

Antonio Figueroa

Represented By  
Michael E Plotkin

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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Central District of California  
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**2:17-12316 Jo Ann Ennen**

**Chapter 13**

**#6.00** Hrg re: Motion for relief from stay [PP]

TOYOTA MOTOR CREDIT CORPORATION  
vs  
DEBTOR

Docket 37

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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**CONT... Jo Ann Ennen**

**Chapter 13**

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

Jo Ann Ennen

Represented By  
Hale Andrew Antico

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:18-15055 Karla Enid Ramirez**

**Chapter 11**

**#7.00** Hrg re: Motion for relief from stay [PP]

FORD MOTOR CREDIT COMPANY, LLC  
vs  
DEBTOR

Docket 96

**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 the debtor's response, dkt. 110).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Karla Enid Ramirez

Represented By  
Lionel E Giron  
Kevin Tang

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
Randall P Mroczynski

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**2:18-20940 Vazrik Allahverdi**

**Chapter 13**

**#8.00 [CASE DISMISSED ON 12/28/18]**

Hrg re: Motion for relief from stay [PP]

ALLY BANK  
vs  
DEBTOR

Docket 30

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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, this court grants relief from the automatic stay as follows.

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).

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

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**CONT... Vazrik Allahverdi**

**Chapter 13**

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Vazrik Allahverdi

Represented By  
Aris Artounians

**Movant(s):**

Ally Bank

Represented By  
Adam N Barasch

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:18-23488 Ingrid Irais Ramirez-Regis**

**Chapter 7**

**#9.00 Hrg re: Motion for relief from stay [PP]**

SANTANDER CONSUMER USA, INC  
vs  
DEBTOR

Docket 10

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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**CONT... Ingrid Irais Ramirez-Regis**

**Chapter 7**

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

Ingrid Irais Ramirez-Regis

Represented By  
Cynthia Grande

**Movant(s):**

Santander Consumer USA Inc.

Represented By  
Jennifer H Wang

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

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**2:18-23729 Aideth M Prestegui**

**Chapter 13**

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

BRT 26 LLC  
vs  
DEBTOR

Docket 9

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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).

Retroactive relief

Deny the request for retroactive annulment of the stay because Judge Bason is not prepared to issue a blanket annulment with respect to whatever unspecified things might have occurred postpetition.

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.

If appearances are not required at the start of this tentative ruling but you

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**CONT... Aideth M Prestegui**

**Chapter 13**

wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Aideth M Prestegui

Pro Se

**Movant(s):**

BRT 26 LLC, A Delaware Limited

Represented By  
Paul E Gold

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:18-23882 Pearl Jeu Lee**

**Chapter 7**

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

ANITA SIU  
vs  
DEBTOR

Docket 8

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

Movant has not established that the automatic stay does not apply

Deny the request for an order confirming that no stay is in effect. Movant has not established an exception to the automatic stay under 11 U.S.C. 362(b) or (c) because Movant has not obtained a judgment for possession of the Property against the Debtor pre-petition and the Movant has not provided a certification that Debtor endangered the Property or illegally used or allowed to be used a controlled substance on the property. 11 U.S.C. 362(b)(22)-(23).

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).

Retroactive relief

Deny the request for retroactive annulment of the stay because Judge Bason is not prepared to issue a blanket annulment with respect to whatever unspecified things might have occurred postpetition.

Relief notwithstanding *future* bankruptcy cases.

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**CONT...**

**Pearl Jeu Lee**

**Chapter 7**

Deny, without prejudice to any other types of relief granted herein (or previously granted), for the following reasons.

The motion requests requests "in rem" relief (*i.e.*, relief applicable notwithstanding *future* bankruptcy cases (under 11 U.S.C. 362(d)(4) and/or *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31)). The tentative ruling is to deny that request for lack of sufficient cause shown.

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Pearl Jeu Lee

Represented By  
Kian Mottahedeh

**Movant(s):**

Anita Siu

Represented By  
Wen Chao

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
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**2:18-24571 Jackies Cookie Connection LLC**

**Chapter 11**

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

SMASHSSMA, LLC  
vs  
DEBTOR

Docket 14

**Tentative Ruling:**

This Court has been notified, by a telephone call to chambers, that this matter may have been resolved by the parties. The tentative ruling is to continue this matter to 2/5/19 at 10:00 a.m. as a holding date (which may be further continued if a motion under Rule 9019 has been filed and served prior to that date). Appearances are not required on 1/15/19.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Jackies Cookie Connection LLC

Represented By  
Derrick Talerico

**Movant(s):**

KOGAN LAW FIRM

Represented By  
Michael S Kogan

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

10:00 AM

**2:18-20081 Michelle L Kirkland**

**Chapter 13**

**#13.00** Hrg re: Motion for relief from stay [NA]

FORD MOTOR CREDIT COMPANY, LLC  
vs  
DEBTOR

Docket 29

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling. See LBR 9021-1(b)(1)(B).

Additional analysis:

The Bankruptcy Court "shall grant relief from the stay" upon a showing of "cause." 11 U.S.C. 362(d)(1). Such relief need not take the form of a complete termination of the automatic stay, but instead may include "modifying or conditioning such stay." *Id.*

"Cause" is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir.1990). In determining whether "cause" exists to grant relief from the automatic stay to allow a movant to pursue litigation in a non-bankruptcy forum, courts in the Ninth Circuit have examined the factors set forth in *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004). Those factors are: (1) Whether the relief will result in a partial or complete resolution of the issues; (2) The lack of any connection with or interference with the bankruptcy case; (3) Whether the foreign proceeding involves the debtor as a fiduciary; (4) Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) Whether the action essentially involves third parties, and the debtor functions

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**CONT... Michelle L Kirkland**

**Chapter 13**

only as a bailee or conduit for the goods or proceeds in question; (7) Whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties; (8) Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c); (9) Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f); (10) The interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) Whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) The impact of the stay on the parties and the "balance of hurt." *Plumberex*, 311 B.R. at 559. "[W]hile the *Curtis* factors are widely used to determine the existence of 'cause,' not all of the factors are relevant in every case, nor is a court required to give each factor equal weight." *In re Landmark Fence Co., Inc.*, 2011 WL 6826253 at \*4 (C.D. Cal. Dec. 9, 2011).

Based on the present record, the tentative ruling is that these factors weigh in favor of granting relief as set forth above. Most significantly: granting Movant's motion will result in complete resolution of the issues, and this issue essentially involves third parties, because Movant seeks relief to be able to recover only insurance proceeds with respect to a vehicle that has been "totaled."

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Michelle L Kirkland

Represented By  
Gregory Grigoryants

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
Jennifer H Wang

**United States Bankruptcy Court  
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**CONT... Michelle L Kirkland**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 15, 2019**

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10:00 AM

**2:18-24843 Sandra Maribel Mejia**

**Chapter 13**

**#14.00** 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.

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 impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the 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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances

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are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Sandra Maribel Mejia

Represented By  
Scott Kosner

**Movant(s):**

Sandra Maribel Mejia

Represented By  
Scott Kosner

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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**2:18-24857 Lance Alan Castro**

**Chapter 13**

**#15.00** Hrg re: Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

Docket 7

**Tentative Ruling:**

Grant, subject to the following conditions, and subject to addressing the issues stated in this Court's order setting this hearing (dkt. 17). Appearances required.

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 impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the 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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances

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**CONT... Lance Alan Castro**

**Chapter 13**

required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Lance Alan Castro

Represented By  
Sanaz S Bereliani

**Movant(s):**

Lance Alan Castro

Represented By  
Sanaz S Bereliani  
Sanaz S Bereliani  
Sanaz S Bereliani  
Sanaz S Bereliani

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 15, 2019**

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10:00 AM

**2:16-21024 Paul Albert Satterlee**

**Chapter 13**

**#16.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/11/18, 12/18/18

WILMINGTON TRUST  
vs  
DEBTOR

Docket 36

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

**Tentative Ruling:**

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

Paul Albert Satterlee

Represented By  
Onyinye N Anyama

**Movant(s):**

Wilmington Trust, National

Represented By  
Dipika Parmar  
Cassandra J Richey  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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

**2:16-23067 Jose Mario Avelar**

**Chapter 13**

**#17.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/11/18

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 43

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

**Tentative Ruling:**

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

Jose Mario Avelar

Represented By  
Roger J Plasse

**Movant(s):**

U.S. Bank National Association

Represented By  
Cassandra J Richey

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:17-20529 Elizabeth Jean Gates**

**Chapter 13**

**#18.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 11/6/18, 12/11/18

MTGLQ INVESTORS, L.P.  
vs  
DEBTOR

Docket 26

**\*\*\* VACATED \*\*\* REASON: Voluntary Dismissal of Motion Filed on  
12/19/18 (Dkt. 38)**

**Tentative Ruling:**

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

Elizabeth Jean Gates

Represented By  
Steven A Alpert

**Movant(s):**

MTGLQ INVESTORS, L.P., its

Represented By  
Nichole Glowin

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 15, 2019**

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10:00 AM

**2:17-25003 Lydia G Cardenas**

**Chapter 13**

**#19.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 11/27/18

WILMINGTON SAVINGS FUND SOCIETY, FSB  
vs  
DEBTOR

Docket 62

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Appearances required. At the hearing on 11/23/18 this Court continued the matter, without objection, for the reasons stated in the tentative ruling for that date. Have the parties come to any consensual resolution?

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/27/18:**

Appearances required. The tentative ruling is to continue this motion for relief from the automatic stay to 1/15/19 at 10:00 a.m. for the following reasons.

Background

Debtor was authorized to make reduced mortgage payments of \$845.68 per month pursuant to this Court's order (dkt. 39) granting Debtor's motion to commence the Loan Modification Management ("LMM") program. That same order provides that Debtor shall continue making monthly payments in that amount until that amount is superseded - e.g., by a "final loan modification amount" (dkt. 39, sec. b.(2)) - and the order also directs Debtor to "file and serve appropriate papers to revise any plan" to reflect the

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**Chapter 13**

current LMM payments.

Debtor does not dispute that the loan modification was ultimately denied. See dkt. 64, Ex.2. Debtor apparently made the reduced payments of \$845.68/mo. from March through July of 2018, and apparently resumed normal payments of \$1,529.99/mo. in August of 2018.

Meanwhile, Debtor's plan (dkt. 48, filed 8/7/18) provides in Class 2 that Movant (referred to as Rushmore Loan Services) will be repaid the prepetition arrears of approximately \$51,486.00 (Movant's proof of claim 1-1 lists only \$0.06 more) via monthly payments of \$1,050.74, without interest. That plan was confirmed by this Court's order (dkt. 59, 10/11/18).

Analysis

Debtor apparently paid \$845.68 per month from March through July of 2018. Movant asserts that Debtor should have paid \$1,529.99 per month during that time.

Movant's assertion is contrary to this Court's order granting Debtor's motion to commence the LMM program. That order specifically authorizes and directs Debtor to pay the \$845.68 amount.

The question is what to do about the shortfall between \$845.68 and \$1,529.99 now that the loan modification has been denied. The tentative ruling is as follows.

First, the shortfall does not simply disappear. Rather, pursuant to the order granting the LMM motion, now that the loan modification has been denied Debtor is obligated to file and serve a motion to modify the confirmed plan (a "MoMod") under 11 U.S.C. 1329, to reflect that denial.

Second, one form of MoMod would be to repay that shortfall (on top of repaying the prepetition arrears) over the entire remainder of the Plan's term. Another form of MoMod would be to provide for paying the shortfall over a shorter term, such as the typical period for an adequate protection order (usually six months and occasionally up to double that period). There might be other types of MoMod that would be permissible (e.g., providing for a refinancing or "step up" payments).

Third, what type of MoMod is permissible will depend on whether Movant is adequately protected by the proposed terms of repayment of the shortfall. This is akin to the usual analysis under 11 U.S.C. 362(d), except that unlike the usual situation in which a debtor fails to live up to postpetition obligations, in this case Debtor apparently has lived up to such obligations.

