

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

Tuesday, February 11, 2025

Hearing Room 1545

9:00 AM
2:00-00000

Chapter

- #1.00** Hearings in Judge Bason's courtroom (1545) are simultaneously:
- (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices),
 - (2) via ZoomGov video, and
 - (3) via ZoomGov telephone.

You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 161 110 1361

Password: 242419

Meeting URL: <https://cacb.zoomgov.com/j/1611101361>

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

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

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

Members of the public, including the press, are always welcome in person (except in rare instances when the courtroom is sealed) and they may also listen via telephone to non-evidentiary hearings, but must not view any hearings via video (per mandate of the AO).

Any audio or video recording is strictly prohibited. Official recordings are available for a small fee through the Clerk's Office.

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so); (c) when you make your argument, please pause from time to time so that, for

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example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name, uses the wrong pronoun, etc.

Docket 0

Tentative Ruling:

- NONE LISTED -

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10:00 AM

2:24-10303 Raymond David McClam, Jr. and Bethany Amanda

Chapter 13

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

NEWREZ, LLC
vs
DEBTOR

Docket 63

*** VACATED *** REASON: Cont'd to 2/25/25 at 10:00 a.m. per stipulation (dkt. 66) and order thereon

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond David McClam Jr.

Represented By
Raj T Wadhvani

Joint Debtor(s):

Bethany Amanda McClam

Represented By
Raj T Wadhvani

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Jacqueline D Serrao

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-17848 Edgar Novio Ylagan

Chapter 13

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

DEUTSCHE BANK NATIONAL TRUST COMPANY
VS
DEBTOR

Docket 40

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar Novio Ylagan

Represented By
Sevan Gorginian

Movant(s):

Deutsche Bank National Trust

Represented By
Joseph C Delmotte
Mukta Suri

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, February 11, 2025

Hearing Room 1545

10:00 AM

2:22-12334 October Olivia Ryan

Chapter 13

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

LBS FINANCIAL CREDIT UNION
vs
DEBTOR

Docket 40

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 42).

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

Party Information

Debtor(s):

October Olivia Ryan

Represented By
H. Jasmine Papian

Movant(s):

LBS Financial Credit Union

Represented By
Karel Rocha

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:23-16137 Alex Oropeza and Virginia Marie Oropeza

Chapter 13

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

VW CREDIT LEASING, LTD
vs
DEBTOR

Docket 35

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alex Oropeza

Represented By
Michael E Clark

Joint Debtor(s):

Virginia Marie Oropeza

Represented By
Michael E Clark

Movant(s):

VW Credit Leasing, LTD

Represented By
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:24-20369 Cinema Management Group, LLC

Chapter 11

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

WONDERDOG 1 PRODUCTIONS INC
vs
DEBTOR

Docket 9

***** VACATED *** REASON: This hearing is schedule to be heard at a
different time. See #19 at 1:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cinema Management Group, LLC

Represented By
John D Monte

Movant(s):

Wonderdog 1 Productions Inc.

Represented By
Paul J Laurin

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:24-20079 Jose George Alfaro

Chapter 7

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

GOLDSTAR ENTERPRISES, INC.
vs
DEBTOR

Docket 16

Tentative Ruling:

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

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

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

The automatic stay does not apply

Grant the motion under 11 U.S.C. 362(c)(3) and (j): there is no automatic stay because (a) Debtor's prior case (#2:24-bk-14768-NB) was dismissed (on 7/18/2024) within one year before this case was filed (on 12/11/2024), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to Debtor *in personam* and as to property of Debtor. See *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

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Chapter 7

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

Note regarding mootness: As provided in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov), the tentative ruling is that a motion for relief from the automatic stay is not mooted even when the tentative ruling is that the stay no longer exists, for the following reasons:

a. Multiple, alternative grounds for relief should all be reached.

When a motion seeks the same relief on multiple alternative grounds, all of those grounds usually should be ruled on because a tentative or final ruling on any one ground might be reversed or altered later on. For example, movants often seek a ruling that the automatic stay does not prevent them from pursuing their remedies both (i) because the stay does not apply (*e.g.*, after dismissal of the bankruptcy case, per 11 U.S.C. §§ 349(b)(3), 362(c)) and alternatively (ii) because relief from the stay is appropriate (under 11 U.S.C. § 362(d)). If the first ground later turns out to be reversed or altered (*e.g.*, if a dismissal is vacated), the movant would be prejudiced if this Court had refused to reach the movant's alternative argument that the stay should be lifted. *See also, e.g., In re Krueger*, 88 B.R. 238, 241-42 (9th Cir. BAP 1988) (notwithstanding dismissal, stay held to continue due to lack of proper notice re dismissal).

b. Annulment, *in rem* relief, etc. Some matters always remain relevant, notwithstanding dismissal, closing of a case, or other grounds on which the stay might not currently exist. *See In re Aheong*, 276 B.R. 233 (9th Cir. BAP 2002).

For the foregoing reasons, the tentative ruling is that it is appropriate to address the following issues.

Termination

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

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

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CONT... Jose George Alfaro

Chapter 7

Relief notwithstanding future bankruptcy cases

Grant the following relief pursuant to 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.

Note: Per the Posted Procedures of Judge Bason (available at 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.

Party Information

Debtor(s):

Jose George Alfaro

Pro Se

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Movant(s):

Goldstar Enterprises, Inc., a

Represented By
Gary A Starre

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:25-10207 Daniel Chang

Chapter 13

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

Docket 6

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.").

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

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

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.

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Daniel Chang

Chapter 13

(2) Reasons. (a) It appears appropriate to continue/impose the automatic stay, and to continue/impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this Court provides the foregoing simple process for reconsideration.

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

Party Information

Debtor(s):

Daniel Chang

Represented By
Kevin T Simon

Movant(s):

Daniel Chang

Represented By
Kevin T Simon
Kevin T Simon

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:21-10132 Javier Hernandez

Chapter 13

#8.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/24/24, 11/19/24, 1/7/25

DEUTSCHE BANK NATIONAL TRUST
VS
DEBTOR

Docket 70

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

Tentative Ruling:

Party Information

Debtor(s):

Javier Hernandez

Represented By
Jaime A Cuevas Jr.
Michelle Hart Ippoliti

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry
Fanny Zhang Wan
Kelli M Brown

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:23-11462 Damian Lopez

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 1/7/25

SELENE FINANCE LP
vs
DEBTOR

Docket 49

Tentative Ruling:

Tentative Ruling for 2/11/25:

Appearances required.

At the hearing on 1/7/25 this Court was persuaded to continue this matter to today, with a deadline of 1/8/25 for Movant to file and serve a notice of the continued hearing. Movant did not give notice of this hearing until 1/17/25, which is 11 days late. The tentative ruling is to excuse the late filing in this instance, because Debtor appears to have had plenty of notice of this continued hearing, but Movant is cautioned not to miss deadlines set by this Court in future.

There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 1/7/25:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 50).

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CONT... Damian Lopez

Chapter 13

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

Party Information

Debtor(s):

Damian Lopez

Represented By
Onyinye N Anyama

Movant(s):

U.S. Bank Trust National

Represented By
Fanny Zhang Wan
Sean C Ferry
Kelli M Brown

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

2:23-16835 Mark Jaylord Valerio

Chapter 7

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 11/05/24, 1/7/25

DISCOVER BANK
VS
DEBTOR

Docket 54

***** VACATED *** REASON: Voluntary dismissal of moton filed 1/30/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Jaylord Valerio

Represented By
Raj T Wadhvani

Movant(s):

Discover Bank

Represented By
Chad L Butler

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-10152 Jimmy Alexander

Chapter 13

#11.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 1/7/25

NEWREZ LLC
vs
DEBTOR

Docket 57

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

Tentative Ruling:

Party Information

Debtor(s):

Jimmy Alexander

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Dane W Exnowski

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:20-11333 Edmund Lincoln Anderson

Chapter 7

#1.00 Hrg re: Trustee's final report and account;
Application for fees and expenses
[John P. Pringle, Chapter 7 Trustee]

Docket 564

Tentative Ruling:

Approve the Trustee's final report and allow \$18,148.16 in fees and \$204.79 in expenses, for a total award of \$18,352.95, and authorize and direct payment in the reduced dollar amounts of \$11,226.94 in fees and \$126.69 in expenses proposed by the Trustee, for a total payment of \$11,353.63. See dkt. 564, p. 26. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

Party Information

Debtor(s):

Edmund Lincoln Anderson

Represented By
Stella A Havkin

Trustee(s):

John P Pringle (TR)

Represented By

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Edmund Lincoln Anderson

Toan B Chung

Chapter 7

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2:20-11333 Edmund Lincoln Anderson

Chapter 7

#2.00 Hrg re: Application for payment of final fees and/or expenses
[Roquemore, Pringle & Moore, Inc. Trustee's attorney]

Docket 561

Tentative Ruling:

Allow \$36,260.00 in fees and \$397.59 in expenses, for a total award of \$36,657.59, and authorize and direct payment in the reduced dollar amounts of \$22,431.41 in fees and \$245.96 in expenses proposed by the Trustee, for a total payment of \$22,677.37. See dkt. 564, p. 26. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

Party Information

Debtor(s):

Edmund Lincoln Anderson

Represented By
Stella A Havkin

Trustee(s):

John P Pringle (TR)

Represented By
Toan B Chung

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2:20-11333 Edmund Lincoln Anderson

Chapter 7

#3.00 Hrg re: First and Final Fee Application for allowance of fees and expenses for the Chapter 11 period from July 9, 2021 through August 23, 2021 and for the chapter 7 period of December 20, 2022 through November 1, 2023
[Hahn Fife & Company, Accountant]

Docket 562

Tentative Ruling:

Allow \$2,097.00 in fees and \$266.90 in expenses, for a total award of \$2,363.90, and authorize and direct payment in the reduced dollar amounts of \$1,297.26 in fees and \$165.11 in expenses proposed by the Trustee, for a total payment of \$1,462.37. See dkt. 564, p. 26. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

Party Information

Debtor(s):

Edmund Lincoln Anderson

Represented By
Stella A Havkin

Movant(s):

Hahn Fife & Company

Pro Se

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Trustee(s):

John P Pringle (TR)

Represented By
Toan B Chung

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11:00 AM

2:24-13431 FAME Housing Corporation

Chapter 7

#4.00 Hrg re: Chapter 7 Trustee's Motion For Authority To (1) Abandon Real Property Located At 2506-2512 S. La Salle Ave., Los Angeles, California, (2) Abandon Personal Property On The Premises And Relating To The Property, And (3) Reject Executory Contracts And Unexpired Leases Relating To Operation And Maintenance Of The Property

Docket 229

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 2/11/25 at 11:00 a.m.).

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Movant(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

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2:24-13431 FAME Housing Corporation

Chapter 7

#5.00 Hrg re: Chapter 7 Trustee's Motion For Authority To (1) Abandon Real Property Located At 2237 S. Harvard Blvd., Los Angeles, California, (2) Abandon Personal Property On The Premises And Relating To The Property, And (3) Reject Executory Contracts And Unexpired Leases Relating To Operation And Maintenance Of The Property

Docket 231

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 2/11/25 at 11:00 a.m.).