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**Chapter 13**

Therefore, Debtor's promise of future performance is entitled to greater weight.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Lydia G Cardenas

Represented By  
Barry E Borowitz  
Michael E Clark

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Kelsey X Luu

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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

**2:18-10460 Allyson M Theophile**

**Chapter 13**

**#20.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/11/18

JP MORGAN CHASE BANK, NATIONAL ASSOC  
vs  
DEBTOR

Docket 50

**\*\*\* VACATED \*\*\* REASON: Voluntary Dismissal of Motion Filed on  
01/09/19 (Dkt. 55)**

**Tentative Ruling:**

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

Allyson M Theophile

Represented By  
Matthew D. Resnik

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Merdaud Jafarnia  
Nancy L Lee

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 15, 2019**

**Hearing Room 1545**

10:00 AM

**2:18-20426 Matthew Michael Totaro**

**Chapter 13**

**#21.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 11/6/18, 12/11/18

HERBERT V. LARSON  
VS  
DEBTOR

Docket 19

**\*\*\* VACATED \*\*\* REASON: Continue to 2/26/19 at 10:00 a.m. per  
stipulation and order thereon.**

**Tentative Ruling:**

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

Matthew Michael Totaro

Represented By  
Michael R Totaro

**Movant(s):**

Herbert V. Larson Jr.

Represented By  
Kelvin J Lo

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**2:18-21621 Perla Eva Sanchez**

**Chapter 13**

**#22.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 11/27/18, 12/18/18

WELLS FARGO BANK, NA  
vs  
DEBTOR

Docket 16

**Tentative Ruling:**

**Tentative Ruling for 1/15/19 (same as for 12/18/18):**

Appearances required. There is no tentative ruling, but the parties should be prepared to address whether they will agree to the terms of an adequate protection order (see this Court's interim order, dkt. 22, and the debtor's late-filed supplemental evidence of projected contributions from her parents and feasibility, dkt. 26).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/27/18:**

Appearances required. The parties should be prepared to address whether they will agree to the terms of an adequate protection order, including provisions that will make any future bankruptcy case ineffective to stay any acts against the subject property ("*in rem*" relief). See Debtor's response (dkt. 20).

*Proposed order:* If this Court is persuaded to grant such relief, then Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this

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**CONT... Perla Eva Sanchez**

**Chapter 13**

court's final ruling. See LBR 9021-1(b)(1)(B).

More specifically, the tentative ruling is that (1) on the present record some form of relief from the automatic stay is required, including *in rem* relief, because Debtor appears to have been involved in a "scheme" to "hinder" or "delay" creditors within the meaning of 11 U.S.C. 362(d)(4), due to the filing of this case on 10/2/18, within a relatively short time after the dismissal on 6/5/18 of the bankruptcy case filed by Francisca Sanchez (2:18-bk-15538-WB); but (2) "relief" from the automatic stay does not necessarily mean "termination" of the stay, and could take the form of an adequate protection order ("APO") that (a) requires monthly payments and (b) provides *in rem* relief as follows:

If this order is duly recorded in compliance with applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case.

For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

In other words, if Debtor has the financial ability to cure the arrears and otherwise prosecute this bankruptcy case, then Debtor can do so under an adequate protection order; but Debtor must establish that she has the financial ability to do so. In addition, no future bankruptcy case will affect the property (subject to the limitations in 11 U.S.C. 362(d)(4)), so Debtor and any other person who asserts an interest in the property or who is a signatory to the loan documents cannot continue to file repeated bankruptcy cases simply to delay any foreclosure.

The grounds for such relief are that this Court has the power to grant relief in the form of modifying or conditioning the automatic stay, not just terminating it (11 U.S.C. 362(d)), and the foregoing relief appears to be appropriate in the present circumstances. See *generally In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017) (even debtor who has excuses for hindering and delaying creditors can be subject to *in rem* relief); *In re Bousheri* (Case

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**CONT... Perla Eva Sanchez**

**Chapter 13**

No. 2:15-bk-11345-NB), dkt. 79 (analogous order, in valuation context, addressing effect of unauthorized transfer of interest in property).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Perla Eva Sanchez

Represented By  
Lionel E Giron

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Kelsey X Luu

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:16-12679 Michael R Totaro**

**Chapter 11**

**#23.00** Cont'd hrg re: Motion for relief from stay [NA]  
fr. 11/6/18

ROBERT R. WINCH  
vs  
DEBTOR

Docket 304

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Deny without prejudice, due to lack of proper service (see this Court's adopted tentative ruling for 11/6/18, in part "(1)"). This hearing will only address (1) Movant's apparent confusion about service (see dkt. 322, pp. 3-4) and (2) Movant's risk of sanctions. See 11 U.S.C. 362(k). Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

Note: Because notice has not been properly given, this Court does not reach the merits, including the parties' dispute about whether Ms. Totaro is or is not a proper defendant in the nonbankruptcy action, and whether the automatic stay should or should not be lifted or should be conditioned on the terms set forth in the Debtor's opposition (see dkt. 319, 321, 322).

*Proposed order*: Debtor is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling (including the tentative ruling for 11/6/18 which is reproduced below), thereby incorporating it as this Court's final ruling. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter

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**CONT... Michael R Totaro**

**Chapter 11**

by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 11/6/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

This Court has reviewed the motion (dkt. 304), Debtor's response (dkt. 306, 309, 310, 311, 312), and Movant's reply (dkt. 310), as well as other relevant filed documents and records of this Court regarding this bankruptcy case.

**(1) Procedural issues**

The tentative ruling is that all procedural deficiencies by Debtor have been cured or should be excused by this Court, but that a continuance is appropriate for Movant to serve all persons on the Creditor Matrix, because of the potential impact on Debtor's ability to make payments under his confirmed chapter 11 plan. See Rules 4001(a)(1) & 9014 (Fed. R. Bankr. P.) (requiring service on debtor, 20 largest nonpriority unsecured creditors, and "such other entities as the court may direct").

The tentative ruling is to set a continued hearing for 12/11/18 at 10:00 a.m., with a deadline of 11/13/18 for Movant to serve all persons on the Creditor Matrix and file a proof of service.

**(2) Applicability of automatic stay**

Under Debtor's confirmed chapter 11 plan (dkt. 227, Art. IV.B.), 11 U.S.C. 1141(b)&(c), and the confirmation order (dkt. 253) property of the bankruptcy estate has re-vested in Debtor. That has the effect of terminating the automatic stay as to such property (11 U.S.C. 362(c)(1)), but the automatic stay continues in all other respects until this case is closed or dismissed. Therefore Movant's action is stayed because the stay applies to the commencement of any action or proceeding against Debtor that could have been commenced prepetition, and to assess, collect, or recover a prepetition claim. 11 U.S.C. 362(a)(1), (a)(6), & (c)(2). Those restrictions are paralleled by this Court's order confirming Debtor's plan. Dkt. 253, para. 12.

In sum, the tentative ruling is that Movant does in fact need relief from this Court before he may proceed with any action against Debtor.

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**CONT... Michael R Totaro**

**Chapter 11**

**(3) Contemplation of limited relief**

At the continued hearing, absent persuasive arguments by Movant, Debtor, or other parties in interest, this Court anticipates modifying and conditioning the automatic stay under 11 U.S.C. 362(d)(1) such that Movant may proceed in the nonbankruptcy forum to final judgment (including any appeals) in accordance with applicable nonbankruptcy law, subject to the following limitations (Judge Bason's standard limitations, except for minor modification to address the post-confirmation status of this case).

**(a) No enforcement against property subject to chapter 11 plan**

To avoid disruption of payments to other creditors, the tentative ruling is to condition and limit relief from the automatic stay such that Movant may not enforce any judgment against any property of Debtor pending further order(s) of this Court (e.g., an order confirming a modified chapter 11 plan that provides for Movant, or an order granting further relief from the automatic stay).

Note: Movant would be permitted to enforce its final judgment by collecting upon any available insurance in accordance with applicable nonbankruptcy law. But, although two insurance companies are named as defendants in Movant's nonbankruptcy complaint (dkt. 304, Ex.A, at PDF p.14), Movant has not established a sufficient likelihood that insurers would pay costs of defense, or any other reason to believe that any insurance would reduce the impact on this bankruptcy case or favor relief from the automatic stay.

**(b) Claim allowance, priority, and discharge issues**

Any claims arising from the nonbankruptcy litigation are subject to this Bankruptcy Court's jurisdiction regarding claim allowance and priority, and the existence and scope of any bankruptcy discharge.

**(c) No relief in *other* bankruptcy cases**

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).

**(4) Additional analysis**

The Bankruptcy Court "shall grant relief from the stay" upon a showing of "cause." 11 U.S.C. 362(d)(1). Such relief need not take the form of a complete termination of the automatic stay, but instead may include

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**CONT... Michael R Totaro**

**Chapter 11**

"modifying or conditioning such stay." *Id.*

"'Cause' is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir.1990). In determining whether "cause" exists to grant relief from the automatic stay to allow a movant to pursue litigation in a non-bankruptcy forum, courts in the Ninth Circuit have examined the factors set forth in *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004). Those factors are: (1) Whether the relief will result in a partial or complete resolution of the issues; (2) The lack of any connection with or interference with the bankruptcy case; (3) Whether the foreign proceeding involves the debtor as a fiduciary; (4) Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) Whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question; (7) Whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties; (8) Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c); (9) Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f); (10) The interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) Whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) The impact of the stay on the parties and the "balance of hurt." *Plumberex*, 311 B.R. at 559. "[W]hile the *Curtis* factors are widely used to determine the existence of 'cause,' not all of the factors are relevant in every case, nor is a court required to give each factor equal weight." *In re Landmark Fence Co., Inc.*, 2011 WL 6826253 at \*4 (C.D. Cal. Dec. 9, 2011).

Based on the present record, the tentative ruling is that these factors weigh in favor of granting relief as set forth above. The following factors are most significant,

(a) Other defendants

As Debtor acknowledges, there is a "difficulty" in that there are "other defendants not subject to bankruptcy court jurisdiction" (dkt. 306, p.19:14-15). This is the most significant factor in the circumstances presented.

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**(b) Expertise of fora**

As Debtor's letter to movant acknowledges, California law "does not apply" (dkt. 306, Ex.2, at p.38), and this California Bankruptcy Court does not have any expertise in the laws of Louisiana. In addition, as Movant argues, the Louisiana Courts have experience in water intrusion cases (dkt. 310, at PDF p.3:16-17).

It is true that this Bankruptcy Court has expertise in nondischargeability matters; but as noted separately below that does not appear to be as significant an issue in this case as in typical cases.

**(c) Expense and inconvenience**

This Court recognizes that, as Debtor argues (dkt. 306, pp.19:16-20:16, & 21:13-20, 22:1-20), litigation in Louisiana not only will be inconvenient for him but likely will be more expensive for him than litigation before this Bankruptcy Court, to the possible detriment of all other creditors. But the tentative ruling is that this consideration is outweighed by the other considerations noted above combined with the fact that litigation in this California Bankruptcy Court would be inconvenient and expensive for Movant. Cf. dkt. 306, pp.22:25-24:1 (Debtor's "balance of hurt" argument).

**(d) Nondischargeability appears to be mostly a red herring for present purposes**

Debtor has not yet received his discharge under 11 U.S.C. 1141(d)(5). Normally nondischargeability issues have the potential to make a substantial difference to a motion for relief from the automatic stay because, if the parties are not very careful to obtain issue preclusive findings of fact and conclusions of law in the nonbankruptcy forum, the parties might have to re-litigate their disputes in the Bankruptcy Court to determine whether the elements of a nondischargeability claim are met. See, e.g., 11 U.S.C. 523(a)(2)(A). In the present circumstances, however, the tentative ruling is that this consideration should not weigh heavily in the analysis.

As Debtor describes (dkt. 306, pp.15:25-16:9), it might well be that Movant can file a proof of claim and assert whatever nondischargeability claim he might have under 11 U.S.C. 523(a)(2)(A) and (3)(B). But it is not clear to this Court that it will make a substantial difference if the claim is nondischargeable, because Debtor's confirmed chapter 11 plan (dkt. 227, 253) provides for 100% payment to creditors and, although that plan does not include movant, presumably it could be amended under 11 U.S.C. 1127.

True, if (hypothetically) Movant were to prevail on his claims and obtain

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**Michael R Totaro**

**Chapter 11**

a very large judgment against Debtor then that might force Debtor to amend his Plan to pay only a fraction of creditors' claims. See dkt. 306, Ex.2, at p.39 (suggesting 10% recovery). But Debtor is paying a number of substantial claims, so if Movant files a proof of claim (per 11 U.S.C. 523(c)(3)) and obtains a smaller judgment then presumably the Plan could be amended to provide for 100% payment of that judgment.

In other words, on the present record it appears somewhat likely that the distribution could be the same regardless whether the claim is nondischargeable or not, so this consideration does not appear to have a major impact on whether or not to grant relief from the automatic stay.