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Movant(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

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2:24-13431 FAME Housing Corporation

Chapter 7

#6.00 Hrg re: Chapter 7 Trustee's Motion For Authority To (1) Abandon Real Property Located At 2232 S. Harvard Blvd., Los Angeles, California, (2) Abandon Personal Property On The Premises And Relating To The Property, And (3) Reject Executory Contracts And Unexpired Leases Relating To Operation And Maintenance Of The Property

Docket 233

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 2/11/25 at 11:00 a.m.).

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Movant(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 11, 2025

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11:00 AM

2:24-13431 FAME Housing Corporation

Chapter 7

#7.00 Cont'd Status Conference re: Chapter 7 Case
fr. 6/25/24, 7/16/24, 8/27/24, 10/8/24, 11/19/24,
12/03/24, 12/10/24, 12/17/24, 1/21/25

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Grant Trustee's motions to abandon property of the estate and continue the status conference, all as set forth below. Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Chapter 7 Trustee's motion to abandon FAME Villas (dkt. 229),
Notice of motion (dkt. 230), No opposition on file

Grant Trustee's motion to abandon FAME Villas (including any tangible personal property located at and used in connection with the operation of FAME Villas), and authorize Trustee to reject the executory contracts and unexpired leases pertaining to FAME Villas.

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

(b) Chapter 7 Trustee's motion to abandon FAME Northwest (dkt. 231),
Notice of motion (dkt. 232), No opposition on file

Grant Trustee's motion to abandon FAME Northwest (including any

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tangible personal property located at and used in connection with the operation of FAME Northwest), and authorize Trustee to reject the executory contracts and unexpired leases pertaining to FAME Northwest.

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

(c) Chapter 7 Trustee's motion to abandon FAME Northeast (dkt. 233), Notice of motion (dkt. 234), No opposition on file

Grant Trustee's motion to abandon FAME Northeast (including any tangible personal property located at and used in connection with the operation of FAME Northeast), and authorize Trustee to reject the executory contracts and unexpired leases pertaining to FAME Northeast.

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

(2) Dates/procedures. This case was filed on 5/1/24. The Chapter 7 Trustee is temporarily operating the businesses of the three related debtors. See Order (dkt. 61) and 11 U.S.C. 721.

(a) Continued status conference: 3/18/25 at 11:00 a.m. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
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11:00 AM

2:24-11795 Karen Kim

Chapter 7

Adv#: 2:24-01199 Tapia et al v. Kim

#8.00 Hrg re: Motion for liquidation
of damages after entry of default

Docket 10

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 9,
2/11/25 at 11:00 a.m.).

Party Information

Debtor(s):

Karen Kim

Represented By
Kevin Tang

Defendant(s):

Karen Kim

Pro Se

Movant(s):

Wenceslado Tapia

Represented By
Giovanni Orantes

Erik Tapia

Represented By
Giovanni Orantes

Plaintiff(s):

Wenceslado Tapia

Represented By
Giovanni Orantes

Erik Tapia

Represented By
Giovanni Orantes

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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2:24-11795 Karen Kim

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Adv#: 2:24-01199 Tapia et al v. Kim

#9.00 Cont'd Status conference re: Complaint for non-dischargeability of debts pursuant to 11 U.S.C. sections 523(a)(2),(4)& (6) fr. 10/8/24, 12/17/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Grant in part and deny in part Plaintiffs' motion to liquidate damages and set a continued status conference to provide parties an opportunity to request any post-judgment relief that might be relevant, all as set forth below.

Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Missing order granting Motion for Default Judgment as to Liability (adv. dkt. 7-8)

On 12/17/24, this Court conducted a hearing on Plaintiffs' motion for entry of default judgment against Defendant/Debtor. At that hearing, this Court ruled that Plaintiffs were entitled to entry of a non-dischargeable judgment against Defendant/Debtor, and scheduled this hearing to liquidate the amount of Plaintiffs' damages. This Court directed Plaintiffs to lodge a proposed order granting the Motion for Default Judgment (adv. dkt. 7-8) as to liability within seven days after the hearing date. As of the preparation of this tentative ruling, no such order has been lodged.

The tentative ruling is to **set a deadline of 2/18/25** for Plaintiffs to

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lodge a proposed order granting the Motion for Default Judgment as to liability.

(b) Motion to liquidate Plaintiffs' damages (adv. dkt. 10, the "Damages Motion")

(i) Service of the Damages Motion

Plaintiffs served the Damages Motion upon Defendant/Debtor at her last known address – 6554 Friends Avenue, Whittier, CA 90601. In its adopted tentative ruling determining that Plaintiffs were entitled to entry of default judgment (reproduced in full below), this Court determined that such service was sufficient. For the reasons set forth in that prior ruling, the tentative ruling is that service of the Damages Motion upon Defendant/Debtor's last known address is likewise sufficient.

(ii) Merits of the Damages Motion

Plaintiffs seek (A) \$230,000.00 in economic damages, see Damages Motion (adv. dkt. 10) at pp. 3:21–7:2; (B) \$690,000.00 in punitive damages, see Damages Motion (adv. dkt. 10) at p. 11:4–8; (C) pre-judgment interest at the state-law rate of 10% for the period between 6/1/23 and the date of entry of judgment, see Damages Motion (adv. dkt. 10) at p. 11:4–8; and (D) post-judgment interest, also at the state-law rate of 10%, see Damages Motion (adv. dkt. 10) at p. 11:4–8. Each request for damages is addressed in turn.

(A) Economic damages

The tentative ruling is that Plaintiffs are entitled to the requested \$230,000.00 in economic damages. The declarations submitted by Plaintiffs establish that they transferred \$230,000.00 to Defendant/Debtor in reliance upon Defendant/Debtor's representation that she would use the funds to acquire an investment property on Plaintiffs' behalf, but that Defendant/Debtor failed to acquire the investment property and has not returned the funds. See Wenceslado Tapia Decl. (adv. dkt. 10 at PDF pp. 14–21) at pp. 3:15–5:27; Erik Tapia Decl. (adv. dkt. 10 at PDF pp. 22–29) at pp. 3:15–5:27.

(B) Punitive Damages

"The three criteria for determining the amount of punitive damages that should be awarded are: (1) the reprehensibility of the defendant's actions; (2) the amount of compensatory damages, although there is no fixed ratio for determining whether punitive damages are reasonable in relation to actual

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damages, and (3) the defendant's financial condition—the wealthier the wrongdoer, the larger the punitive damage award must be to meet the goals of punishment and deterrence.” *In re Guillory*, 285 B.R. 307, 316 (Bankr. C.D. Cal. 2002). The tentative ruling is that this Court must consider all the facts and circumstances, including these same three criteria, when assessing whether to award any punitive damages at all.

Punitive damages are also limited by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 412 (2003). In determining whether punitive damages are consistent with due process, this Court must consider "(1) the degree of reprehensibility of the defendant's misconduct; (2) the disparity between the actual or potential harm suffered by the plaintiff and the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases.” *State Farm*, 538 U.S. 408, 418. “[T]he most important indicium of the reasonableness of a punitive damages award is the degree of reprehensibility of the defendant's conduct.” *State Farm*, 538 U.S. 408, 419. “[I]n practice, few awards exceeding a single-digit ratio between punitive and compensatory damages, to a significant degree, will satisfy due process.” *State Farm*, 538 U.S. 408, 425. Again, the tentative ruling is that this Court should consider these same criteria in deciding whether to award any punitive damages at all.

The tentative ruling is that, considering all the facts and circumstances, Plaintiffs are entitled to some amount of punitive damages – but not the treble punitive damages of \$690,000.00 that they request. See Damages Motion (adv. dkt. 10) at p. 11:4–8. Instead, the tentative ruling is that Plaintiffs are entitled to punitive damages of \$115,000.00, or 50% of Plaintiffs' economic damages (50% x \$230,000.00 = \$115,000.00). Defendant/Debtor's conduct certainly was reprehensible – she obtained \$230,000.00 from Plaintiffs based upon representations that those funds would be used to purchase property on Plaintiffs' behalf, but then failed to purchase the Property, failed to return the funds, and then cut off all contact with Plaintiffs. But the types of cases in which treble or greater punitive damages are awarded typically involve far more egregious conduct. This is not, for example, a situation in which Defendant/Debtor's actions left Plaintiffs with debilitating, lifelong injuries requiring years of medical treatment.

(C) Prejudgment Interest

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Prejudgment interest “serves to compensate for the loss of use of money due as damages from the time the claim accrues until judgment is entered, thereby achieving full compensation for the injury those damages are intended to redress.” *Barnard v. Theobald*, 721 F.3d 1069, 1078 (9th Cir. 2013) (citations omitted). The Ninth Circuit Bankruptcy Appellate Panel has held that in certain cases, it is appropriate for a bankruptcy court to award prejudgment interest under the state law rate:

Even in a federal question case, where the federal interest rate ordinarily applies, the court may choose a different rate if “the equities of a particular case demand a different rate.” *S.E.C. v. Platforms Wireless Int’l Corp.*, 617 F.3d 1072, 1099 (9th Cir. 2010) (citation omitted); see *United States v. Gordon*, 393 F.3d 1044, 1063 n.12 (9th Cir. 2004) (“Under federal law the rate of prejudgment interest is the Treasury Bill rate as defined in 28 U.S.C. § 1961 unless the district court finds on substantial evidence that a different prejudgment interest rate is appropriate.”)....

Section 523 cases often require bankruptcy courts to decide both state law and federal law issues. In order to decide such a case, the bankruptcy court must first decide that the debtor owes a “debt.” In this case, as in most such cases, the “debt” alleged by the Crumps is entirely a creature of state law. Next, the bankruptcy court must determine whether that debt meets the standard for nondischargeability. This second question depends on federal law. But in cases based on § 523(a)(2), such as this one, the state law and federal law issues are often identical. This is so because § 523(a)(2) applies to debts for “false pretenses, a false representation, or actual fraud,” and the Supreme Court has held that these terms must be given their standard common law meanings. *Husky Int’l Elecs., Inc. v. Ritz*, 136 S. Ct. 1581, 1586 (2016); *Field v. Mans*, 516 U.S. 59, 69–70 (1995). As the bankruptcy court noted, a claim under § 523(a)(2)(A) alleging fraud may be analyzed as a claim for fraud in the inducement under California law. “The elements of fraud under § 523(a)(2)(A) match the elements of common law fraud and of actual fraud under California law.” *In re Jung Sup Lee*, 335 B.R. 130, 136 (9th Cir. BAP 2005)

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(citation omitted). Thus, this case is analogous to a diversity case in which a federal court decides state law claims. In such a case, the bankruptcy court may choose to award prejudgment interest at the state law rate. [*In re Zenovic*, No. AP 13-90218-LT, 2017 WL 431400, at *8 (B.A.P. 9th Cir. Jan. 31, 2017), *aff'd*, 727 F. App'x 369 (9th Cir. 2018).]

The tentative ruling is that based upon the equities of this case, it is appropriate for this Court to exercise its discretion to award Plaintiffs prejudgment interest at the California state law rate of 10%. The tentative ruling is that Plaintiffs are entitled to prejudgment interest for the period between 6/1/23 – the date that Defendant/Debtor was supposed to transfer the property to Plaintiffs – and the date of entry of judgment.

(D) Postjudgment Interest

Having determined that the equities of the case warrant an award of prejudgment interest at the California rate of 10%, the tentative ruling is that the equities of the case also support an award of post-judgment interest at that same rate.

(E) Conclusion as to Damages

In conclusion, the tentative ruling is that Plaintiffs are entitled to (A) economic damages of \$230,000.00, (B) punitive damages of \$115,000.00, (C) prejudgment interest at the California rate of 10% for the period between 6/1/23 and the date of entry of judgment, and (D) postjudgment interest at the California rate of 10%.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge a proposed order granting the Damages Motion via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling. (In addition, as set forth above, Movant is directed, again, to lodge a proposed order substantially granting the Motion for Default Judgment, as to liability.) Then, so that it will be possible for the judgment to correctly state the exact amount of prejudgment interest that has accrued as of the date of entry, this Court will prepare the judgment.

(2) Standard requirements

The following are Judge Bason's standard requirements for status

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conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(a) Venue/jurisdiction/authority

The tentative ruling is that there are no issues regarding venue, jurisdiction, and authority which would prevent this Court from entering judgment in this non-dischargeability action.

(b) Mediation

[Intentionally omitted.]

(c) Deadlines

This adversary proceeding has been pending since 8/5/24. A scheduling order has not been entered because of Defendant/Debtor's default. The tentative ruling is to set a continued status conference to provide parties an opportunity to request any post-judgment relief that might be relevant, as follows.

Joint Status Report: Not required

Continued status conference: 3/18/25 at 11:00 a.m. (to go off calendar if no motions or other papers are filed that would warrant a continued status conference).

Tentative Ruling for 12/17/24:

Grant the Motion for Default Judgment as to liability and set a continued hearing to determine Plaintiffs' damages, all as set forth below. Appearances are not required on 12/17/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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- (a) Motion for Default Judgment (adv. dkt. 7–8), No opposition on file
(i) Service of the Motion for Default Judgment

Plaintiffs served the Motion for Default Judgment upon Defendant/Debtor at her last known address – 6554 Friends Avenue, Whittier, CA 90601. Defendant/Debtor no longer resides at that address; a sale of the property closed on July 1, 2024. See Seller’s Final Settlement Statement (dkt. 97, Ex. D). Defendant/Debtor has not updated her address, as required by Rule 4002(a)(5) (Fed. R. Bankr. P.) (obligating a debtor to “file a statement of any change of the debtor’s address”).

The tentative ruling is that Defendant/Debtor has received sufficient notice of this adversary proceeding and the Motion for Default Judgment. First, Defendant/Debtor appeared at a status conference in this action held on 10/8/24, so she is aware of the Complaint. Notwithstanding such awareness, Defendant/Debtor has not responded to the Complaint, has not responded to the Motion for Default Judgment, and has not taken any action seeking to set aside the default that was entered against her on 9/18/24, adv. dkt. 4.

Second, Defendant/Debtor has chosen to voluntarily subject herself to this Bankruptcy Court’s jurisdiction in order to obtain the protections and benefits afforded by the Bankruptcy Code – including a chapter 7 discharge, which Defendant/Debtor received on 11/6/24, dkt. 117. Despite having received these benefits, Defendant/Debtor has failed to comply with her corresponding obligation to keep this Court and parties in interest apprised of her current address. See Rule 4002(a)(5) (Fed. R. Bank. P.) (quoted above); LBR 1002-1(a)(2) (“Using the court-approved form, pursuant to FRBP 4002(a)(5), a debtor must file and serve a change of address each time a debtor’s street address or post office box changes.”); *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1998) (“[a] party, not the ... court, bears the burden of keeping the court apprised of any changes in his mailing address.”). It is not appropriate for Defendant/Debtor to invoke this Court’s jurisdiction, obtain the benefits of the Bankruptcy Code (including the benefits of the discharge injunction), but then attempt to escape liability in a non-dischargeability action by neglecting to update her address.

Third, this Court takes judicial notice that mail ordinarily is forwarded or held by the U.S. postal service. Therefore, absent evidence to the contrary, this Court presumes that Debtor actually received notice by mail, even though she has not updated her address in the records of this Court.

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(ii) Merits of the Motion for Default Judgment

The entry of default establishes the truth of the well-pleaded allegations in the Complaint but does not establish the amount of Plaintiff's damages. See *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917–18 (9th Cir. 1987) ("The general rule of law is that upon default the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.").

The tentative ruling is that the allegations of the Complaint, which now must be taken as true, establish that Plaintiffs are entitled to entry of a non-dischargeable judgment against Defendant/Debtor under 11 U.S.C. 523(a)(2) (A), (a)(4), and (a)(6).

The tentative ruling is (A) to **set a deadline of 1/10/25** for Plaintiffs to file and serve a motion liquidating the amount of Plaintiffs' damages (the "Damages Motion"), (B) to conduct a hearing on the Damages Motion on **2/11/25 at 11:00 a.m.**, and (C) to conduct a continued status conference at the same date and time (no written status report is required). The tentative ruling is that unless Defendant/Debtor provides an updated address prior to the deadline for Plaintiffs to file the Damages Motion, service of the Damages Motion upon Defendant/Debtor's last-known address shall be deemed sufficient. Finally, the tentative ruling is that to the extent Defendant/Debtor elects to oppose the Damages Motion, she may present only arguments disputing the dollar amount of the alleged damages and is barred from contesting liability.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge a proposed order granting the Motion for Default Judgment as to liability via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

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The tentative ruling is that there are no issues regarding venue, jurisdiction, and authority which would prevent this Court from entering judgment in this non-dischargeability action.

(b) Mediation

[Intentionally omitted.]

(c) Deadlines

This adversary proceeding has been pending since 8/5/24. See part "(1)(a)(ii)," above, for litigation deadlines.

Tentative Ruling for 10/8/24:

Set a deadline for Plaintiffs to file a Motion for Default Judgment and continue the status conference, all as set forth below. Appearances are not required on 10/8/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Debtor/Defendant's failure to timely respond to the Complaint

Plaintiffs timely served the summons and complaint upon Debtor/Defendant (dkt. 4 PDF p. 31). Debtor/Defendant failed to timely respond to the complaint, and the Clerk of the Court entered Debtor/Defendant's default on 9/18/24 (dkt. 5).

The tentative ruling is (A) to **set a deadline of 11/12/24** for Plaintiffs to file and serve a Motion for Default Judgment, (B) to conduct a hearing on the Motion for Default Judgment on **12/17/24 at 11:00 a.m.**, and (C) to conduct a continued status conference concurrent with the hearing on the Motion for Default Judgment (no written status report is required).

(2) Standard requirements

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

(a) Venue/jurisdiction/authority
[Intentionally omitted]

(b) Mediation
[Intentionally omitted]

(c) Deadlines
See part "(1)," above.

Party Information

Debtor(s):

Karen Kim

Represented By
Kevin Tang

Defendant(s):

Karen Kim

Pro Se

Plaintiff(s):

Wenceslado Tapia

Represented By
Giovanni Orantes

Erik Tapia

Represented By
Giovanni Orantes

Trustee(s):

John J Menchaca (TR)

Pro Se

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2:22-13069 George Gordon Strong, III

Chapter 7

Adv#: 2:24-01189 Vosicher v. Strong, III

#10.00 Cont'd Status Conference re: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§ 523(a)(4) and 523(a)(6) fr. 10/8/24, 12/17/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Set trial date and continue the status conference, while the parties are simultaneously engaged in mediation, all as set forth below. Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 9) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte*.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited. See Answer (adv. dkt. 4) at ¶ 1 (p. 1:1) (admitting

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all the Complaint's allegations as to venue, jurisdiction, and authority).

(b) Mediation

An order assigning this matter to the mediation panel was entered on 1/28/25. Adv. dkt. 10. Notwithstanding the pending mediation, the tentative ruling is to set the trial date and related deadlines set forth below, to avoid delays in the event that the parties are unable to settle their disputes.

(c) Deadlines

This adversary proceeding has been pending since 7/29/24. The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 6) except as modified/supplemented below.

Joint Status Report: 3/4/25

Continued status conference: 3/18/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: 4/22/25

Pretrial conference: 5/6/25 at 11:00 a.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 5/13/25

Trial commencement: 5/20/25 at 9:00 a.m.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

George Gordon Strong III

Represented By
Alan W Forsley

Defendant(s):

George Gordon Strong III

Represented By
Alan W Forsley

Plaintiff(s):

David Vosicher

Represented By
Stella A Havkin

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Trustee(s):

John J Menchaca (TR)

Pro Se

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2:23-12401 Annie Elizabeth Sanchez

Chapter 13

Adv#: 2:23-01436 Seeley v. Sanchez et al

#11.00 Cont'd hrg re: Plaintiff Brett Seeley's Motion to amend Pretrial Order to conform to pleadings and evidence admitted at Trial Pursuant to FRCP 15 and 16 as Incorporated by FRBP 7015 and 7016 fr. 1/21/25

Docket 43

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the status conference (Calendar No. 12, 2/11/25 at 11:00 a.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Annie Elizabeth Sanchez

Represented By
Misty A Perry Isaacson

Defendant(s):

Annie Elizabeth Sanchez

Represented By
Misty A Perry Isaacson
Bradford G Hughes

James Anthony Sanchez

Represented By
Misty A Perry Isaacson
Bradford G Hughes

Joint Debtor(s):

James Anthony Sanchez

Represented By
Misty A Perry Isaacson

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

Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

CONT... Annie Elizabeth Sanchez

Chapter 13

Movant(s):

Brett Seeley

Represented By
Matthew A Lesnick
Lisa Patel

Plaintiff(s):

Brett Seeley

Represented By
Matthew A Lesnick
Lisa Patel

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:23-12401 Annie Elizabeth Sanchez

Chapter 13

Adv#: 2:23-01436 Seeley v. Sanchez et al

#12.00 Cont'd status conference re: Complaint to determine debt to be nondischargeable under section 523 (a)(2)(A) and 523(a)(4) fr. 12/5/23, 1/23/24, 3/5/24, 5/7/24, 8/6/24, 8/20/24, 8/21/24, 8/22/24, 8/23/24, 9/4/24, 10/8/24, 11/5/24, 1/7/25, 1/21/25

Docket 1

Tentative Ruling:

**Tentative Ruling for 2/11/25:
Appearances required.**

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

At the hearing on 1/21/25 this Court provided the parties a lengthy oral tentative ruling addressing (A) Plaintiff's motion to amend the pretrial order (adv. dkt. 43), (B) Plaintiff's entitlement to judgment under 11 USC 523(a)(4), (C) Plaintiff's damages, and (D) other issues. This Court then directed the parties to meet and confer regarding its oral tentative ruling, but did not order the matter to formal mediation. Without disclosing confidential settlement communications, the parties should be prepared to provide an update on the status of their meet and confer efforts.

In addition, unless the parties have resolved their disputes, they should be prepared to address (a) whether this Court should permit or require any supplemental briefing or (b) whether this Court should take the pending matters under submission at this time, after which this Court would contemplate issuing its written decision and judgment.

Regardless of the disposition of the foregoing issues, the tentative ruling is to set a continued status conference for 4/8/25 at 11:00 a.m. (no

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Los Angeles
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11:00 AM

CONT... Annie Elizabeth Sanchez
written status report required).