Caveat: The immediately preceding paragraph is not intended to constitute any sort of determination on whether a nondischargeability adversary proceeding should or should not be filed, or what might be the consequences of failing to do so or of doing so. The point is only that for purposes of the present motion for relief from the automatic stay this Court believes that nondischargeability issues are not as relevant as they might be in other cases.

(e) Merits of underlying litigation

As Debtor points out, Movant's allegations are vague and his claims may suffer from a number of weaknesses. See *generally* dkt. 306, Ex.2. But those issues can be addressed by whichever forum adjudicates this claim. They do not appear to be sufficient to warrant an outright denial of any relief from the automatic stay.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/6/18:**

This court anticipates posting a tentative ruling at a later time.

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| <b>Party Information</b> |
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**CONT... Michael R Totaro**

**Chapter 11**

**Debtor(s):**

Michael R Totaro

Represented By  
Martina A Slocomb

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**2:18-24571 Jackies Cookie Connection LLC**

**Chapter 11**

**#24.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 01/08/19

Docket 5

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Appearances required.

(1) Current issues.

At the Status Conference on 1/8/19 this Court was persuaded not to dismiss this case. Debtor is directed to address (a) negotiations with the landlord regarding the pending motion for relief from the automatic stay and related issues regarding the commercial kitchen (see calendar no. 12, 1/15/19 at 10:00 a.m.) and (b) progress regarding Debtor's exit strategy (possible sale, refinancing, equity investment, contributions from family, etc.).

(2) Deadlines/dates. This case was filed on 12/17/18.

(a) Bar date: TBD

(b) Plan/Disclosure Statement\*: TBD

(c) Continued status conference: the tentative ruling is to continue this Status Conference to 1/29/19 at 1:00 p.m., with a *brief* status report due 1/22/19.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/8/19:**

**United States Bankruptcy Court  
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**CONT... Jackies Cookie Connection LLC**

**Chapter 11**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Case Status Report

In the Amended Order Setting (A) Principal Status Conference and (B) Procedures (dkt. 4), this Court directed the Debtor to file and serve a Case Status Report on Local Form F 2081-1.1.C11.STATUS.RPT at least 14 days before this hearing. As of the preparation of this tentative ruling the Debtor has not done so. Why not?

(b) First day motions

Debtor has not filed any payroll motion, motion for use of cash collateral, budget motion, utility motion, or other typical "first day" motions. This Court recognizes that Debtor is in the process of formulating its strategy (dkt. 20, p.4:17-21), and has requested an extension of time to file bankruptcy schedules and other documents (dkt. 19), but none of that excuses the failure to file any required first day motions.

(c) Dismissal? Bar?

Debtor is directed to address why this Court should not dismiss this case with a 180 day bar against being a debtor in bankruptcy, under 11 U.S.C. 109(g)(1), for willful failure to abide by an order of this court, or willful failure to appear in proper prosecution of this case, or both.

(2) Deadlines/dates. This case was filed on 12/17/18.

(a) Bar date: TBD

(b) Plan/Disclosure Statement\*: TBD

(c) Continued status conference: if this Court is persuaded not to dismiss this case, the tentative ruling is to continue this Status Conference to 1/29/19 at 1:00 p.m., with a status report on the required form (see above) due 1/22/19.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances

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**CONT... Jackies Cookie Connection LLC**

**Chapter 11**

are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Jackies Cookie Connection LLC

Represented By  
Derrick Talerico

**United States Bankruptcy Court  
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**2:16-18169 Marlene Aybar**

**Chapter 13**

**#25.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 01/08/19

THE BANK OF NEW YORK MELLON, ET AL  
vs  
DEBTOR

Docket 80

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Grant as provided below. At the hearing on 1/8/19 Debtor appeared and this Court was persuaded (dkt. 83) to continue this matter for one week for Debtor to obtain counsel, but meanwhile Debtor filed a motion (dkt. 84) for voluntary dismissal of this case. Appearances required, in case Debtor appears without notifying Movant of her intent to do so (as at the last hearing), but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

There will be no stay

Debtor has filed a request for dismissal of this case (dkt. 84), and once this case is dismissed the automatic stay will be terminated. See 11 U.S.C. 349(b)(3) & 362(c).

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).

Effective date of relief

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CONT...

**Marlene Aybar**

**Chapter 13**

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/8/19:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

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.

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**CONT... Marlene Aybar**

**Chapter 13**

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Marlene Aybar

Pro Se

**Movant(s):**

The Bank of New York Mellon, et al

Represented By  
Alexander G Meissner

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**2:17-19548 Layfield & Barrett, APC**

**Chapter 11**

Adv#: 2:17-01503 Wellgen Standard LLC v. Maximum Legal (California), LLP et al

**#1.00** Cont'd Status Conference re: Complaint for (1) Declaratory Relief;  
and (2) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542  
fr. 12/19/17, 03/06/18, 3/20/18, 5/1/18, 6/26/18, 07/17/18, 11/27/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continue to 2/5/19 at 2:00 p.m. per ruling  
on 12/18/18**

**Tentative Ruling:**

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

|                         |        |
|-------------------------|--------|
| Layfield & Barrett, APC | Pro Se |
|-------------------------|--------|

**Defendant(s):**

|                                      |                                    |
|--------------------------------------|------------------------------------|
| Maximum Legal (California), LLP      | Pro Se                             |
| California Attorney Lending II, Inc. | Represented By<br>Richard W Labowe |
| Maximum Legal, LLC                   | Pro Se                             |
| Todd C. Wakefield                    | Pro Se                             |
| Joseph Martin Barrett                | Represented By<br>Damion Robinson  |
| Richard Pachulski                    | Represented By<br>James KT Hunter  |

**Plaintiff(s):**

|                      |                                |
|----------------------|--------------------------------|
| Wellgen Standard LLC | Represented By<br>Faye C Rasch |
|----------------------|--------------------------------|

**Trustee(s):**

|                        |                |
|------------------------|----------------|
| Richard Pachulski (TR) | Represented By |
|------------------------|----------------|

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**CONT... Layfield & Barrett, APC**

**Chapter 11**

Malhar S Pagay  
James KT Hunter

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1:00 PM

**2:18-12453 Abelino Mariscal Gonzalez**

**Chapter 11**

**#1.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 4/10/18, 5/1/18, 6/12/18, 08/07/18, 9/4/18,  
10/16/18, 11/6/18, 12/11/18

Docket 7

**Tentative Ruling:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Wells Fargo. What progress has been made in negotiation with secured creditor Wells Fargo Bank, N.A. (Class 2B in the debtor's draft Plan, dkt. 47)?

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).

(b) Plan/Disclosure Statement (dkt. 46, 47)\*: See above.

(c) Continued status conference: 2/26/19 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 12/11/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges,"

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"Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Wells Fargo. What progress has been made in negotiation with secured creditor Wells Fargo Bank, N.A. (Class 2B in the debtor's draft Plan, dkt. 47)?

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).

(b) Plan/Disclosure Statement (dkt. 46, 47)\*: See above.

(c) Continued status conference: 1/15/19 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/6/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Wells Fargo. What progress has been made in negotiation with secured creditor Wells Fargo Bank, N.A. (Class 2B in the debtor's draft Plan, dkt. 47)?

(b) BONY/Mellon. The tentative ruling is to approve the Bank of New York Mellon Stipulation (dkt. 52).

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).

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(b) Plan/Disclosure Statement (dkt. 46, 47)\*: See above.

(c) Continued status conference: 12/11/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/16/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

The parties should be prepared to discuss what progress has been made in negotiation with secured creditor Wells Fargo Bank, N.A. (Class 2B in the debtor's draft Plan, dkt. 47). This Court is aware of the motion to approve the stipulation with the holder of Class 2A claims, Bank of New York Mellon (the "Mellon Stip," dkt. 52). The tentative ruling is to move the Mellon Stip hearing from 11:00 a.m. to 1:00 p.m., and continue this status conference to the same date and time, with no written Status Report required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/4/18:**

Appearances required.

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(1) Current issues. This Court has reviewed the debtor's draft plan (dkt. 47) and disclosure statement (dkt. 46) and this Court has no issues to raise sua sponte. Has the debtor had any negotiations with secured creditors? Is it more appropriate to allow additional time for such negotiations, or to authorize the debtor to mail a voting package to all parties in interest and set a combined hearing on final approval of the disclosure statement and confirmation of the plan for the same time and date as the continued status conference set forth below?

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).

(b) Plan/Disclosure Statement (dkt. 46, 47)\*: See above.

(c) Continued status conference: 10/16/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 8/7/18:**

Continue as set forth below. Appearances are not required on 8/7/18.

(1) Current issues. This Court has no issues to raise sua sponte.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).

(b) Plan/Disclosure Statement\*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 9/4/18 at 1:00 p.m. No written status

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report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/12/18:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues. The debtor's proofs of service continue to be defective. Elizabeth Cruz declares that she has served the "PROOF OF SERVICE" itself, not the underlying orders. See dkt. 20 at PDF p.2 and dkt. 31 at PDF p.2.

At the hearing counsel is directed to explain why the proofs of service are defective, and what steps will be taken to correct this issue so that it no longer occurs. The deadline is 6/19/18 to file further amended proofs of service of both orders (the order setting principal status conference etc. at dkt. 6, and the bar date order at dkt. 23).

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (Order, dkt. 23). See above.

(b) Plan/Disclosure Statement\*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 8/7/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you

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wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 5/1/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

**(1) Current issues.**

(a) Budget motion (dkt. 13). Counsel must address:

(i) Income as of petition date or current? The debtor has filed an amended bankruptcy Schedule I (dkt. 30). Is that actually intended to be a decaration of postpetition income, or a correction of the debtor's income as of the petition date?

(ii) Amended budget motion? Should an amended budget motion needs to be filed and served, or is such notice unnecessary and should the budget be deemed amended, in view of what appears to be an increase of approximately \$168 in the debtor's monthly income (compare dkt. 13 at PDF p.8, debtor's personal income of \$2,800, with dkt. 30, line 7, debtor's personal income of \$2,968)?

(b) Cash collateral motion (dkt. 12). Grant on a final basis, on the same terms as the interim order (dkt.24).

**(2) Deadlines/dates.** This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (Order, dkt. 23). **Note:** Timely served? Per the proof of service (dkt. 26, the "POS") the debtor served the POS itself on creditors. Presumably the debtor means that she served the order on creditors (not the POS), but the debtor is directed to file an amended POS saying so, no later than 5/3/18.

(b) Plan/Disclosure Statement\*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

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(c) Continued status conference: 6/12/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 4/10/18:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Failure to serve order. This Court's order setting this status conference (dkt. 6) directed the debtor to serve a copy of that order on all parties in interest no later than 14 days prior to this status conference. No proof of service appears on the docket. The tentative ruling is to set a deadline of 4/11/18 for the debtor to effect such service, with a caution to counsel that in future such failure may result in sanctions.

(b) Budget motion (dkt. 13). Grant on an interim basis, with a final hearing on the same date at the continued status conference set forth below.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/1/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status

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If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Abelino Mariscal Gonzalez

Represented By  
Onyinye N Anyama

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**#2.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 9/4/18, 10/9/18, 11/6/18, 12/11/18

Docket 14

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Appearances required.

(1) Current issues

(a) Monthly Operating Reports ("MORs")

The November MOR (dkt. 62, p.2) includes numerous entries described as "Funds Transfer." How is the reader to know what that means? The same MOR includes a column of numbers with nothing else next to it (dkt. 62, p.3). How is the reader to know what that means?

(b) Plan and Disclosure Statement ("D/S")

The deadline to file the Plan and D/S is fast approaching (see below). What is the outline of Debtor's intended plan? Has Debtor reviewed Judge Bason's procedures and form of order re same?

(c) Employment of counsel

At the hearing on 12/11/18 this Court adopted the tentative ruling approving counsel's employment, which directed that a proposed order be lodged within 7 days. Why has no such order been lodged?

(2) Deadlines/dates. This case was filed on 8/2/18.

(a) Bar date: 12/11/18 (order, dkt. 35).

(b) Plan/Disclosure Statement\*: 1/31/19 (dkt. 59)

(c) Continued status conference: The tentative ruling is to continue this status conference to 2/26/19 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances

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required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 12/11/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) MORs (dkt. 51, 52, 50 for Aug., Sept. & Oct.)