Chapter 13

Tentative Ruling for 1/21/25:
Appearances required.

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

This Court anticipates providing oral tentative rulings on the motion to amend the pretrial order and, potentially, other issues; then possibly hearing oral arguments and making final rulings, or alternatively setting a briefing schedule on any outstanding issues or else granting a short continuance and directing the parties to meet and confer before this Court sets a briefing schedule.

Party Information

Debtor(s):

Annie Elizabeth Sanchez

Represented By
Misty A Perry Isaacson

Defendant(s):

Annie Elizabeth Sanchez

Represented By
Misty A Perry Isaacson
Bradford G Hughes

James Anthony Sanchez

Represented By
Misty A Perry Isaacson
Bradford G Hughes

Joint Debtor(s):

James Anthony Sanchez

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Brett Seeley

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

CONT... Annie Elizabeth Sanchez

Chapter 13

Matthew A Lesnick
Lisa Patel

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:22-12904 626 Hospice, Inc.

Chapter 7

Adv#: 2:24-01116 Ehrenberg, Chapter 7 Trustee v. JP Morgan Chase Bank, N.A., dba Chase

#13.00 Cont'd status conference re: Complaint to avoid and recover avoidable transfers fr. Judge Klein, 11/19/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Continue to the previously-ordered pretrial conference (see Order, adv. dkt. 14), with a caution to the parties about the missing status report (see below). Appearances are not required on 2/11/25.

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

(1) Current issues

(a) Missing status report

This Court's written scheduling order (adv. dkt. 14, ¶ 3(b)) directed the parties to file a joint status report by 1/28/25, but no report has been filed as of the preparation of this tentative ruling. The parties are cautioned not to disregard this Court's orders.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited. See Answer (adv. dkt. 4) at 2:13–17 (Defendant's

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CONT... **626 Hospice, Inc.**

Chapter 7

consent to this Bankruptcy Court's entry of final judgment); Status Report (adv. dkt. 13) at p. 5, ¶ F (same).

(b) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile retain the existing deadlines as set forth below? The tentative ruling is to set a **deadline of 2/25/25** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 5/9/24.

The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 14). The tentative ruling is to maintain the previously ordered deadlines.

Party Information

Debtor(s):

626 Hospice, Inc.

Represented By
Yeznik O Kazandjian

Defendant(s):

JP Morgan Chase Bank, N.A., dba

Represented By
Christopher O Rivas

Plaintiff(s):

Howard Ehrenberg, Chapter 7

Represented By
Steven Werth

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:22-12904 626 Hospice, Inc.

Chapter 7

Adv#: 2:24-01124 Ehrenberg, Chapter 7 Trustee v. BANK OF AMERICA, NATIONAL

#14.00 Cont'd hrg re: Motion for leave to
file first amended complaint
fr. 12/10/24, 1/7/25

Docket 24

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the status conference (calendar no. 15,
2/11/25 at 11:00 a.m.).

Tentative Ruling for 1/7/25:

Please see the tentative ruling for the status conference (calendar no. 9,
1/7/24 at 11:00 a.m.).

Party Information

Debtor(s):

626 Hospice, Inc.

Represented By
Yeznik O Kazandjian

Defendant(s):

BANK OF AMERICA, NATIONAL

Represented By
Adam N Barasch
Benjamin J. Howard

Movant(s):

Howard Ehrenberg, Chapter 7

Represented By
Steven Werth

Plaintiff(s):

Howard Ehrenberg, Chapter 7

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

CONT... 626 Hospice, Inc.

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

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

Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:22-12904 626 Hospice, Inc.

Chapter 7

Adv#: 2:24-01124 Ehrenberg, Chapter 7 Trustee v. BANK OF AMERICA, NATIONAL

#15.00 Cont'd status conference re: Complaint for Aiding and Abetting Fraud
fr. Judge Klein's Calendar, 10/22/24, 12/10/24, 1/7/25

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Continue as set forth below. Appearances are no required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Trustee's motion for leave to amend (adv. dkt. 24), Bank's opposition (adv. dkt. 29), Trustee's reply (adv. dkt. 30)

This Court anticipates issuing a Memorandum Decision shortly.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority
[Intentionally omitted]

(b) Mediation
[Intentionally omitted]

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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

CONT... 626 Hospice, Inc.

Chapter 7

(c) Deadlines

This adversary proceeding has been pending since 5/10/24.

Joint Status Report: none required

Continued status conference: 2/25/25 at 11:00 a.m.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

626 Hospice, Inc.

Represented By
Yeznik O Kazandjian

Defendant(s):

BANK OF AMERICA, NATIONAL

Represented By
Adam N Barasch
Benjamin J. Howard

Plaintiff(s):

Howard Ehrenberg, Chapter 7

Represented By
Steven Werth

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:23-12556 Richard B Scott

Chapter 7

Adv#: 2:23-01370 JRM Construction West LLC v. Scott

#16.00 Cont'd hrg re: Motion of defendant Richard Bryan Scott for relief from default for failure to timely respond to request for admissions fr. 11/5/24, 12/3/24, 12/3/24

Docket 40

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the status conference (Calendar No. 18, 2/11/25 at 11:00 a.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Richard B Scott

Represented By
Stephen R Wade

Defendant(s):

Richard B Scott

Represented By
Stephen R Wade

Movant(s):

Richard B Scott

Represented By
Stephen R Wade

Plaintiff(s):

JRM Construction West LLC

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

CONT... Richard B Scott

Chapter 7

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:23-12556 Richard B Scott

Chapter 7

Adv#: 2:23-01370 JRM Construction West LLC v. Scott

#17.00 Cont'd hrg re: Plaintiff's Motion for Summary Judgment or
Partial Summary Adjudication Under FRCP 56
(as Incorporated By FRBP 7056)
fr. 11/5/24, 12/3/24

Docket 28

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the status conference (Calendar No. 18,
2/11/25 at 11:00 a.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Richard B Scott

Represented By
Stephen R Wade

Defendant(s):

Richard B Scott

Represented By
Stephen R Wade

Movant(s):

JRM Construction West LLC

Represented By
Robert P Goe
Charity J Manee

Plaintiff(s):

JRM Construction West LLC

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

CONT... Richard B Scott

Chapter 7

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:23-12556 Richard B Scott

Chapter 7

Adv#: 2:23-01370 JRM Construction West LLC v. Scott

#18.00 Cont'd status conference re: Complaint for denial of discharge pursuant to 11 U.S.C. section 727(a)(4)(A) fr. 10/17/23, 1/23/24, 4/2/24, 7/9/24, 7/16/24, 8/27/24, 11/19/24, 12/3/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Continue all matters as set forth below notwithstanding the parties' failure to file a status report by the 2/4/25 deadline previously set by this Court (see dkt. 55, p. 2, para. 4), with a caution to the parties not to disregard this Court's deadline (see Part (2)(c), below) for filing a status report in advance of the continued hearing. Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the documents and records filed in this adversary proceeding.

(a) Defendant/Debtor's motion for relief from default for failure to respond to requests for admission (adv. dkt. 35-38, 40, "Default Relief Motion"), Plaintiff's opposition (adv. dkt. 43), Defendant/Debtor's reply (adv. dkt. 44), Declaration re Plaintiff's attorneys fees (adv. dkt. 49, 50), Defendant/Debtor's response (adv. dkt. 51), Reply (adv. dkt. 53), Order conditionally granting Default Relief Motion (adv. dkt. 55)

Continue concurrent with the continued status conference (see part

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CONT... **Richard B Scott**
"(2)(c)" below).

Chapter 7

(b) Plaintiff's motion for summary judgment (adv. dkt. 28, 29, "MSJ"),
Defendant/Debtor's opposition (adv. dkt. 32-34), Plaintiff's reply (adv. dkt. 42),
Order continuing hearing on MSJ (adv. dkt. 55)

Continue concurrent with the continued status conference (see part
"(2)(c)" below).

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined
and/or waived or forfeited (adv. dkt. 7, p. 4, para. f).

(b) Mediation [Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 8/3/23.
The scheduled deadlines and/or hearing/trial date(s) have been
memorialized in this Court's written orders (adv. dkt. 8, 12, 18, 25, 55) except
as modified/supplemented below.

Joint Status Report: 3/4/25

Continued status conference: 3/18/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct
testimony by declaration unless excused: TBD

Trial commencement: TBD

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

CONT... **Richard B Scott**

Chapter 7

Debtor(s):

Richard B Scott

Represented By
Stephen R Wade

Defendant(s):

Richard B Scott

Represented By
Stephen R Wade

Plaintiff(s):

JRM Construction West LLC

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:24-16947 Oxford Gold Group Inc.

Chapter 7

#19.00 Hrg re: Equity Trust Discovery

Docket 59

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 20, 2/11/25 at 11:00 a.m.).

Party Information

Debtor(s):

Oxford Gold Group Inc.

Pro Se

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

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

Tuesday, February 11, 2025

Hearing Room 1545

11:00 AM

2:24-16947 Oxford Gold Group Inc.

Chapter 7

#20.00 Cont'd status conference re: Involuntary Petition
fr. 10/8/24, 11/19/24, 1/21/25, 2/5/25

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Appearances required.

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

(1) Current issues

(a) Stipulation re Equity Trust discovery (dkt. 57); Order partially approving same (dkt. 58); Rule 2004 application (belatedly filed at dkt. 59); Notice of continued hearing (dkt. 62); Trustee's brief (dkt. 65); Equity Trust brief (dkt. 68); Trustee's Special Counsel's brief (dkt. 70)

There is no tentative ruling but the parties are directed to address the issues set forth in the above-referenced documents.

(2) Dates/procedures. The involuntary petition was filed on 8/28/24. Carolyn Dye is the duly appointed and acting trustee (dkt. 20, 22, 49, 50); and an order for relief was entered on 10/15/24 (dkt. 29).

(a) Continued status conference: 3/4/25 at 11:00 a.m. *Brief* written status report due by 2/25/24.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Oxford Gold Group Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

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11:00 AM

CONT... Oxford Gold Group Inc.

Chapter 7

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, February 11, 2025

Hearing Room 1545

1:00 PM

2:25-10237 KB3 2275 Century LLC

Chapter 11

#1.00 Status conference re: Chapter 11 case

Docket 1

Tentative Ruling:

Appearances required by counsel for Debtor and by Debtor's principal, Behnam Ghasseminejad.

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

(1) Current issues

(a) Statement of Related Cases (dkt. 1 at PDF p. 9 of 33)

According to senior lienholder Preferred Bank, Debtor and its managing member have filed a Statement of Related Cases that is "demonstrably false" because it fails to disclose bankruptcy cases filed by Debtor's managing member, Mr. Ghasseminejad, and/or his spouse and/or Debtor's affiliates, all of whom appear to fall within the types of cases that must be disclosed according to the instructions on that form. See, e.g., 11 U.S.C. 101(2)(A) ("affiliate" includes entity who owns 20% or more of debtor), 101(2)(B) ("affiliate" includes a corporation that is 20% or more owned by entity that owns 20% or more of debtor); 11 U.S.C. 101(15)&(41) ("entity" includes natural person); *and see* Gomez Decl. (dkt. 21) pp. 7:19-8:28. This Court's records appear to confirm these allegations, including the following apparently related cases:

2:99-bk-31997-BR (Mr. G. & Ms. Bitá G.);
2:09-bk-34753-EC (Mr. G.)
2:10-bk-13844-VK (Mr. G.),
1:10-bk-21043-VK (Mr. G.),
1:10-bk-20567-KT (Mr. G.)
1:11-bk-12173-VK (Mr. G.)
1:08-bk-16006-KT (Ms. G.)

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1:00 PM

CONT...

KB3 2275 Century LLC

Chapter 11

1:08-bk-18691-KT (Ms. G.)
1:09-bk-10460-KT (Ms. G.)
1:10-bk-16079-VK (Ms. G.)
1:10-bk-19441-KT (Ms. G.)
1:23-bk-10965-VK (Encino Towers LLC)
1:23-bk-10966-VK (K3B Enterprises LLC)
1:24-bk-10406-VK (K3B Enterprises, LLC)
2:24-bk-10833-SK (20 E Mariposa St LLC - possible affiliate)

Given the apparent failure to disclose numerous cases that should have been disclosed, what else have Debtor and Mr. Ghasseminejad failed to disclose? What remedies are appropriate?

Should this bankruptcy case be transferred to one of the judges who has presided over one of these other cases, in view of the experience of such judges with Debtor and/or Mr. or Ms. Ghasseminejad?

(b) Budget motion (dkt. 18), and Cash Collateral motion (dkt. 16)

These matters are not on for hearing today (they are scheduled to be heard in a couple of weeks). But, as part of today's Status Conference, this Court raises the following concerns.

First, Debtor's budgets do not match. For example, the cash collateral motion lists the 1st mortgage payment as \$5,558.07 (dkt. 16 p. 5) whereas the budget motion lists it as \$5,426.00 (dkt. 18 at PDF p. 7 of 10).

Second, Debtor's budget motion (*id.*) lists "Business Income" from "Property Management" that is in addition to "Rental Income." Is Debtor being paid a property management fee out of a source other than rents? (If the management fee were being paid out of rents this would be double-counting.) If so, who is paying that fee? Additionally and alternatively, is Debtor being paid to manage a different property than the one owned by Debtor? If so, which property, and why is that not disclosed in the Status Report (and in any other appropriate places)?

Third, cash collateral and budget motions are known as "first day" motions. There are very good reasons for that. Typically it is impossible for a debtor in possession to pay even the most ordinary and necessary expenses without using cash collateral, and yet the Bankruptcy Code (11 U.S.C. 363(c)) prohibits any use of cash collateral without either (i) an order of this Court or (ii) the consent of all persons with an interest in such cash collateral, which

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1:00 PM

CONT... KB3 2275 Century LLC

Chapter 11

consent is usually conditioned on replacement liens and other matters that require this Court's approval. In other words, whether or not entities with an interest in cash collateral consent, this Court's approval typically is required, and therefore a hearing must be held quickly so that bills do not go unpaid. Despite all of this, Debtor did not self-calendar its cash collateral motion for hearing until over a month after the petition date (1/13/25) on 2/25/25. Is Debtor violating the Bankruptcy Code by using cash collateral without authorization? Or, alternatively, is Debtor violating the Bankruptcy Code by failing to abide by its duties as a debtor in possession by not paying bills in the ordinary course?

Fourth, this Court notes the apparently standard requests included in the limited opposition (dkt. 21) filed by first lienholder Preferred Bank. Is there any reason why Debtor has not already responded to and agreed to those requests?

(c) Debtor's application to employ Anyama Law Firm, APC as its general bankruptcy counsel (dkt. 15, the "Employment Application")

The "Procedures of Judge Bason" (available at www.cacb.uscourts.gov, the "Posted Procedures") were revised on 9/16/24. Where a retainer is paid by a third party (a "Funder"), both Funder and Debtor must, among other things, sign Local Form F 2014-1.STMT.DISINTEREST.PROF (statement of disinterestedness), clearly marked up to reflect that it is being signed by a Funder and Debtor rather than by a professional. See Posted Procedures at section VIII(D)(4) (p. 12). In addition, proposed counsel must file the same Local Form F 2014-1 (unless the employment application is on another local form that includes the same information, which it is not).

No such statements have been filed, despite the fact that the "initial retainer in the amount of \$12,000.00 was paid by Behnam Ghasseminejad, who is the Debtor's Principal." Anyama Decl. (dkt. 15) at p. 10:1-3. The tentative ruling is to **set a deadline of 2/18/25** for (A) proposed counsel, (B) Mr. Ghasseminejad in his individual capacity as the Funder, and (C) Mr. Ghasseminejad acting on Debtor's behalf to file executed versions of that form.

(2) Dates/procedures. This case was filed on 1/13/25.

(a) Bar date: 4/10/25 (DO NOT SERVE notice yet - court will prepare

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KB3 2275 Century LLC

Chapter 11

an order after the status conference).

(b) Procedures Order: dkt. 4 (timely served, dkt. 7)

(c) Plan/Disclosure Statement: file by 7/11/25 (DO NOT SERVE -
except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 2/25/25 at 1:00 p.m., concurrent with
other matters. No written status report is required.

Party Information

Debtor(s):

KB3 2275 Century LLC

Represented By
Onyinye N Anyama

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2:25-10181 Jamie Mazur

Chapter 11

#2.00 Status conference re: Chapter 11 case

Docket 1

Tentative Ruling:

Appearances required by counsel for Debtor and by Debtor.

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

(1) Current issues

(a) Debtor's application to employ the Law Offices of Michael Jay Berger as its general bankruptcy counsel (dkt. 15, the "Employment Application")

The "Procedures of Judge Bason" (available at www.cacb.uscourts.gov, the "Posted Procedures") were revised on 9/16/24. Where a retainer is paid by a third party (a "Funder"), both Funder and Debtor must sign Local Form F 2014-1.STMT.DISINTEREST.PROF (statement of disinterestedness), clearly marked up to reflect that it is being signed by a Funder and Debtor rather than by a professional. See Posted Procedures at section VIII(D)(4) (p. 12).

Proposed counsel's declaration in support of the Employment Application states that proposed counsel received \$12,450.00 from Sherman Mazur (the Debtor's father) and \$270.00 from Burton Partners LLC (an entity in which Debtor has a partial ownership interest). Berger Decl. (dkt. 15) at p. 4:1–10. The Employment Application is accompanied by a Local Form F 2014-1 executed by proposed counsel (see Employment Application (dkt. 15) at Ex. 3 (PDF pp. 35–37)), but is **not** accompanied by a Local Form F 2014-1 executed by either Sherman Mazur or an authorized representative of Burton Partners LLC.

The tentative ruling is to **set a deadline of 2/18/25** for proposed counsel to file three copies of Local Form F 2014-1 signed by (i) Sherman

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Mazur, (ii) an authorized representative of Burton Partners LLC, and (iii) Debtor.

In addition, this Court is concerned whether a "gift" from a business entity (Burton Partners LLC) might be *ultra vires*, especially given that Debtor is only a "partial" owner of that entity. Therefore, the tentative ruling is that the authorized representative of Burton Partners LLC must be a person different from Debtor, and that person must file a declaration that addresses why it is consistent with the governance and operation of Burton Partners LLC to be making a "gift" to Debtor.

Alternatively, the tentative ruling is that it might raise fewer legal issues, be less expensive, and be more efficient if Sherman Mazur or another individual were to replace Burton Partners LLC as the gift giver (with the \$270.00 returned to Burton Partners LLC). Debtor's counsel is directed to address at the hearing what approach Debtor would prefer to take.

(b) Debtor's failure to properly complete Schedule I

Debtor has filed a Budget Motion (dkt. 22) that includes a copy of Debtor's Schedule I. But Debtor has failed to properly respond to Question 8a on Schedule I. Question 8a inquires about "net income from rental property and from operating a business, profession, or farm." The instructions for question 8a expressly direct Debtor to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." No such statement is attached to Debtor's Schedule I.

As a result of Debtor's omission, creditors, parties in interest, and this Court do not have the ability to evaluate the operation of Debtor's apparel design business. For example, where is the information about typical monthly expenditures for the business? Where is the information about quarterly tax payments, any employees or independent contractors, and other typical profit and loss line items?

Without such information, parties in interest will not be able to assess the reasonableness of expenditures made by Debtor to operate the business. The tentative ruling is that such information is necessary to see if there are any "red flags" that might indicate "kickbacks" or other hidden income, or poor management of the business, or other issues that are relevant to any chapter 11 case in which a debtor has the privilege of acting as a "debtor in possession."

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Jamie Mazur

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The tentative ruling is to **set a deadline of 2/18/25** for Debtor to file an Amended Schedule I that includes a detailed profit and loss statement for Debtor's apparel design business.

(2) Dates/procedures. This case was filed on 1/10/25.

- (a) Bar date: 3/31/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 4 (timely served, dkt. 9)
- (c) Plan/Disclosure Statement: file by 7/31/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 3/18/25 at 1:00 p.m. *Brief* written status report due by 3/11/25.

Party Information

Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

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2:24-20571 Keith Edward Richardson

Chapter 11

#3.00 Hrg re: U.S. Trustee's motion to dismiss or convert case

Docket 22

***** VACATED *** REASON: Case dismissed on 1/30/25 (dkt. 32)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Richardson

Pro Se

Movant(s):

United States Trustee (LA)

Represented By
Dare Law

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:24-20571 Keith Edward Richardson

Chapter 11

#4.00 Cont'd Status conference re: Chapter 11 case
fr. 1/28/25

Docket 1

***** VACATED *** REASON: Case dismissed on 1/30/25 (dkt. 32)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Richardson

Pro Se

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:25-10248 Shahram Jeff Javidzad

Chapter 11

#5.00 Status conference re: Chapter 11 case

Docket 1

Tentative Ruling:

Grant the motion for relief from the automatic stay filed by N.K. Studio City, LLC ("Studio City") (dkt. 23, "R/S Motion") and dismiss this case with a 180-day bar to being a debtor in any future bankruptcy case, all as set forth below. Appearances required.

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

(1) Current issues

(a) Studio City's R/S Motion (dkt. 23), Errata (dkt. 24), Opposition (dkt. 28, 29)

The tentative ruling is to grant the R/S Motion as set forth in Calendar No. 6, 2/11/25 at 1:00 p.m.

(b) Order to show cause (dkt. 6, "OSC"); Studio City's Supplemental Response (dkt. 26)

The tentative ruling is to dismiss this case with a 180-day bar against Debtor being a debtor in any future bankruptcy case pursuant to 11 U.S.C. 105(a), 109(g)(1) and 1112(b)(4)(b), (f) & (h) due to Debtor's willful failure to appear in proper prosecution of this case and/or abide by this Court's order setting principal status conference (dkt. 17, the "Procedures Order") as set forth below.

(i) Failure to file mandatory case commencement documents

As of the preparation of this tentative ruling Debtor has not filed Bankruptcy Schedules, a statement of financial affairs ("SOFA"), or other mandatory case commencement documents that were due by 1/28/25. See dkt. 1, pdf pp. 16 & 17.