(i) The Payroll Account continues to show a negative balance. How is that sustainable? (ii) The amended August MOR provides for payments to insider Savita Viradia. Why was there no notice of insider compensation filed and served for this person, and what consequences should follow? (iii) The Tax Account shows no activity, and the Tax Liabilities section is blank. Is Debtor paying and/or reserving for all employment, sales, business, income, and other taxes?

(b) Motion to employ (dkt. 49)

Grant.

*Proposed order:* Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(2) Deadlines/dates. This case was filed on 8/2/18.

(a) Bar date: 12/11/18 (order, dkt. 35).

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: The tentative ruling is to continue this status conference to 1/15/19 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/6/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) MORs (dkt. 44, 45)

MOR1 (for August, 2018) shows an ending balance of negative \$4,549.03. MOR2 (for September 2018) shows an ending balance of negative \$4,074.81. Both MORs also show negative postpetition accounts receivable. What does that mean?

Both MORs were also filed late. They were due middle of the month following the reporting period, and this Court's adopted tentative ruling for 10/9/18 directed that the defective August MOR be cured by 10/15/18 but it and the September MOR were not filed until 10/31/18.

Are the (untimely) MORs inaccurate? How can parties in interest and this Court rely on them for current information? If they're accurate, they appear to show losses, or at least an inability to generate profits that would be needed to reorganization.

In view of all the foregoing, should this case be converted or dismissed?

(b) Insider compensation

Debtor's notices of insider compensation (dkt. 46, 47) were not served until 10/24/18, even though this Court's adopted tentative ruling for 10/9/18 directed service no later than 10/12/18. Why?

Meanwhile, although Debtor's principal Neel Viradia declares under penalty of perjury that no unauthorized insider compensation has been paid (dkt. 45, p.16, answer #2), the breakdown of payroll in the MORs apparently shows otherwise (e.g., dkt. 45, p.5, lines 1-2). The form itself states (e.g., dkt. 47, p.2, bottom of page): "[T]his notice ... must be filed and served fifteen days before any pay out of compensation ...." What consequences should follow from Debtor's apparent violation of that limitation?

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(c) Employment (dkt. 32, superseded by amended application, dkt. 42)

The amended application does not specify whether the \$10,000 fee already paid by Batuk Viradia (and the filing fee), or the \$2,000 he has committed to pay, are loans to Debtor, or gifts, or equity investments, or something else. Nor has he filed a declaration confirming that he understands that proposed counsel's sole loyalty must be to Debtor (not to Mr. Viradia), and that has been informed that there might be conflicts of interest and he may wish to seek separate counsel (e.g., conflicts could exist if Mr. Viradia received any preferential payments or other avoidable transfers, or if Mr. Viradia would prefer that Debtor take a course of action that is not in the best interests of creditors).

More generally, although payment of a retainer by a third party is not outright prohibited, it is fraught with ethical concerns. See *In re Kelton Motors, Inc.*, 109 B.R. 641 (Bankr. D. Vt. 1989); *In re Hathaway Ranch Partnership*, 116 B.R. 208, 219 (Bankr. C.D. Cal. 1990); *In re Park-Helena Corp.*, 63 F.3d 877 (9th Cir. 1995).

The tentative ruling is that, if this case is not dismissed or converted, the employment application must be continued to the date of the continued status conference (set forth below) with a deadline of 11/13/18 for Debtor to file Mr. Viradia's declaration, with a copy of this tentative ruling attached as an exhibit, addressing the issues described above.

(d) Cash collateral. If this case is not dismissed or converted, the tentative ruling is to authorize the use of cash collateral on a final basis, on the same terms as the interim authorization (dkt. 37).

(2) Deadlines/dates. This case was filed on 8/2/18.

(a) Bar date: 12/11/18 (order, dkt. 35). Although the order was not timely served (see dkt. 41), the tentative ruling is that the confusion of setting yet another bar date would outweigh the benefit, and that this Court can address any prejudice from shortened notice when and if anyone files a late claim and seeks to have the claim treated as timely.

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: If this case is not dismissed or converted, the tentative ruling is to continue this status conference to 12/11/18 at 1:00 p.m. No written status report is required.

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\*Warning: special procedures apply (see order setting initial status conference).

**Revised Tentative Ruling for 10/9/18:**

Appearances required.

(1) Current issues.

(a) Cash collateral. The tentative ruling is to authorize the use of cash collateral as set forth in the tentative ruling for calendar no. 6 (10/9/18 at 1:00 p.m.).

(b) Insider compensation. Local Bankruptcy Rule ("LBR") 2014-1(a) requires a notice and opportunity to object before any insider compensation is paid. But no such notice has been filed, and Debtor's Monthly Operating Report ("MOR") for the month ending 8/31/18 reflects payments to each of two insiders. Dkt. 34, at PDF p.8. The tentative ruling is to direct Debtor to serve the notice using the local form no later than 10/12/18.

(c) Bar date. On 9/5/18 this Court entered its "Order Setting Bar Date: November 9, 2018; and Directing Service by Debtor." Dkt. 24. The debtor failed to serve that order. Why? The tentative ruling is to issue an amended order setting a bar date as set forth below.

(d) MOR (dkt. 34). The MOR appears to be incomplete. For example, it refers to multiple accounts but appears to provide only a combined report; many of the entries are vague or have no description; and page one includes a reference to "Non DIP personal checking (see attached letter)" but no letter or any other explanation is attached. The tentative ruling is to set a deadline of 10/15/18 to file an amended MOR correcting these and any other deficiencies.

(e) Employment (dkt. 25). As highlighted by the objection of the United States Trustee ("UST") (dkt. 28), the parties should be prepared to address (a) the proposed \$12,000 flat fee under 11 U.S.C. 328 and (b) the source of the "loan" for \$10,000 of that fee (dkt. 25, p.8) and the source of the remaining \$2,000 plus the filing fee.

(2) Deadlines/dates. This case was filed on 8/2/18.

(a) Bar date: See above. In view of Debtor's failure to serve the order (dkt.24), the tentative ruling is to issue an amended order setting a bar date of 12/28/18 and directing the debtor to serve

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that order no later than 10/15/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: 11/6/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/9/18:**

This court anticipates posting a tentative ruling at a later time.

**Tentative Ruling for 9/4/18**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues. This Court has no issues to raise sua sponte.

(2) Deadlines/dates. This case was filed on 8/2/18.

(a) Bar date: 10/15/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 11/1/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 10/9/18 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

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If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Newark Special Technologies, Inc.

Represented By  
Joseph L Pittera

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

1:00 PM

**2:18-12429 Dana Hollister**

**Chapter 11**

**#3.00** Hrg re: Second Interim Application of Levene, Neale, Bender, Yoo & Brill L.L.P. for Approval of Fees and Reimbursement of Expenses Incurred as General Bankruptcy Counsel for The Official Committee of Unsecured Creditors for the Period of August 1, 2018 to November 30, 2018.

Docket 738

**Tentative Ruling:**

Please see the tentative ruling for the status conference (calendar no. 6, 1/15/19 at 1:00 p.m.)

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

Dana Hollister

Represented By  
David A Tilem  
Mark A Kressel  
Alan M Insul

**United States Bankruptcy Court  
Central District of California  
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**2:18-12429 Dana Hollister**

**Chapter 11**

**#4.00** Hrg re: Second interim application for  
compensation for Law Offices of David A Tilem

Docket 739

**Tentative Ruling:**

Please see the tentative ruling for the status conference (calendar no. 6,  
1/15/19 at 1:00 p.m.).

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

**Debtor(s):**

Dana Hollister

Represented By  
David A Tilem  
Mark A Kressel  
Alan M Insul

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**2:18-12429 Dana Hollister**

**Chapter 11**

**#5.00** Hrg re: Final fees and/or expenses filed  
by Jeffrey M Garrison, Accountant

Docket 743

**Tentative Ruling:**

Please see the tentative ruling for the status conference (calendar no. 6,  
1/15/19 at 1:00 p.m.).

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

**Debtor(s):**

Dana Hollister

Represented By  
David A Tilem  
Mark A Kressel  
Alan M Insul

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**Chapter 11**

**#6.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 3/9/18, 3/20/18, 3/21/18, 4/17/18, 5/3/18, 5/7/18,  
6/12/18, 6/22/18, 7/16/18, 8/3/18, 9/4/18, 11/6/18

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/6/18:**

Appearances required for the Status Conference (calendar no.6) but not for the other matters (the fee applications; calendar nos. 3, 4 and 5 on 1/15/19 at 1:00 p.m.). Telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Garrison (Accountant) Fee Application (dkt. 743). Grant. Allow on a final basis \$29,910.40 in fees, and \$0 in expenses, for a total of \$29,910.40.

(b) Tilem (Debtor's Counsel) Fee Application (dkt. 739). Grant. Allow on an interim basis \$211,365.00 in fees and \$2,303.16 in expenses, for a total of \$213,668.16, with a 15% holdback on the fees.

(c) Levene, Neale (Creditors Committee Counsel) Fee Application (dkt. 738). Grant. Allow on an interim basis \$70,996.00 in fees and \$736.50 in expenses, for a total of \$71,732.50.

*Proposed orders:* Applicants are directed to lodge proposed orders via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(d) Debtor's lack of payment of fees. The parties should be prepared to address Debtor's reported lack of payment of allowed interim fees.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: vacate the current date of 1/29/19 at 2:00 p.m., and set a continued date of 2/26/19 at 2:00 p.m. with a *brief* status report due 2/15/19.

\*Warning: special procedures apply (see order setting initial status

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conference).

**Chapter 11**

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/6/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

This Court has reviewed the status reports filed by Debtor (dkt. 700) and the Agent (dkt. 701).

(a) Expand Kaplan Employment (dkt. 461, 480, 497, 505, 534, 575, 576). There is no tentative ruling, but Agent Dean Rallis should be prepared to apprise the Court of his current position on this motion.

(b) Further extension of exclusivity period (dkt. 685, 694, 695). Grant extension of the exclusivity periods to 3/15/19 to file a plan and 5/15/19 for a plan to be accepted under 11 U.S.C. 1121(c)&(d).

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: 1/29/19 at 2:00 p.m., with a *brief* status report due 1/15/19.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances

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are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/4/18:**

Appearances are not required on 9/4/18.

(1) Current issues.

(a) Dissolution of "Oh Happy Day" (dkt. 544, 579, 583, 602). Grant, provided that all assets (tangible or intangible) in which Oh Happy Day, LLC currently has an interest must continue, after dissolution of that entity, to be administered by the Agent (to the full extent of any interest the debtor has in such assets). See Term Sheet (dkt. 547), section 6 (defining Agent Assets).

*Proposed order:* The debtor is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(b) Employment of Ballard, Rosenberg firm/Schwettmann as Special Counsel (dkt. 490, 532, 533, 546, 582). Continue to the same date and time as the continued status conference (set forth below), for the reasons set forth in the responses (dkt. 546, 582). In addition, no later than 10/2/18 the debtor is directed to file a supplement clarifying whether the proposed employment is of Mr. Schwettmann individually or his firm.

(c) Expand Kaplan Employment (dkt. 461, 480, 497, 505, 534, 575, 576). Continue to the same date and time as the continued status conference (set forth below), for the reasons set forth in the latest documents (dkt. 575, 576).

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: 10/16/18, with a *brief* status report due 10/9/18.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/4/18:**

This court anticipates issuing or posting a tentative ruling at a later time.

**Tentative Ruling for 8/3/18:**

Appearances required. The tentative rulings are set forth below. In addition, the tentative ruling is to set a continued status conference on 8/16/18 at 10:00 a.m., or such alternative time as may be ordered at the hearing.

**(1) Current issues.**

(a) Motion to Confirm Dean Rallis as Agent (dkt. 536). Grant (approve the appointment of Dean Rallis, Esq. as Agent) under the Term Sheet, as amended (see below), and subject to the provisions of this Court's order approving the settlement (dkt. 528, paragraphs 3, 4, and 6-8). The tentative ruling to grant this motion is based on the representation in the motion (dkt. 536, p.9:5-9) that the parties who objected/reserved their rights to object have now consented to the appointment of Mr. Ralis. (This Court disregards the invective, *id.* n.3 & accompanying text.) If that is incorrect then this tentative ruling is subject to any opposition at the hearing (see OST, dkt. 538). This tentative ruling is also based on this Court's review of the other relevant documents. See dkt. 495 (selection of proposed agent), 528 (order approving settlement), 531 (objection), 535 (Committee support), 536 (motion), Application for Order Shortening Time (dkt. 537, 540) and evidence of service (dkt. 541).