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(ii) Failure to serve Procedures Order

This Court's Procedures Order (dkt. 17) was served on Debtor at his address of record via U.S. mail on 1/24/25. See Certif. of Notice (dkt. 22). Debtor denies having received this order (Debtor Decl. dkt. 28, p. 2:23-24), but a flat denial does not overcome the presumption that mailed documents have been received.

The Procedures Order required Debtor to serve that order on all parties in interest and file a proof of service no later than four Court days after that order was entered on the docket, or by 1/28/25. As of the preparation of this tentative ruling, no proof of service has been filed.

Debtor asserts that he misunderstood this Court's comments at the prior hearing on the OSC, on 1/21/25, and he thought that he was excused from complying with all deadlines. Debtor is incorrect, and the tentative ruling is that Debtor's failure to monitor his mail and abide by a clear written order is all the more troubling given his acknowledgement at that hearing of his prior misunderstandings of bankruptcy procedures. He should have been extra careful to comply with all deadlines and procedures, given his past troubles adhering to them.

(iii) Failure to file case status report

The Procedures Order also directed Debtor to, at least 7 days before this principal status conference: (x) file a case status report on Local Form F 2081-1.1.C11.STATUS.RPT, (y) serve it on all parties in interest, and (z) file a proof of service. As of the preparation of this tentative ruling, no status report has been filed and served.

(iv) No "First Day" Motions on file

Debtor has not filed any so-called "first day" motions or other papers that normally would be filed with the petition or very soon thereafter despite filing this case nearly a month ago.

Proposed orders: Unless otherwise ordered, (x) Studio City is directed to lodge a proposed order on the R/S Motion via LOU within 7 days after the hearing date and attach a copy of the tentative ruling for that matter (Calendar No. 6, 2/11/25 at 1:00 p.m.), thereby incorporating it as this Court's actual ruling, and (y) this Court will prepare the order dismissing this case. See LBR 9021-1(b)(1)(B).

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(2) Dates/procedures. This case was filed on 1/14/25.

- (a) Bar date: N/A
- (b) Procedures Order: dkt. 17 (not served)
- (c) Plan/Disclosure Statement: N/A
- (d) Continued status conference: N/A

Party Information

Debtor(s):

Shahram Jeff Javidzad

Pro Se

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2:25-10248 Shahram Jeff Javidzad

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

N.K. STUDIO CITY, LLC
vs
DEBTOR

Docket 23

Tentative Ruling:

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

Appearances required.

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

Key documents reviewed: motion of N.K. Studio City, LLC ("Studio City") for relief from the automatic stay (dkt. 23 & 24, collectively, the "R/S Motion"); Debtor's opposition papers (dkt. 28, 29).

Analysis

(1) Procedural background, and tentative ruling to strike belated opposition papers

On 1/21/25, this Court held a hearing on this Court's order to show cause (dkt. 6, "OSC") why this bankruptcy case should not be dismissed and why a 180-day bar should not be imposed. As one of this Court's conditions for continuing the hearing on the OSC, this Court granted an oral motion of

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Studio City to shorten time for the hearing on its R/S Motion and related deadlines. See Rule 9006(c) (Fed. R. Bankr. P.).

Specifically, this Court set a deadline of 1/28/25 for Studio City to serve the R/S Motion (which it met, see dkt. 23 at Bates pp. 136-37); a deadline of 2/4/25 for Debtor to file any opposition papers; and a deadline of 2/7/25 at noon for any reply. Debtor did not meet his deadline: his papers were not filed and served until 2/10/25. See Debtor Decl. (dkt. 28) last 2 pages.

For context, this Court notes the long procedural history of Debtor's disputes with Studio City. That history includes repeated bankruptcy cases filed by Debtor and the entity he owns, Hillcrest, LLC ("Hillcrest"), which is the borrower under the promissory note and deed of trust that Studio City is trying to enforce. See R/S Motion (dkt. 23) at Bates pp. 4-5.

Based on the foregoing, the tentative ruling is to strike Debtor's belated opposition papers. They are simply too late after Debtor has had so many "bites at the apple."

Therefore, the tentative ruling is to grant the R/S Motion on the basis that any opposition has been forfeited.

(2) Alternatively, the automatic stay does not apply

The tentative ruling is that the automatic stay does not apply to any foreclosure by Studio City. First, even if this Court were to accept Debtor's belated opposition papers (notwithstanding the tentative ruling to strike those papers), those opposition papers say nothing in response to Studio City's arguments that the automatic stay does not apply. Accordingly, Debtor has forfeited any arguments that it does apply.

Alternatively, even if this Court were to address that issue *sua sponte*, the tentative ruling is that Studio City is correct: the automatic stay simply does not apply. True, this Court sometimes has been persuaded in other cases to find that the automatic stay applies to actions affecting non-debtor assets with a sufficiently close nexus to the bankruptcy estate. See e.g., *In re Korean Western Presbyterian Church of L.A.*, 618 B.R. 282 (Bankr. C.D. Cal. 2020). But the tentative ruling is that the same analysis does not apply in this case for the following reasons.

As a general rule, the automatic stay of section 362(a) protects only the debtor, property of the debtor or property of the estate, and not non-debtor parties or their property. *In re Chugach Forest Prods., Inc.*, 23 F.3d 241, 246 (9th Cir. 1994). Debtor does not dispute that Hillcrest owns the

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subject property at issue in this matter and that Debtor holds only an ownership interest in Hillcrest. Debtor Decl. (dkt. 28), p. 2:7-9. Under California law, a limited liability company is a separate and distinct legal entity from its members and members hold no direct ownership interest in the company's specific property. See *Swart Enters., Inc. v. Franchise Tax Bd.*, 7 Cal. App. 5th 497 (2017); compare *In re Hillis Motors*, 997 F.2d 581 (9th Cir. 1993) (superseded on other grounds) (actions taken to dissolve corporate debtor found to have violated section 362(a)(3)). The tentative ruling is that Debtor's ownership interest in Hillcrest, by itself, is not a sufficient enough nexus to invoke the automatic stay and prevent Studio City from proceeding with its foreclosure efforts.

Note: Although Debtor has not made this argument, the one caveat to the foregoing analysis is that Debtor appears to hold some sort of possessory interest in the subject property by virtue of the fact that he and his family reside there. Debtor Decl. (dkt. 28), p. 2:9-11. Accordingly, even though the automatic stay does not preclude Studio City from foreclosing on the property, it may prevent Studio City from pursuing eviction efforts in future absent an order from this Court in the event that this Court is persuaded not to adopt its tentative ruling for today's status conference to dismiss this case with a refiling bar. But whether the automatic stay will or will not apply in any future scenario is not an issue that is properly before this Court today. Cf. *In re Perl*, 811 F.3d 1120 (9th Cir. 2016).

Alternatively, the tentative ruling is that even if the automatic stay were to apply, relief should be granted under 11 U.S.C. 362(d)(1) and (d)(4), for the reasons discussed below. Before analyzing those sections, however, some factual background is necessary.

(3) Factual background: dollar amount of Studio City's claim, and the value of the subject property

(a) Principal

Debtor disputes the dollar amount of **principal** recited in the R/S Motion: **\$7,370,555.56**. See R/S Motion (dkt. 23) p. 7, para. 8 (Bates p. 10). Debtor asserts that "as set forth in the Amendment [to the original promissory note], the principal amount is \$7,324,000.00." Debtor Decl. (dkt. 28) p. 3:22-23 & Ex. B p. 2 para. 2 (at PDF p. 16 of 23).

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True, it would have been far better for Studio City to have provided a full calculation and explanation of all of the dollar amounts recited in its R/S Motion, instead of relying on the bare declaration of Studio City's Manager, Mohammad Nasri, as to the total principal dollar amount, without any showing of the backup calculations. See Nasri Decl. (dkt. 23) at Bates pp. 8-20. Nevertheless, the difference between Debtor's statement of the principal balance and Studio City's dollar amount appears to be that Studio City has exercised its discretion under section 5 of the Promissory Note to add certain deferred interest and other charges to the principal balance. See R/S Motion (dkt. 23) Ex. B, p. 2 (at Bates p. 77).

The tentative ruling is that, given the summary nature of proceedings on whether or not to lift the automatic stay, Studio City's evidence as to the principal dollar amount is more persuasive than Debtor's evidence.

(b) Interest

Debtor disputes the dollar amount of accrued **interest**, which Studio City asserts is \$1,562,097.60 as of the Petition Date plus another \$52,069.92 postpetition (as of the filing of the motion) for a total of **\$1,614,167.52**. See R/S Motion (dkt. 23) at Bates p. 10. Debtor concedes that no payments have been made under the Amendment, and asserts that "therefore 14 months of interest are owed totaling \$1.1 million as of the end of January 2025." Debtor Decl. (dkt. 28) p. 3:24-25. Debtor provides no backup for this total dollar amount, with which this Court agrees in part and disagrees in part.

On the one hand, it is true that the Amendment provides for \$79,343.33 of per month (dkt. 28, Ex. B, p. 2, para. 3 (at PDF p. 16 of 23)) and, based on 14 months of due dates between the commencement of that interest on 1/4/24 and 2/1/25, the total of **ordinary interest would be \$1,110,806.62** (*i.e.*, 14 x \$79,343.33 = \$1,110,806.62). This supports Debtor's total, as far as it goes.

On the other hand, the Extended Maturity Date under the Amendment was 3/31/24 (dkt. 28, Ex. B, p. 2, section 4 (at PDF p. 16 of 23)), and thereafter the tentative ruling is that no later than that maturity date, when the debt was unpaid, the default rate of interest would apply - *i.e.*, an additional 5% interest per annum. See R/S Motion (dkt. 23) Ex. B, p. 4, section 9 (Bates p. 79). This Court's rough calculation is to apply default interest for roughly ten months (from the Extended Maturity Date of 3/31/24 to the date when the R/S Motion was filed on 1/28/25). Based on principal of

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\$7,370,555.56, the additional default interest at 5% per annum would be approximately **\$307,106.48 of default interest** over those ten months (*i.e.*, $\$7,370,555.56 \times 0.05/\text{yr.} = \$368,527.78$, and $\$368,527.78 \times 10/12 = \$307,106.48$).

This adds up to a total substantially more than Debtor asserts but substantially less than Studio City asserts. Specifically, $\$1,110,806.62$ of ordinary interest plus $\$307,106.48$ of default interest = **\$1,417,913.10 (roughly) of total interest**. Of course, this Court recognizes that the actual dollar amount is bound to be different, depending on exactly when various dollar amounts were added to principal, the per diem adjustments to accrued interest, and possibly other factors. But the point is that, on the present record, and without the benefit of actual calculations by the parties, the tentative ruling is to use the foregoing dollar amount as the total accrued interest as of the filing of the R/S Motion.

(c) Other charges

Debtor also challenges the reasonableness of Studio City's alleged $\$209,578.83$ in "attorneys' fees, foreclosure fees and other costs" and argues, without explanation, that he believes the costs are overstated by as much as $\$100,000.00$. Debtor Decl. (dkt. 28), pp. 3:26-4:3.

Again, it would have been better if Studio City had provided time entries or other documentation detailing its calculations as to these charges. But the tentative ruling is that (i) Studio City has recited a long history of disputes with Debtor, which supports its total dollar figure for attorney fees and other charges, and Debtor's partial recitation of those disputes is unpersuasive, and alternatively (ii) even if this Court were to rule that Studio City is only entitled to recover $\$109,578.83$ in additional charges ($\$209,578.83 - \$100,000.00 = \$109,578.83$), it would not make a meaningful difference with respect to this Court's equity cushion determinations detailed below, so for purposes of this tentative ruling this Court assumes Studio City is entitled to recover **either (i) \$209,578.83 in other charges or, alternatively, (ii) \$109,578.83 in other charges**.

(d) Studio City's total claim

Based on the foregoing, Studio City's total claim is roughly either:

Full "other" charges Partial "other" charges

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Principal	\$7,370,555.56	\$7,370,555.56
Interest	\$1,417,913.10	\$1,417,913.10
Other	\$ 209,578.83	\$ 109,578.83
Total	\$8,998,047.49	\$8,898,047.49

For purposes of the following discussion only, this Court assumes that the lower dollar amount (emphasized in boldface above) applies.

(e) Fair market value

Studio City submitted an appraisal from a licensed real estate broker in support of the R/S Motion valuing the subject property at \$7,150,000.00. Dkt. 23, Ex. C. Debtor has submitted a Broker's Opinion of Value ("BPO") that values the subject property at \$9,600,000.00. Dkt. 29, p. 2:26-28 & Ex. A.

In this Court's experience, appraisals tend to be a better estimate of a property's value than a BPO because of the strict guidelines that must be adhered to and the more thorough review conducted in preparing an appraisal. Additionally, if this Court were to conduct its own evidentiary hearing to determine the fair market value of the property it is likely this Court might choose a valuation that falls somewhere in between Studio City's and Debtor's estimate. But the tentative ruling is that even if this Court assumes the value of the subject property is closer to Debtor's estimated figure, after discounting the broker's 2.5% listing fee and an additional 2% for costs of staging the property, transfer fees, and other costs of sale, there appears to be very little equity (if any) in the property:

FMV (per Debtor's BPO):	\$9,600,000.00
Studio City's 1st DOT:	<u>(\$8,898,047.49)</u>
Equity cushion:	\$ 701,952.51
Equity cushion percentage (\$701,952.51/\$9,600,000) = 7.3%	

Equity:	\$701,952.51
Broker's fee & costs of sale:	<u>(\$432,000.00)</u>
Possible equity*:	\$269,952.51

*This figure is just a rough estimate of the potential equity in the subject property, but the tentative ruling is that if this Court were to find that Studio City is entitled to recover the full amount of its "Other Fees" in the amount of \$209,578.83 or if this Court were to value the subject property closer to Studio City's asserted value, there would not be any equity in the subject

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property. The point is to show that even using figures favorable to Debtor, there appears to be little to no equity in the subject property.

(f) Summary of the factual background

Based on the foregoing, the tentative ruling is to find, solely for purposes of this discussion of the R/S Motion, that the total claim of Studio City is not less than \$8,898,047.49, the total fair market value of the subject real property is no greater than Debtor's estimate of \$9,600,000.00, and therefore **the maximum equity cushion is 7.3% and the maximum dollar amount of proceeds that would be left over after costs of sale would be \$269,952.51**. With this factual background this Court turns to 11 U.S.C. 362(d)(1) and (d)(4).

(4) Even if the automatic stay does apply, "cause" exists to terminate the stay under 11 U.S.C. 362(d)(1) and (d)(4), but not under 11 U.S.C. 362(d)(2)

(a) Analysis under section 362(d)(1)

Under section 362(d)(1), this Court shall grant relief for "cause, including the lack of adequate protection of [the movant's] interest in property." 11 U.S.C. 362(d)(1) (emphasis added). Although "adequate protection" is not defined in the Bankruptcy Code, 11 U.S.C. 361 "sets forth three non-exclusive examples of what may constitute adequate protection: 1) periodic cash payments equivalent to [any] decrease in value [of the movant's interest in the collateral], 2) an additional or replacement lien on other property, or 3) other relief that provides the indubitable equivalent." *In re Mellor*, 734 F.2d 1396, 1400 (9th Cir. 1984). Although the existence of an "equity cushion" as a method of adequate protection "is not specifically mentioned in § 361," it is "the classic form of protection" for an oversecured claim. *Id.* (citation omitted).

"Equity cushion" has been defined as the value in the property, above the amount owed to the creditor with a secured claim, that will shield that interest from loss due to any decrease in the value of the property during time the automatic stay remains in effect. [*Mellor*, 734 F.2d 1396, 1400 n. 2 (emphasis added).]

Mellor illustrates how to calculate an equity cushion. Applying the facts presented in that case, *Mellor* started with a property value that had been found to be \$105,000 (*id.*, 734 F.2d 1396, 1400), minus a \$66,700 senior lien

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(*id.*), minus the movant's own interest of \$17,960.06 (*id.* at 1401), without deducting anything for a junior lien (*id.* at 1400: "the bankruptcy court erroneously included the junior lien"), to arrive at an equity cushion of \$20,340 (*id.*), which was "approximately 20% of the total value" (*i.e.*, \$20,340/\$105,000 = 19.4% which is approximately 20%). *Id.* at 1401. *See also In re JER/Jameson Mezz Borrower II, LLC*, 461 B.R. 293, 306 (Bankr. D. Del. 2011) ("the proper calculation is to compare the equity cushion to the value of the collateral [to express the cushion as a percentage], not to the moving creditor's claim") (citations omitted, emphasis added).

There is no fixed percentage of equity cushion that will be adequate in all circumstances. *Mellor* cites authority finding anywhere from a 10% cushion to a 20% cushion to be adequate, including when a debtor lacked any equity in the property above *all* liens. *Mellor*, 734 F.2d 1396, 1401 (citing and summarizing cases).

Note that anticipated costs of sale are not relevant for calculating the percentage equity cushion, but they are potentially relevant after the equity cushion is calculated, for purposes of determining whether a given equity cushion is sufficient to provide adequate protection. For these purposes one must keep in mind that adequate protection includes the "right of a secured creditor to have the security applied in payment of the debt" (to protect against the risks to the movant that the debtor will be unable to provide alternative treatment that will pay the movant 100% of what it is entitled to be paid, such as a refinance or a permissible financial restructuring under a confirmed plan). *Timbers*, 484 U.S. 365, 370.

For example, a 20% equity cushion might well be enough (A) to cover costs of sale amounting to 8% or 6% of the total property value (or whatever percentage would apply to the particular property at issue) and also (B) to protect against the possibility of a decline in value of the collateral, or an increase in the secured claim under 11 U.S.C. 506(b), or both. Of course, all of the facts and circumstances must be considered, not just the equity cushion.

Applying the foregoing principles, if an "equity cushion" exists as of the commencement of the bankruptcy case then there might be a lack of adequate protection if the equity cushion is decreasing. The equity cushion can decrease due to a fall in the property's value, or due to an increase in the movant's secured claim or senior claims - *e.g.*, if interest, costs, and attorney fees can be added under 11 U.S.C. 506(b).

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On the other hand, any decrease in the equity cushion might be offset by charges to the movant under 11 U.S.C. 506(c), or by bankruptcy-specific benefits that can flow partially or fully to the movant, such as a savings in the costs of sale under 11 U.S.C. 1146(a). In any event, if the equity cushion is not large enough to provide adequate protection by itself, and if the decrease is not offset by some other form of adequate protection (e.g., periodic cash payments), then probably there is a lack of adequate protection and some form of relief from the automatic stay must be granted.

Based on this Court's rough calculations set forth in Part (2) of this tentative ruling, above, the tentative ruling is that Debtor has not met his burden to show that Studio City's interest is protected by a sufficient equity cushion as described in *Mellor*, 734 F.2d 1396, 1400, for purposes of 11 U.S.C. 362(d)(1), given all the facts and circumstances of this case. See 11 U.S.C. 362(g) (burdens of proof).

Alternatively, even if there were arguable grounds to determine that Movant is adequately protected, for example based on Debtor's unsupported proposal to make \$10,000.00 monthly payments to Studio City, the tentative ruling is that any potential equity to be preserved by conditioning the stay upon an adequate protection order does not outweigh the additional expense and delay to Studio City for what appears to be a very slim chance of recovery for the estate of up to the \$269,952.51 calculated above, which would only be further eroded by administrative costs in this bankruptcy case, including Debtor's attorney fees, not to mention Studio City's ongoing attorney fees, interest at the default rate, and other charges allowable to it under 11 U.S.C. 506(b).

(b) Analysis under section 362(d)(2)

Section 362(d)(2) provides that this Court shall grant some form of relief, with respect to a stay of an act against property, if "(A) the debtor does not have an equity in such property; and (B) such property is not necessary for an effective reorganization." *Id.* The party requesting relief from the automatic stay "has the burden of proof on the issue of the debtor's equity in property" but the party opposing such relief (typically the debtor) "has the burden of proof on all other issues." 11 U.S.C. 362(g).

Under section 362(d)(2),

"Equity," as opposed to "equity cushion," is the value, above all secured claims against the property, that can be realized from

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the sale of the property for the benefit of the unsecured creditors. [*Mellor*, 734 F.2d 1396, 1400 n. 2 (emphasis added).]

But a lack of equity is not enough by itself. The other element is whether the property is necessary to an effective reorganization.

Once the movant under § 362(d)(2) establishes that he is an undersecured creditor, it is the burden of the debtor to establish that the collateral at issue is "necessary to an effective reorganization." See § 362(g). What this requires is not merely a showing that if there is conceivably to be an effective reorganization, this property will be needed for it; but that the property is essential for an effective reorganization that is in prospect. This means, as many lower courts ... have properly said, that there must be "a reasonable possibility of a successful reorganization within a reasonable time." [*Timbers*, 484 U.S. 365, 375-76 (citation omitted).]

Typically in the early days of a bankruptcy case a debtor need only prove the outline of a successful reorganization structure. As the case ages, the debtor will need to make a stronger showing.

The tentative ruling is that because there is a possibility that Debtor has some equity (albeit minimal) in the subject property, Studio City has not carried its burden to establish grounds for relief under section 362(d)(2).

(c) Analysis under section 362(d)(4)

Section 362(d)(4) provides that this Court shall grant some form of relief, with respect to a stay of an act against property, if "the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either -- (A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or (B) multiple bankruptcy filings affecting such real property." 11 U.S.C. 362(d)(4).

The tentative ruling is that grounds exists to terminate the stay under section 362(d)(4) because Studio City has carried its burden to establish that Debtor filed this case as part of a scheme to hinder and delay its foreclosure efforts after two recent unsuccessful bankruptcy filings. *In re Hillcrest, LLC*, Case No. 2:24-bk-15607-BR & *In re Shahram Jeff Javidzad*, Case No. 2:24-bk-19650.

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(5) Conclusion

For the foregoing reasons, the tentative ruling is to grant the R/S Motion as set forth below.

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).

The tentative ruling is also that if this Court adopts its tentative ruling to dismiss this case (as set forth in the tentative ruling for the status conference, Calendar No. 5, 2/11/25 at 1:00 p.m.), then the stay will immediately terminate. 11 U.S.C. 362(c)(2)(B).

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.

Note: Per the Posted Procedures of Judge Bason (available at 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

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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.