*Proposed order:* Counsel for the debtor is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(b) 9019 Motion (see Term Sheet, dkt. 445, 528). This Court's Order (dkt. 528) approving Settlement directed the parties to prepare, sign and file a final version of the "Term Sheet" reflecting certain modifications. This Court notes that the debtor appears to have circulated a revised Term Sheet (dkt. 536, Ex.A) that incorporates the changes discussed on the record, although that revised Term Sheet is not "redlined" and this Court has not engaged in any line-by-line review of its terms. In any event, the parties are directed to

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provide a status report on when a declaration will be filed with this Court memorializing the fully executed final Term Sheet.

(c) Motion to Extend Time to Assume or Reject Lease (dkt. 457). The tentative ruling is to continue this motion to the date and time of the continued status conference, for the authorized Agent to consider and take a position on the merits of this motion.

*Analysis:* Although the debtor argues (e.g., in dkt. 534) that she is prejudiced by any lack of immediate decision on pending matters, the tentative ruling is that the debtor has not established undue prejudice because of (i) the debtor's own delay in selecting a nominee to be the Agent, (ii) the debtor's ability to engage in numerous other activities to attempt to turn around her finances without having to wait for those particular pending matters to be resolved, and (iii) the fact that, as this Court interprets the deadlines in the Term Sheet, "Approval" of the settlement did not occur until "entry" of an order approving the settlement (see dkt. 474, Ex.C, section 1, 1st paragraph, penultimate sentence), and the oral ruling was not entered on the docket, only the written order (dkt. 528) was entered, so the time of Approval (which commences the time for the debtor to perform various tasks under the Term Sheet) did not commence until entry of that written order on 7/25/18.

(d) Motion to Assume and Assign 1629 Griffith Lease (Presbytery) (dkt. 351). Continue to the date and time of the continued status conference, for the authorized Agent to consider the merits of this motion, for the same reasons as stated in section (1)(c) of this tentative ruling, above.

(e) Motion to Expand Scope of Kaplan Employment (dkt. 461, 480, 497, 505, 534). Continue to the date and time of the continued status conference, for the authorized Agent to consider the merits of this motion, for the same reasons as stated in section (1)(c) of this tentative ruling, above.

(f) Scheduling Conference re: Evidentiary Hearing on Motion to Assume 1356 Palmetto Lease (Bridge Tavern/Villain's) (dkt. 187). At the 7/18/18 hearing, this Court was informed that the proposed assignee/buyer had withdrawn. This Court subsequently issued an Order (dkt. 501) deeming the portion of the motion that sought to assign the lease moot and withdrawn, and continuing the portion of the motion that seeks to assume the lease to this hearing solely for scheduling further proceedings on this motion. The parties should be prepared to address a schedule for this motion and/or whether to continue the scheduling matters so that the Agent can determine whether or

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not to pursue this motion and related matters.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: Date and time set forth at the start of this tentative ruling. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 7/16/18:**

Appearances required. The tentative rulings are set forth below. In addition, the tentative ruling is to set a continued status conference on 7/27/18 at 9:00 a.m., or such alternative time as may be ordered at the hearing.

(1) Current issues.

(a) 9019 Motion (see Term Sheet, dkt. 445). This Court will address the objections filed by Mr. Casanova (dkt. 465, 466) and The Presbytery of the Pacific (the "Presbytery") (dkt. 467) and the replies filed by the debtor (dkt. 472) and by the Archbishop/Institute and the Bird Nest (dkt. 474). Among other things, this Court will address whether the Term Sheet can be approved without the further documentation that is contemplated by the settling parties. In that regard, the parties should address the proposed amendment to paragraph 6 of the Term Sheet. See dkt. 474, Ex.C.

This Court expresses no present opinion on those issues. This Court is intentionally withholding any further tentative ruling on those matters so as not to disrupt potential settlement discussions among those parties, but if the parties have not agreed to the proposed amendment to paragraph 6 (or some other resolution) then this Court intends to provide a tentative ruling at the

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commencement of the hearing.

The parties are encouraged to meet and confer about the foregoing issues. If, at the end of the hearing, there are issues that remain to be addressed, then the parties should be prepared to address whether this Court should set a continued hearing on the date and time specified at the start of this tentative ruling or some other date.

(b) Stay relief motion (appellate litigation with Bird Nest and Archbishop/Institute) (dkt. 68). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(c) Exclusivity motion (dkt. 308, 348, 422). Continue to the date and time set forth at the start of this tentative ruling, and meanwhile extend exclusivity for the same amount of time, on the same terms and conditions as this Court's Prior Order (dkt. 422) - *i.e.*, no incurring of fees or expenses for plan-related work. This Court calculates that the extensions would be as follows: (i) The 120-day period specified in section 1121(c)(2) and (d)(1) (deadline for filing a plan) will be further extended from 8/15/18 (see dkt. 422) to and including 9/19/18, and (ii) the 180-day period specified in section 1121(c)(3) and (d)(1) (deadline for acceptance of plan by impaired classes) will be further extended from 10/15/18 (see dkt. 422) to and including 11/19/18.

(d) Cash Collateral motion (dkt. 5). Continue to the date and time set forth at the start of this tentative ruling, and meanwhile extend the interim authorized use of cash collateral through and including the conclusion of the continued hearing subject to the same terms and conditions as previously authorized by this Court (see dkt. 29, 79, 239, 244, 347, 413), if this motion is not mooted by the disposition of the settlement motion.

(e) Bridge Tavern, LLC asset sale motion (dkt. 112). Continue to the date and time set forth at the start of this tentative ruling.

(f) Villain's Tavern reopening motion (dkt. 214). Grant. *Proposed order*: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(g) Trustee appointment motion (dkt. 332). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(h) Security Deposit refund motion (dkt. 350). Grant. *Proposed order*: Movant is directed to lodge a proposed order via LOU within 7 days after the

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hearing date. See LBR 9021-1(b)(1)(B).

(i) Budget motion (dkt. 96). Extend the interim authorization through and including the date of the continued hearing and meanwhile approve the budget subject to the same terms and conditions as previously authorized by the Court (see dkt. 340), if this motion is not mooted by the disposition of the settlement motion.

(j) Claim objection (Bird Nest) (dkt. 292). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(k) Claim objection (Institute) (dkt. 296). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(l) Claim objection (Archbishop) (dkt. 294). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(m) Vehicle refinance motion (dkt. 216). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(n) Vehicle relief from Stay motion (dkt. 349). The hearing on this motion has been vacated, and this matter is off calendar (see Adequate Protection Order, dkt. 444).

(o) Motion to Assume and Assign 1629 Griffith Lease (dkt. 351). Continue to the date and time set forth at the start of this tentative ruling.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement\*: TBD.

(c) Continued status conference: Date and time set forth at the start of this tentative ruling. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter

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by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/22/18:**

Appearances required.

(1) Current issues.

(a) Urbanlime/Haro employment (dkt. 93, 253), Bridge Tavern (Villain's) Reopening Motion (dkt. 214, previously granted, dkt. 339, but rescheduled per dkt.369 para. 4.5), Sale Motion (dkt. 112, temporarily denied, dkt. 369, 385) and Lease Assignment Motion (dkt. 187, re-set for hearing, dkt. 388). The parties should be prepared to address the issues set forth in this Court's orders (dkt. 369, 378, 385, 388) setting this hearing.

(b) Motion to extend exclusivity (dkt. 308, 312, 333, 348). The tentative ruling is to preserve the status quo by:

(i) prohibiting the estate from incurring any fees or expenses relative to any contemplated plan between time this tentative ruling is posted and the conclusion of the hearing on the motion to appoint a trustee (dkt. 332, the "Trustee Motion"), currently scheduled for 7/10/18 at 2:00 p.m.;

(ii) if the Trustee Motion is denied, then extending exclusivity through at least 8/14/18 (any further extension will be addressed at the hearing on 7/10/18 at 2:00 p.m.), so that Mr. Tilem will have the time he has stated he would need to draft a plan (approximately 30 days); and

(iii) if the Trustee motion is granted, then terminate exclusivity.

(c) Cash collateral motion (dkt. 5, 14, 15, 29, 74, 151, 152, 163, 164, 167, 168, 171, 172, 176, 185, 244). The tentative ruling is to continue this matter to 7/10/18 at 2:00 p.m., and meanwhile authorize the continued use of cash collateral through the conclusion of that continued hearing.

(d) Relief from stay motion (dkt. 68, 79, 141, 147, 154, 162, 222 section v., 270, 312). The tentative ruling is to continue this matter to 7/10/18 at 2:00 p.m.

(e) Expansion of Insul employment (dkt. 305). Please see calendar no. 2 (6/22/18 at 10:00 a.m.).

(f) Hearings on 7/10/18. Some matters in this case have been self-calendared for 7/10/18 at 1:00 p.m. The tentative ruling is that all matters set for 7/10/18 in this case will be heard at 2:00 p.m.

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- (2) Deadlines/dates. This case was filed on 3/6/18.
- (a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)
  - (b) Plan/Disclosure Statement\*: TBD
  - (c) Continued status conference: 7/10/18 at 2:00 p.m., status report due 7/5/18 at noon.
- \*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/12/18:**

This court anticipates posting a tentative ruling at a later time. **[Note: no further tentative ruling was posted.]**

**Tentative Ruling for 5/7/18:**

[See Memorialization of Tentative Rulings for 5/7/18 (dkt. 234, 236, 238, 239)]

**Tentative Ruling for 5/3/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

The only issue this Court intends to address is a continued hearing date in view of the last-minute papers that were filed, to fit the parties' and this Court's own needs.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter

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by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 3/20/18:**

Appearances required by counsel for the debtor. Other parties in interest are invited but not required to appear.

Telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Cash flow and cash collateral motion (dkt. 5, 14, 15, 29). This Court's written order (dkt. 29) erroneously lists the continued hearing as 3/20/18 instead of 4/17/18 at 2:00 p.m., as orally ordered at the hearing on 3/9/18. Nevertheless, it is appropriate in connection with this Status Conference to address the debtor's current and projected cash flow and related issues.

This Court was not persuaded at the hearing on 3/9/18 that the debtor can generate positive cash flow. The debtor is directed to provide a brief update on any plans to generate positive cash flow from her various businesses and properties. It is also appropriate for other parties in interest to address whether there has been adequate disclosure to date regarding the finances of those businesses and properties. The debtor is cautioned that the declaration due on 3/27/18 must provide comprehensive disclosures regarding those businesses and properties: if the debtor cannot show reasonable prospects for positive cash flow within a reasonable time then this Court might have to grant relief from the automatic stay (upon a proper motion), or convert or dismiss this bankruptcy case, at least if the debtor does not abandon unprofitable businesses or properties.

(b) Employment applications. The parties should be prepared to address the oppositions (dkt. 56, 57) and the direct and indirect source(s) of funds used by the debtor to pay prepetition retainers (see dkt. 48, *and cf.* dkt. 9, p.6, dkt. 18, p.8, dkt. 20, p.8 - blank spaces instead of disclosure), including when the liens against the 1902 property arose (dkt. 48, Ex.A). In addition, the parties should be prepared to address the following issues:

(i) Proposed bankruptcy counsel - Tilem (dkt. 9, 10): (i) Why were resumes for associates, paralegals, and persons who are "of counsel" to

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**CONT...**

**Dana Hollister**

**Chapter 11**

the firm not included? (ii) Has counsel waived or amended the provisions in the retainer agreement regarding the "evergreen" retainer; "overtime" rates, and any attorney's lien? (iii) As for proposed out-sourcing, counsel must address whether employment of such counsel could result in imputed or actual conflicts of interest from any work performed by such attorneys for their own clients or for other law firms.

(ii) Proposed special counsel: the Robins firm and Horvitz firm (dkt. 18, 19, 20, 21). The hourly rates of proposed counsel at the Robins firm and Horvitz firm are substantially greater than those for the debtor's proposed general bankruptcy counsel and the Snyder firm. How will the debtor - acting as a debtor in possession with the duties of a trustee for the benefit of creditors - assure that the potential benefits are not outweighed by the costs that can be reasonably anticipated in connection with the ongoing litigation with Birds Nest, the Archbishop, and the Institute (as those terms are defined in the parties' papers)?

(iii) Proposed special counsel: the Snyder firm (dkt. 36, 37). (i) What is the nature of the litigation in which that firm represents the debtor and co-plaintiff, Bridge Tavern, LLC against Odysseuss Investment Group, LLC? (ii) What are the potential costs/risks and benefits? (iii) Is there any actual or potential conflict of interest between the two plaintiffs (e.g., if any judgment in their favor were to be allocated between them in a way that is unfavorable to one or the other)? (iv) From the description at the status conference on 3/9/18 it seemed that the Snyder firm might be assisting the debtor now or in future in transactional matters - is that so?

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: TBD

(b) Plan/Disclosure Statement\*: TBD

(c) Continued status conference: 4/17/18 at 2:00 p.m., status report due 4/3/18. (see order, dkt. 30).

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances

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**Chapter 11**

are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 3/9/18:**

[no tentative ruling was posted for this hearing]

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

Dana Hollister

Represented By  
David A Tilem  
Mark A Kressel  
Alan M Insul

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**2:17-24273 Beverly Lee Monroe**

**Chapter 13**

**#1.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 7/10/18, 9/4/18, 10/9/18, 11/6/18, 12/04/18,  
12/20/18

REDIGER INVESTMENT MORTGAGE FUND, LLP  
vs  
DEBTOR

Docket 38

**\*\*\* VACATED \*\*\* REASON: Withdrawn [dkt. 69]**

**Tentative Ruling:**

**Tentative Ruling for 12/20/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

This hearing has been continued multiple times for Debtor to sell the property (see, e.g., dkt. 51, 53, 55, 59, 62, 65). Has the sale closed?

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 12/4/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 9/4/18 hearing, this Court continued the matter at the debtor's request for more time to sell the property. Thereafter the matter was further

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**Chapter 13**

continued by stipulation and order thereon (dkt. 51, 53). Prior to the scheduled 11/6/18 hearing, the matter was once again continued by stipulation and order thereon (stipulation agreed to orally at confirmation hearing of Debtor's chapter 13 plan, order thereon dkt. 59). Since the order on Debtor's stipulation, this Court has granted Debtor's motion for authority to sell real property, subject to the Chapter 13 Trustee's comments and objections (dkt. 55, order thereon dkt. 62).

There is no tentative ruling, but the parties should be prepared to discuss the status of the sale of the property, and any other matters relevant of this motion.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/4/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 7/10/18 hearing, this Court continued the matter at the debtor's request for more time to seek refinancing (see the debtor's response, dkt. 42). There is no tentative ruling, but the parties should be prepared to address the status of this case.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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**Chapter 13**

**Tentative Ruling for 7/10/18:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address whether they will agree to a continuance for refinancing as requested by the debtor (see the debtor's response, dkt. 42).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Beverly Lee Monroe

Represented By  
Stephen S Smyth

**Movant(s):**

Rediger Investment Mortgage Fund

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:18-11744 B&B Liquidating, LLC**

**Chapter 11**

Adv#: 2:18-01334 Siena Lending Group, LLC v. Great American Group Advisory & Valuation

**#2.00** Cont'd hrg re: Motion to Dismiss Adversary Proceeding  
fr. 1/8/19

Docket 2

**Tentative Ruling:**

Please see the tentative ruling for the *Siena* adversary status conference  
(calendar no. 4, 1/15/19 at 2:00 p.m.).

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

**Debtor(s):**

B&B Liquidating, LLC

Represented By  
Brian L Davidoff

**Defendant(s):**

Great American Group Advisory &

Represented By  
Razmig Izakelian  
Jennifer L Nassiri  
Kenneth John Shaffer

**Plaintiff(s):**

Siena Lending Group, LLC

Represented By  
Leo D Plotkin

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**2:18-11744 B&B Liquidating, LLC**

**Chapter 11**

Adv#: 2:18-01334 Siena Lending Group, LLC v. Great American Group Advisory & Valuation

**#3.00** Hrg re: Motion to Remand Removed Action  
by Adversary Plaintiff Siena Lending Group LLC

Docket 12

**Tentative Ruling:**

Please see the tentative ruling for the *Siena* adversary status conference  
(calendar no. 4, 1/15/19 at 2:00 p.m.).

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

**Debtor(s):**

B&B Liquidating, LLC

Represented By  
Brian L Davidoff

**Defendant(s):**

Great American Group Advisory &

Represented By  
Razmig Izakelian  
Jennifer L Nassiri  
Kenneth John Shaffer  
Stephen A Broome

**Plaintiff(s):**

Siena Lending Group, LLC

Represented By  
Leo D Plotkin

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**2:18-11744 B&B Liquidating, LLC**

**Chapter 11**

Adv#: 2:18-01334 Siena Lending Group, LLC v. Great American Group Advisory & Valuation

**#4.00** Cont'd Status Conference re: Removal  
fr. 01/08/19

Docket 1

**Tentative Ruling:**

Appearances required. This Court has reviewed the parties' joint status report (dkt. 23), the Motion for Remand (dkt. 12), the Motion to Dismiss (dkt. 2) and the other filed responses, documents, and records in this adversary proceeding.

**(1) Sequence: Motion to Remand Prior to Motion to Dismiss**

The tentative ruling is to consider the Motion to Remand first. Even when there was a question as to which of two bankruptcy courts should decide a remand motion, it has been held that a Bankruptcy Court did not abuse its discretion by deciding a remand motion before a venue transfer motion. See *In re Caesars Ent. Operating Co., Inc.*, 588 B.R. 233 (9th Cir. BAP 2018). It is all the more appropriate in this case to decide the forum issue (the remand motion) before reaching the merits.

**(2) Remand is appropriate on a discretionary basis**

**(a) Jurisdiction**

The tentative ruling is that this Court does not have "related to" jurisdiction because, for the reasons argued by Siena, there is no "conceivable" effect on the bankruptcy estate within the meaning of the *Pacor* test, as applied in the Ninth Circuit. See *In re Fietz*, 852 F.2d 455, 457 (9th Cir. 1988) (adopting the Third Circuit *Pacor* test). The estate lacks assets to pay claims or indemnify Siena, and any dispute involving 11 U.S.C. 327 is distinct from the claims in the removed action. Accordingly, the removed action has no "conceivable" effect on Debtor's bankruptcy estate and therefore, this Court does not have jurisdiction. See *Celotex Corp. v. Edwards*, 514 U.S. 300, 308 (1995).

**(b) Discretionary remand**

Alternatively, the tentative ruling is that the discretionary factors

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**Chapter 11**

strongly favor remand. See generally *In re Cedar Funding, Inc.*, 419 B.R. 807, 820 n.18 (9th Cir. BAP 2009) (listing fourteen non-exclusive equitable factors to consider when deciding a remand motion). The most important factors are that the removed proceeding only involves state law; Debtor is not a party; the estate will not be impacted by any recovery or loss; Plaintiff's alleged claims arose pre-petition; and Plaintiff has exercised its right to a jury trial. As to any burden on this Court's docket, that factor is neutral because the State courts are also busy (and, at least on a temporary basis, there is the likelihood of a backup of cases in the near future if the federal government's partial shutdown continues).

For both of the foregoing alternative reasons, this Court's tentative ruling is to grant the Motion for Remand.

**(3) Motion to Dismiss**

The tentative ruling is not to hear the Motion to Dismiss, in view of the foregoing tentative ruling to grant the Motion to Remand.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/15/19:**

This Court anticipates posting a tentative ruling at a later time.

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

B&B Liquidating, LLC

Represented By  
Brian L Davidoff

**Defendant(s):**

Great American Group Advisory &

Represented By  
Razmig Izakelian  
Jennifer L Nassiri

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**CONT... B&B Liquidating, LLC**

**Chapter 11**

Kenneth John Shaffer

**Plaintiff(s):**

Siena Lending Group, LLC

Represented By  
Leo D Plotkin

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**2:18-11744 B&B Liquidating, LLC**

**Chapter 11**

**#5.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 2/22/18, 3/20/18, 5/1/18, 5/29/18, 6/12/18,  
08/14/18, 9/18/18, 11/6/18, 12/11/18, 01/08/19

Docket 19

**Tentative Ruling:**

**Revised Tentative Ruling for 1/15/19:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current Issues

(a) Siena v. Great American (Adv. 18-1334)

See tentative ruling in *Siena* adversary status conference, calendar no. 4 (1/15/19 at 2:00 p.m.).

(b) Dismissal of bankruptcy case

The parties should be prepared to discuss whether and when this case should be dismissed, pursuant to this Court's prior order (dkt. 254).

(2) Deadlines/dates. This case was filed on 2/16/18.

(a) Bar date: Timely served (dkt. 155, 163, 167).

(b) Plan/Disclosure Statement\*: TBD

(c) Continued status conference: If this case is not dismissed, the tentative ruling is to continue the Status Conference to 2/26/19 at 2:00 p.m. No status report required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are

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**Chapter 11**

appropriate for disposition at this hearing.

**Tentative Ruling for 1/15/19:**

This Court anticipates posting a tentative ruling at a later time.

**Tentative Ruling for 1/8/19:**

Continue to 1/15/19 at 2:00 p.m. to be concurrent with upcoming hearings in the pending adversary proceeding (Adv. No. 2:18-ap-01334-NB).

Appearances are not required on 1/8/19.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 12/11/18:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current Issues

(a) Fee applications

Grant in full:

(i) Debtor's counsel: \$291,117.00 in fees and \$825.60 in expenses for a total of \$291,942.60 to Greenberg Glusker Fields Claman & Machtinger LLP (dkt 257);

(ii) Debtor's consultants: \$139,590.00 in fees to NV Consulting Services (dkt. 259);

(iii) Committee counsel: \$120,080.00 in fees and \$2,058.69 in expenses for a total of \$122,138.69 to Pachulski Stang Ziehl & Johnes LLP (dkt 256); and

(iv) grant all additional relief requested in the applications (e.g., directing Siena to pay the balance of the carve-outs).

(b) Declarations of Andrew S. Conway (dkt. 267) and Nellwyn Voorhies

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**Chapter 11**

(dkt. 268) Re: Conditional Dismissal

The parties should be prepared to address (i) whether the purported past due October 2018 rents and charges have been paid to Twelve Oaks Mall, LLC, (ii) whether the balance purportedly owed to noticing agent Donlin, Recano & Co., Inc. have been paid, and (iii) whether all other conditions for dismissal in this Court's order (dkt. 254) have been or will be satisfied, and whether this Court should set briefing schedules or establish any other procedures to resolve whatever issues might be outstanding.

(c) B&B Bachrach, LLC Motion for Final Decree (dkt. 324)

The tentative ruling is to grant the Motion for Final Decree and enter an order closing that case.

(2) Deadlines/dates. This case was filed on 2/16/18.

(a) Bar date: Timely served (dkt. 155, 163, 167).

(b) Plan/Disclosure Statement\*: TBD

(c) Continued status conference: Continue to 1/8/19 at 2:00 p.m., in view of the conditions involved in the slightly deferred dismissal requested by Debtor and the Committee. No status report required.

\*Warning: special procedures apply (see order setting initial status conference).

**Tentative Ruling for 12/11/18:**

This court anticipates posting a tentative ruling at a later time.

[PRIOR TENTATIVE RULINGS OMITTED FOR BREVITY]

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

B&B Liquidating, LLC

Represented By  
Brian L Davidoff

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**2:17-22660 Yuichiro Sakurai and Akemi Sakurai**

**Chapter 11**

**#6.00** Cont'd hrg re: Final Fee Application for Approval of Professional Compensation for Legal Services Rendered and Reimbursement of Expenses Incurred by Debtor's Counsel, Nicholas Gebelt  
Fee Period October 16, 2017 to December 18, 2018  
fr. 01/08/19

Docket 343

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Please see the tentative ruling fro the *Sakurai* status conference (calendar no. 7, 1/15/19 at 2:00 p.m.).

**Tentative Ruling for 1/8/19:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 15, 1/8/19 at 2:00 p.m.).

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

Yuichiro Sakurai

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Akemi Sakurai

Represented By  
Nicholas W Gebelt

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**2:17-22660 Yuichiro Sakurai and Akemi Sakurai**

**Chapter 11**

**#7.00** Status Conference re: Post Confirmation  
fr. 11/14/17, 1/9/18, 1/23/18, 1/30/18, 02/13/18,  
4/10/18, 5/8/18, 6/12/18, 6/19/18, 7/10/18, 08/14/18,  
9/4/18, 9/18/18, 10/16/18, 11/6/18, 12/11/18, 01/08/19

Docket 1

**Tentative Ruling:**

**Revised Tentative Ruling for 1/15/19:  
Appearances Required**

**(1) Current Issues**

(a) Final Fee Application for Debtor's Counsel (*Checkmate*, dkt. 249, 250, 253, 255, 257, 258, 261, 264; and *Sakurai*, dkt. 343, 346, 352, 355, 356, 363, 367)

The applications seek \$350,846.10 (*Checkmate*) and \$118,796.75 (*Sakurai*). This Court has allowed a total of \$300,000, and set this continued hearing to address the balance of \$169,642.85. See Interim Fee Orders (dkt. 261, *Checkmate*; dkt. 363, *Sakurai*).

The Fresco parties' objections note that this Court has on more than one occasion expressed grave concerns about whether these Debtors have adequately prosecuted these bankruptcy cases. Of course, this Court expects that counsel for the debtors would not in any way have participated in any attempts by these Debtors to mislead or obstruct creditors in these cases, but that is not the end of the inquiry.

On the one hand, when there are legitimate strategic or tactical reasons to chose among different courses of action, counsel for Debtors usually must act at their clients' direction, even if they might harbor some doubts about the efficacy of those choices. On the other hand, in addition to the ethical limits of what counsel may do at their clients' direction, counsel are only permitted "reasonable compensation for actual, necessary services" (11 U.S.C. 330(a)(1)(A) (emphasis added)), and in determining what compensation is reasonable this Court "shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including [among other things] whether the services were necessary to the

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**Chapter 11**

administration of, or beneficial at the time at which the service was rendered toward the completion of, [these bankruptcy cases]."

In these cases there are open questions about (i) Debtors' own acts and omissions, and whether Debtors were or were not engaging in a lack of diligent prosecution of these cases or other misconduct, (ii) whether Debtors, if deposed or examined at trial on those issues, will or will not assert advice of counsel, and (iii) whether, regardless of the foregoing issues, counsel for Debtors can satisfy the above-referenced statutory requirements. For all of these reasons, the tentative ruling is that the Fresco parties must have a reasonable period of time in which to conduct discovery to investigate Debtors' apparent failures to prosecute these cases or other misconduct, and whether, in view of the results of any such discovery, the compensation sought by counsel for Debtors is for "necessary" services and is "reasonable" in dollar amount, given all of the facts and circumstances.

Meanwhile, although this Court recognizes that all interim compensation may be revisited in connection with any final award, the question is how much to award on an interim basis, and whether any disbursed funds must be held in trust. The tentative ruling is to award another \$35,000 to counsel for Debtors, to be allocated pro rata in proportion to their outstanding fee requests, without requiring any portion of those funds to be held in trust, but also without prejudice to allowance of a greater or lesser final award.

The parties should be prepared to address the schedule for discovery on the issues outlined above. The tentative ruling is that a five month period is appropriate.

Then, in connection with any final fee award, or at such other time as this Court may later determine, the Fresco parties' objections can be revisited with the benefit of both (i) any discovery and (ii) any subsequent developments. For example, any additional disclosures and/or recoveries in the Fower/Radiology litigation might shed light on whether Debtors' and their counsel's strategies and tactics in dealing with those parties were appropriate at the time they were made. (This Court emphasizes that any subsequent developments would be relevant only to the extent they shed light on what was reasonable at the time the legal services were rendered - not for purposes of "20/20 hindsight.")

(2) Deadlines/dates. This case was filed on 10/16/17.

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**Yuichiro Sakurai and Akemi Sakurai**

**Chapter 11**

- (a) Bar date: 1/17/18 (order timely served. dkt. 58, 59).
  - (b) Amended Joint Plan/Amended Joint Disclosure Statement\*: see above.
  - (c) Continued post-confirmation status conference (in the *Sakurai* and *Checkmate* cases, and the related RS/Fower adversary proceeding): 3/26/19 at 2:00 p.m. (status report due 3/19/19).
- \*Warning: special procedures apply (see order setting principal status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/15/19:**

This Court anticipates posting a tentative ruling at a later time.

**Tentative Rulings for 10/26/17 through 1/8/19:  
[OMITTED FOR BREVITY]**

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

**Debtor(s):**

Yuichiro Sakurai

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Akemi Sakurai

Represented By  
Nicholas W Gebelt

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

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**2:17-22648 Checkmate King Co., LTD**

**Chapter 11**

Adv#: 2:18-01062 Checkmate King Co., LTD v. Radiology Solutions Corp. et al

**#8.00** Cont'd Status Conference re: Complaint for (1) Breach of Contract; (2) Claim and Delivery; (3) Conversion; (4) Breach of Guaranty; (5) Fraud; (6) Preliminary Injunction; and (7) Constructive Trust fr. 5/8/18, 6/12/18, 6/19/18, 07/10/18, 08/14/18, 9/4/18, 9/18/18, 10/16/18, 11/6/18, 12/11/18

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 7, 1/15/19 at 2:00 p.m.).

**Tentative Ruling for 12/11/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 7, 12/11/18 at 2:00 p.m.).

**Tentative Ruling for 11/6/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 21, 11/6/18 at 2:00 p.m.).

**Tentative Ruling for 10/16/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 3, 10/16/18 at 2:00 p.m.).

**Tentative Ruling for 9/18/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 18, 9/18/18 at 2:00 p.m.).

**Tentative Ruling for 9/4/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 11, 9/4/18 at 2:00 p.m.).

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**CONT... Checkmate King Co., LTD**

**Chapter 11**

**Tentative Ruling for 8/14/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 6, 8/14/18 at 2:00 p.m.).

**Tentative Ruling for 7/10/18 (same as for 6/19/18):**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 2, 7/10/18 at 2:00 p.m.).

**Tentative Ruling for 6/12/18:**

Appearances required.

**(1) Current Issues.**

(a) Joint Status Report and Notice of Continuances. This Court's 5/8/18 tentative ruling (see below) was not opposed, so it became this Court's actual ruling.

This Court directed (i) Checkmate to file and serve a notice of continuances attaching and incorporating by reference the deadlines in that tentative ruling by 5/7/18, and (ii) the parties to file a brief joint status report by 5/29/18. As of the preparation of this tentative ruling, none of the parties have complied. The parties are cautioned that failure to abide by applicable deadlines in future may result in adverse consequences.

**(b) Motion for TRO & Claim and Delivery (adv. dkt. 10).**

Plaintiff/debtor Checkmate King Co., Ltd. ("Checkmate") has filed a stipulation (adv. dkt. 30) with defendants Radiology Solutions Corp. ("RS") and George Fower ("Fower") for turnover of equipment. But Checkmate has not provided any evidence that it has relief from the automatic stay and consent of the Chapter 7 Trustee in the RS and Fower bankruptcy cases for such turnover (Case Nos. 8:18-bk-10585-TA and 8:18-bk-10583-TA). The tentative ruling is to set a deadline of 6/19/18 for Checkmate to file a declaration attaching evidence sufficient to establish those things, and lodge a revised proposed order to approve the stipulation.

**(2) Deadlines:** This adversary proceeding has been pending since 3/6/18. It is premature to set a discovery cutoff and other deadlines at this time. Continue to 7/17/18 at 2:00 p.m., *brief* joint status report due 7/3/18.

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**Chapter 11**

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 5/8/18:**

The tentative ruling is to continue all pending matters in this adversary proceeding to 6/12/18 at 2:00 p.m. for the reason stated below, with a brief joint status report due 5/29/18, and with a deadline of 5/7/18 for the plaintiff to file and serve a notice of continuances attaching and incorporating by reference the deadlines in this tentative ruling (assuming that this Court is not persuaded to depart from this tentative ruling). Appearances are not required on 5/8/18.

(1) Current Issues. This Court has reviewed the parties' status reports (adv. dkt. 24 & 26) and the other filed documents and records in this adversary proceeding.

(a) Motion for TRO & Claim and Delivery (adv. dkt. 10). At the 4/9/18 hearing on this motion, counsel for plaintiff/debtor Checkmate King Co., Ltd. ("Checkmate") apprised this Court of the bankruptcy filings of defendants Radiology Solutions Corp. ("RS") and George Fower ("Fower") (Case Nos. 8:18-bk-10585-TA and 8:18-bk-10583-TA) and requested a continuance of this hearing to allow time to obtain orders granting relief from stay with annulment. In the Joint status report (adv. dkt. 24), Checkmate states that the hearings on the relief from stay motions are scheduled for 5/15/18. Accordingly, the tentative ruling is to continue this motion to the date and time set forth at the start of this tentative ruling.

(b) Siemens Motion to Dismiss (adv. dkt. 27, the "MTD"). Defendant Siemens Medical Solutions USA, Inc. ("Siemens") has properly self-calendared its MTD for 6/12/18 at 11:00 a.m. Siemens anticipates that it may be voluntarily dismissed by plaintiff (see adv. dkt. 24), but if that does not occur then this Court anticipates that the MTD may take 15 minutes or more

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**Chapter 11**

to hear. This Court's practice is that matters anticipated to take 15 minutes or more are heard on the 2:00 p.m. calendar (not available for self-calendaring, except by permission of this Court). Therefore the tentative ruling is to re-calendar the MTD from 11:00 a.m. to 2:00 p.m., which is concurrent with the other matters in this adversary proceeding that are on today's calendar.

(2) Deadlines: This adversary proceeding has been pending since 3/6/18. It is premature to set a discovery cutoff and other deadlines at this time.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Checkmate King Co., LTD

Represented By  
Robert M Aronson

**Defendant(s):**

Radiology Solutions Corp.

Represented By  
Vatche Chorbajian

George Tyler Fower

Represented By  
Vatche Chorbajian

Siemens Medical Solutions USA Inc

Represented By  
Marsha A Houston

**Plaintiff(s):**

Checkmate King Co., LTD

Represented By  
Robert M Aronson

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**Chapter 11**

**#9.00** Cont'd hrg re: Final Fee Applicaiton for Compensation for Legal Services Rendered and Reimbursement of Expenses Incurred by Debtors Counsel, Namely Law Office of Robert M. Aronson fr. 01/08/19

Docket 249

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Please see the tentative ruling fro the *Sakurai* status conference (calendar no. 7, 1/15/19 at 2:00 p.m.).

**Tentative Ruling for 1/8/19:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 15, 1/8/19 at 2:00 p.m.).

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

**Debtor(s):**

Checkmate King Co., LTD

Represented By  
Robert M Aronson

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**#10.00** Cont'd Status Conference re: Post Confirmation  
fr. 11/14/17, 1/9/18, 1/23/18, 1/30/18, 02/13/18,  
4/10/18, 5/8/18, 6/12/18, 6/19/18, 7/10/18, 08/14/18  
9/4/18, 9/18/18, 10/16/18, 11/6/18, 12/11/18, 01/08/19

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 1/15/19:**

Please see the tentative ruling from the *Sakurai* status conference (calendar no. 7, 1/15/19 at 2:00 p.m.).

**Tentative Ruling for 1/8/19:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 15, 1/8/19 at 2:00 p.m.).

**Tentative Ruling for 12/11/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 7, 12/11/18 at 2:00 p.m.).

**Tentative Ruling for 11/6/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 21, 11/6/18 at 2:00 p.m.).

**Tentative Ruling for 10/16/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 3, 10/16/18 at 2:00 p.m.).

**Tentative Ruling for 9/18/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 18, 9/18/18 at 2:00 p.m.).

**Tentative Ruling for 9/4/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar

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no. 11, 9/4/18 at 2:00 p.m.).

**Chapter 11**

**Tentative Ruling for 8/14/18:**

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 6, 8/14/18 at 2:00 p.m.).

**Tentative Ruling for 7/10/18:**

Please see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 2, 7/10/18 at 2:00 p.m.)

**Tentative Ruling for 6/19/18:**

Please see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 4, 6/19/18 at 2:00 p.m.).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/12/18:**

Appearances required.

(1) Current issues.

(a) Amended Joint Plan/Amended Joint Disclosure Statement (dkt. 175, 176).

These documents, and the supporting declaration of Yuichiro Sakurai (dkt. 177), appear to be identical to the documents filed in the related bankruptcy case of debtors Yuichiro and Akemi Sakurai (the "Sakurais"). See Sakurai BK dkt. 186, 187, 188. Counsel are directed to alert this Court and the parties at the hearing if they are not.

For the tentative ruling regarding these documents, see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 4, 6/12/18 at 2:00 p.m.).

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**Chapter 11**

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Amended Joint Plan/Amended Joint Disclosure Statement\* (dkt. 175, 176): At the status conference this Court will discuss appropriate deadlines.

(c) Continued status conference: 8/7/18 at 2:00 p.m. *Brief* written status report due 7/24/18.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 5/8/18:**

Appearances required.

(1) Current issues.

(a) Joint Plan/Joint Disclosure Statement (dkt. 165, 166).

These documents, and the supporting declaration of Yuichiro Sakurai (dkt. 167). are substantially identical to the documents filed in the related bankruptcy case of debtors Yuichiro and Akemi Sakurai (the "Sakurais"). See Sakurai BK dkt. 176, 177, 178. For the tentative ruling regarding these documents, see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 2, 5/8/18 at 2:00 p.m.).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Joint Plan/Disclosure Statement\* (dkt. 166, 167): The tentative ruling is to set a deadline of 5/22/18 to file (NOT SERVE - except on the U.S. Trustee) an amended joint plan and amended joint disclosure statement to address the foregoing issues.

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(c) Continued status conference: 6/12/18 at 2:00 p.m. No status report required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 4/10/18:**

Appearances are not required on 4/10/18.

(1) Current issues

(a) Motion for Relief from Stay (dkt. 57). In light of the proposed settlement with the Fresco Parties, the tentative ruling is to continue the hearing to be concurrent with the continued status conference (see below).

(b) Plan/Disclosure Statement. The tentative ruling is to conduct a combined hearing on the adequacy of the (forthcoming) disclosure statement and confirmation of the (forthcoming) plan to be concurrent with the continued status conference (see below).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Plan/Disclosure Statement\*: file by 4/18/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/8/18 at 2:00 p.m. No status report required.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you

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wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 2/13/18:**

Appearances required.

(1) Current issues

(a) Potential settlement with Fresco Parties. The parties must be prepared to address the status of their settlement negotiations and finalization of the draft settlement documents circulated 2/5/18, and all other issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (*Sakurai* case, no. 2:17-bk-22660-NB, dkt. 87, 104, 105, 114, 124, and *Checkmate* case, no. 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109, 112, 113, 119, 122).

(b) Cash collateral & budget motions & stipulation (*Sakurai* dkt. 119, 122; *Checkmate* dkt. 114, 118, 119). Grant the cash collateral motion in the *Sakurai* case, subject to the same replacement liens and other terms and conditions as this Court's prior approvals of the use of cash collateral (see *Sakurai* case dkt. 43, 57); grant the budget motion in the *Sakurai* case; and approve the cash collateral stipulation in the *Checkmate* case on a final basis.

(d) Removed action (Adv. no. 2:17-ap-01558-NB), motions for stay and for remand (adv. dkt. 8, 10, 12, 13). The tentative ruling is that the motion for a stay pending determination by the District Court of the debtors' motion to withdraw the reference is moot, because the District Court has dismissed that motion. There is no tentative ruling on the motion to remand.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Plan/Disclosure Statement\*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/20/18 at 1:00 p.m. Brief status

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report due 3/6/18.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/30/18:**

Appearances required.

(1) Current issues

(a) Turnover of Documents and Information etc. The parties must be prepared to address the debtors' turnover of documents and information, and all other issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (case no. 2:17-bk-22660-NB, dkt. 87, 104, 105, 114, and 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109, 112, 113).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Plan/Disclosure Statement\*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 2/13/18 at 1:00 p.m. Brief status report due 2/6/18.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances

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are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/23/18:**

Continue all matters scheduled for today in the *Sakurai* and *Checkmate* cases and related adversary proceeding to 1/30/18 at 2:00 p.m. in view of the apparent inability of the Office of the United States Trustee to appear due to the shutdown of much of the federal government. At the continued hearing the parties must be prepared to address all issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (case no. 2:17-bk-22660-NB, dkt. 87, 104, 105, and 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109). Appearances are not required on 1/23/18.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/9/18:**

Appearances required by the debtor's counsel.

*Proposed orders:* The debtor is directed to serve and lodge proposed orders on each motion listed below via LOU within 7 days after the hearing date.

(1) Current issues

(a) Status Report (dkt. 90): The status report states that the debtor's business is dormant with respect to its financing of the purchase of used medical equipment. Where is Radiology Solutions storing the \$4.6M worth of financed equipment and does the debtor have a perfected security interest in the equipment?

(2) Deadlines/dates. This case was filed on 10/16/17.

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**Checkmate King Co., LTD and Radiology Solutions Corp.**

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(a) Bar date: 1/17/18 (order timely served, dkt. 63, 69)

(b) Plan/Disclosure Statement\*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/6/18 at 1:00 p.m. Brief status report due 2/20/18.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 11/14/17:**

Appearances required by the debtor's principals and debtor's counsel.

*Proposed orders*: The debtor is directed to serve and lodge proposed orders on each motion listed below via LOU within 7 days after the hearing date.

(1) Current issues

(a) Status Report (dkt. 37): The status report states that the debtor has no executory contracts. What about all the contracts with Radiology Solutions Inc./Corp. (whichever name is correct)?

(b) Cash collateral motion (dkt.9): The debtor reports (dkt. 53, p.3) that it has reached a stipulation with Community Bank regarding the use of cash collateral, but as of the preparation of this tentative ruling no such stipulation appears on the docket. If there is no such stipulation, or if it does not moot the bank's opposition (dkt. 50), then the parties should be prepared to address the merits of that opposition. In addition, the parties should be prepared to address the objection of the Fresco parties (dkt. 49) and the debtor's response (dkt. 53).

(c) Payroll motion (dkt. 6). The tentative ruling is to grant this motion on

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a final basis.

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(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18

(b) Plan/Disclosure Statement\*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 12/19/17 at 1:00 p.m. Brief status report due 12/7/17.

\*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/14/17:**

This court anticipates posting a tentative ruling at a later time.

**Tentative Ruling for 10/26/17:**

Appearances required by counsel for the debtor.

(1) Current issues

(a) Proof of service (dkt. 28). Service appears to be in compliance with this court's orders shortening time, except that no addresses are listed. The following tentative rulings are contingent on filing a corrected proof of service, no later than the day after this hearing, listing those addresses.

(b) Cash collateral motion (dkt. 9). Subject to any opposition at the hearing, the tentative ruling is to grant this motion on the terms set forth in the separate tentative ruling on that motion.

(c) Payroll motion (dkt. 6). Subject to any opposition at the hearing, the tentative ruling is to grant this motion. *Proposed order*: Movant is directed to

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**CONT...**      **Checkmate King Co., LTD and Radiology Solutions Corp.**      **Chapter 11**  
serve and lodge a proposed order via LOU within 7 days after the hearing date.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: TBD

(b) Plan/Disclosure Statement\*: TBD

(c) Continued status conference: 11/14/17 at 1:00 p.m. (see order, dkt. 20).

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Checkmate King Co., LTD

Represented By  
Robert M Aronson

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**2:16-25483 Riverwood Gas and Oil LLC**

**Chapter 11**

Adv#: 2:18-01057 Riverwood Gas and Oil LLC v. Bureau of Land Management

**#11.00** Cont'd hrg re: Motion to dismiss the  
second amended complaint  
fr. 10/2/18, 12/4/18, 12/18/18

Docket 36

**\*\*\* VACATED \*\*\* REASON: Continued to 2/26/19 at 2:00 p.m. [dkt. 44]**

**Tentative Ruling:**

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

**Debtor(s):**

Riverwood Gas and Oil LLC

Represented By  
Giovanni Orantes  
Mike Montes  
Luis A Solorzano

**Defendant(s):**

Bureau of Land Management

Represented By  
Kevin P VanLandingham

**Movant(s):**

Bureau of Land Management

Represented By  
Kevin P VanLandingham

**Plaintiff(s):**

Riverwood Gas and Oil LLC

Represented By  
Luis A Solorzano  
Giovanni Orantes

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**2:16-25483 Riverwood Gas and Oil LLC**

**Chapter 11**

Adv#: 2:18-01057 Riverwood Gas and Oil LLC v. Bureau of Land Management

**#12.00** Cont'd Status Conference re: Complaint for Damages, Declaratory Relief and Injunctive Relief for: (1) Violation of Automatic Stay; and (2) Turnover Under 11 U.S.C. § 542  
fr. 05/08/18, 06/26/18, 09/18/18, 10/2/18, 12/4/18, 12/18/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 2/26/19 at 2:00 p.m. [dkt. 44]**

**Tentative Ruling:**

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

**Debtor(s):**

Riverwood Gas and Oil LLC

Represented By  
Giovanni Orantes  
Mike Montes  
Luis A Solorzano

**Defendant(s):**

Bureau of Land Management

Represented By  
Kevin P VanLandingham

**Plaintiff(s):**

Riverwood Gas and Oil LLC

Represented By  
Luis A Solorzano  
Giovanni Orantes

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**2:16-25483 Riverwood Gas and Oil LLC**

**Chapter 11**

Adv#: 2:17-01326 Riverwood Gas and Oil LLC v. Western States International et al

**#13.00** Cont'd Status Conference re: Complaint 1) Breach of Written Contract; 2) Breach of Implied Contract and Fair Dealings; 3) Interfering with Economic Relationship; 4) Slander of Title; 5) Quiet Title; 6) Declaratory Relief  
fr. 8/22/17, 11/14/17, 1/23/18, 02/13/18, 03/06/18, 4/17/18, 5/8/18, 6/26/18, 9/18/18, 10/2/18, 12/4/18, 12/18/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 2/26/19 at 2:00 p.m. The order entered in the adv proceeding 18-01057 [dkt. 44]**

**Tentative Ruling:**

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

Riverwood Gas and Oil LLC

Represented By  
Giovanni Orantes  
Mike Montes  
Luis A Solorzano

**Defendant(s):**

Phoenix Oil Gas Inc.

Pro Se

JNDDC, LLC.

Pro Se

Flavio M. Rodriguez

Pro Se

Longbow LLC.

Represented By  
D Max Gardner

Leonard Kroyton

Pro Se

Glenn Morinaka

Pro Se

James Robert Zadko

Pro Se

Derek Wilshee

Pro Se

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**CONT... Riverwood Gas and Oil LLC**

**Chapter 11**

|                                     |                                    |
|-------------------------------------|------------------------------------|
| Michael Smushkevich                 | Pro Se                             |
| DOES 1 through 10, inclusive        | Pro Se                             |
| David Smushkevich                   | Pro Se                             |
| Alex Gendelman                      | Pro Se                             |
| Tatyana Grukhhina                   | Pro Se                             |
| United Pacific Energy Operations    | Pro Se                             |
| Charles Ross                        | Pro Se                             |
| Tearlach Resources (California) LTD | Pro Se                             |
| Gas and Oil Technologies, Inc.      | Pro Se                             |
| United Pacific Energy Corporation   | Pro Se                             |
| Ingrid Aliet-Gass                   | Pro Se                             |
| Western States International        | Represented By<br>Mitchell E Rishe |
| Paul Guiller                        | Pro Se                             |

**Plaintiff(s):**

|                           |                               |
|---------------------------|-------------------------------|
| Riverwood Gas and Oil LLC | Represented By<br>Mike Montes |
|---------------------------|-------------------------------|

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**2:16-25483 Riverwood Gas and Oil LLC**

**Chapter 11**

**#14.00** Cont'd hrg re: Motion for relief from stay [NA]  
fr. 5/1/18, 5/8/18, 6/26/18, 9/18/18, 10/2/18,  
12/4/18, 12/18/18

INGRID ALIET-GASS  
vs  
DEBTOR

Docket 130

**\*\*\* VACATED \*\*\* REASON: Continued to 2/26/19 at 2:00 p.m. The order  
entered in the adv proceeding 18-01057 [dkt. 44]**

**Tentative Ruling:**

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

**Debtor(s):**

Riverwood Gas and Oil LLC

Represented By  
Giovanni Orantes  
Mike Montes  
Luis A Solorzano

**Movant(s):**

Ingrid Aliet-Gass

Pro Se

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

**Tuesday, January 15, 2019**

**Hearing Room 1545**

2:00 PM

**2:16-25483 Riverwood Gas and Oil LLC**

**Chapter 11**

**#15.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 11/29/16, 12/13/16, 1/10/17, 2/7/17, 4/4/17,  
5/2/17, 06/13/17, 7/11/17, 8/22/17, 11/14/17,  
1/23/18, 02/13/18, 03/06/18, 4/17/18, 5/8/18,  
6/26/18, 9/18/18, 10/2/18, 12/4/18, 12/18/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 2/26/19 at 2:00 p.m. The order  
entered in the adv proceeding 18-01057 [dkt. 44]**

**Tentative Ruling:**

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

**Debtor(s):**

Riverwood Gas and Oil LLC

Represented By  
Giovanni Orantes  
Mike Montes  
Luis A Solorzano