Attorney fees

To the extent Movant is requesting that its attorneys fees be allowed (dkt. 23, pdf p. 29, para. 6), the tentative ruling is that this Court will not express any view regarding any attorney fee request because (a) in any nonjudicial foreclosure action, attorney fee issues typically are not decided by a court (and in a judicial foreclosure it is the State Court, not this Bankruptcy Court, that would determine attorney fee issues), (b) a motion for relief from the automatic stay is not the proper vehicle to adjudicate attorney fees in this Bankruptcy Court, and (c) this hearing does not involve any claim objection or other proceeding that might properly present that issue for this Court's determination.

Party Information

Debtor(s):

Shahram Jeff Javidzad

Pro Se

Movant(s):

N.K. Studio City, L.L.C.

Represented By
Alan I Nahmias

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2:25-10248 Shahram Jeff Javidzad

Chapter 11

#7.00 Cont'd Order to Show Cause Why This Case Should Not be Dismissed
With a 180-Day Bar to Being a Debtor in Bankruptcy Due to Debtor's
History of Bankruptcy Filings
fr. 1/21/25

Docket 0

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the status conference (Calendar No. 5,
2/11/25 at 1:00 p.m.).

Tentative Ruling for 1/21/25:

Appearances required by Debtor. Other parties in interest are welcome to
appear, but are not required to.

There is no tentative ruling. Debtor, and any party in interest who
wishes to be heard, are directed to address why this case should not be
dismissed with a 180-day bar to being a debtor in bankruptcy for the reasons
set forth in this Court's order to show cause (dkt. 6).

In addition, parties in interest are invited to address the relief requested
by creditor N.K. Studio City, LLC. See Creditor Resp. to OSC (dkt. 11).

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

Party Information

Debtor(s):

Shahram Jeff Javidzad

Pro Se

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2:24-14283 1629 Reeves, LLC, a Michigan Limited Liability Co.

Chapter 11

#8.00 Cont'd Status Conference re: Chapter 11 case
fr. 7/9/24, 8/27/24, 9/24/24, 10/8/24, 11/19/24,
12/17/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:
Appearances required.

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

(1) Current issues

(a) Rental of real property?

Debtor's primary asset is a residential property. Debtor represents that it "has received expressions of interest for a one-year lease from families who lost their homes in the recent wildfires as well as people actively seeking to lease a large home in the neighborhood. The monthly rent would be \$27,500. These prospective tenants are prepared to move in immediately, subject to Court approval." Status Report (dkt. 103) at p. 2:3–6. Debtor is directed to provide an update regarding its attempts to rent out the property.

(b) Refinancing of real property?

Debtor's status report (dkt. 103) states that it has received several offers from potential lenders to refinance the real property. Debtor is directed to provide an update regarding its refinancing efforts.

(c) Corrected version of First Amended Plan (dkt. 98), and declaration re feasibility

On 1/23/25, this Court issued an order setting a hearing on final

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CONT... **1629 Reeves, LLC, a Michigan Limited Liability Co.** **Chapter 11**

approval of disclosures and confirmation of Debtor's First Amended Plan. See dkt. 100 (the "Hearing Order"). The Hearing Order set a deadline of 2/4/25 for Debtor to serve upon parties in interest, among other things, (i) a corrected version of the Amended Plan (to fix inconsistent dollar amounts of secured claims) and (ii) a declaration of Debtor's principal "addressing how the Plan is feasible" given [Debtor's] cash flow projections." Hearing Order (dkt. 100) at p. 1:24–2:4. Debtor represents that it has complied with the Hearing Order (see Status Report (dkt. 103) at 1:18–19). But the docket does not include either a proof of service or copies of those documents.

The tentative ruling is to **set a deadline of 2/18/25** for Debtor to file (x) the corrected version of the First Amended Plan, (y) the above-referenced declaration regarding feasibility, and (z) a proof of service evidencing compliance with the service deadlines set forth in the Hearing Order.

(2) Dates/procedures. This case was filed on 5/30/24.

- (a) Bar date: 8/8/24 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 20 & 25).
- (b) Procedures Order: dkt. 14 (timely served, dkt. 23).
- (c) Plan/Disclosure Statement: First Amended Plan (dkt. 98) timely filed on 1/21/25. See Scheduling Order (dkt. 94) (setting deadline to file First Amended Plan).
- (d) Continued status conference: 3/18/25 at 1:00 p.m., concurrent with the confirmation hearing. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

1629 Reeves, LLC, a Michigan

Represented By
John P Kreis

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:21-10368 Mrudula Kothari

Chapter 11

#9.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/9/21, 03/02/21, 4/6/21, 4/27/21, 6/1/21, 7/20/21,
8/31/21, 9/28/21, 10/26/21, 12/14/21, 2/15/22, 3/15/22,
3/29/22, 4/12/22, 5/31/22, 9/6/22, 9/27/22, 10/11/22,
12/6/22, 2/7/23, 4/4/23, 6/13/23, 7/11/23, 7/18/23,
9/19/23, 11/28/23, 12/19/23, 2/6/24, 3/5/24, 4/2/24,
4/23/24, 6/4/24, 6/25/24, 7/9/24, 8/6/24, 9/10/24, 9/24/24,
11/19/24, 12/17/24

Docket 1

Tentative Ruling:

**Tentative Ruling for 2/11/25:
Appearances required.**

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

(1) Current issues

This Court has reviewed the Subchapter V Trustee's latest status report (dkt. 396) and Debtor's first amended plan (dkt. 398, the "Plan"). This Court notes the following issues, several of which are minor and some of which might be case-dispositive.

The Plan proposes (dkt. 398, p. 4:18-19) that the effective date will be fourteen days after entry of a confirmation order - *i.e.*, the same day as the last day to file an appeal. Is that really Debtor's intent?

The Plan describes a fee award of "\$30,387.50 with \$2,500.50." Plan (dkt. 398) p. 6:3. Is the latter figure for expenses?

The Plan (dkt. 398, p. 6:7-12) refers to continuances of counsel's

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second interim fee application, which appears to be irrelevant now that the application was granted. See Order (dkt. 392). The tentative ruling is to direct Debtor (if any amended Plan is to be filed) to strike the irrelevant discussion of continuances and replace it with a statement noting the fees and expenses that were awarded.

More broadly, the tentative ruling is that much of the information in the Plan is irrelevant.

The Plan frequently refers to "Debtors" (plural) when there is only one Debtor.

The foregoing are all very minor issues. The more substantial issues are as follows.

The Plan, it suggests, in its discussion of the Sterling Motel property, that Debtor believes it is currently worth no more than \$1.1 million and she "expects that she will obtain a DIP loan to fund the plan" or, if that is not feasible, she will need to sell the motel. Plan (dkt. 398) p. 8:14-21 (emphasis added). The Plan (*id.*, p. 15:19-20) also states that Debtor "is in the process of attempting to obtain exit financing against the Sterling Motel to pay off the administrative claims and the balance of Royal Bank's secured claim." (Emphasis added.) There is no information, let alone any commitment, about when any such financing/sale would take place, and whether failure to do so by any specific date would constitute a default under the Plan. There are no cash flow projections.

The tentative ruling is that this is not a chapter 11 "plan" in any commonly understood sense of that term. Rather, it is a vague idea of some alternatives that might go into a possible plan.

All parties in interest are directed to address the appropriate disposition of this case given Debtor's failure to propose an actual plan. The tentative ruling is that Debtor has had more than enough time to attempt to deal with the Sterling Motel and attempt to make it profitable, or otherwise propose a realistic plan, and that her apparent reluctance to let it go is unduly delaying the disposition of this bankruptcy case.

Accordingly, the tentative ruling is to expand the Subchapter V Trustee's powers so as to authorize and direct her to pursue a refinance or sale of that motel. If she later reports that such a disposition is not feasible then this Court anticipates directing the funds on hand to be distributed to allowed administrative claims, or as otherwise ordered, and dismissing this

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case with a bar against being a debtor in another bankruptcy case for 180 days for willful failure to appear in proper prosecution. See 11 U.S.C. 109(g)(1), 1112.

Proposed order(s): Unless otherwise ordered, the Subchapter V Trustee is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Dates/procedures. This case was filed on 1/19/21. On 4/4/24 this Court entered an order reducing Debtor's powers as a debtor in possession and increasing the powers and oversight of the Subchapter V Trustee in this case. See dkt. 312 & 313.

- (a) Bar date: 3/30/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 11).
- (b) Procedures order: dkt. 8 (timely served, dkt. 12)
- (c) Amended Plan: Probably moot (see above), or else TBD (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 3/4/25 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:22-15163 The Hacienda Company, LLC

Chapter 11

#10.00 Status Conference re: Post Confirmation
fr. 10/25/22, 12/6/22, 12/20/22, 1/24/23, 02/07/23,
3/7/23, 4/4/23, 6/27/23, 7/11/23, 7/18/23, 8/8/23,
9/19/23, 10/3/23, 11/28/23, 1/23/24, 5/7/24, 9/10/24,
11/19/24

Docket 1

***** VACATED *** REASON: Final decree entered 12/18/24 (dkt. 251)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

The Hacienda Company, LLC

Represented By
David L. Neale
Lindsey L Smith
Juliet Y. Oh

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:24-12006 Briganti Enterprise, Inc.

Chapter 11

#11.00 Cont'd status conference re: Post confirmation
fr. 3/26/24, 4/9/24, 4/30/24, 5/14/24, 6/4/24, 8/6/24,
9/24/24, 10/8/24, 12/10/24

Docket 1

***** VACATED *** REASON: Case closed on interim basis. See dkt. 138.**

Tentative Ruling:

Party Information

Debtor(s):

Briganti Enterprise, Inc.

Represented By
Michael Jay Berger

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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2:24-17786 Marisela Montejo

Chapter 11

#12.00 Cont'd hrg re: Motion in individual chapter 11 case
for order authorizing use of cash collateral
fr. 12/10/24, 12/17/24

Docket 74

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the status conference (Calendar No. 13,
2/11/25 at 1:00 p.m.).

Tentative Ruling for 12/17/24:

Please see the tentative ruling for the status conference (Calendar No. 8,
12/17/24 at 1:00 p.m.).

Tentative Ruling for 12/10/24:

Please see the tentative ruling for the status conference (Calendar No. 13,
12/10/24 at 1:00 p.m.).

Party Information

Debtor(s):

Marisela Montejo

Represented By
Eric Bensamochan

Movant(s):

Marisela Montejo

Represented By
Eric Bensamochan

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2:24-17786 Marisela Montejo

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#13.00 Cont'd Status Conference re: Chapter 11 Case
fr. 12/03/24, 12/10/24, 12/17/24

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Tentative Ruling:

Tentative Ruling for 2/11/25:

Appearances required.

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

(1) Current issues

(a) Cash collateral motion (LA Property, aka Tamarind Prop.) (dkt. 74), Application for hearing on shortened time (dkt. 75), Order provisionally shortening time (dkt. 78, "OST"), Notice of hearing and proof of service (dkt. 82), Certificates of service (dkt. 84 & 88), Opposition of Wilshire Quinn Income Fund REIT, LLC ("Secured Creditor") (dkt. 87), Notice of continued hearing (dkt. 93), Interim order (dkt. 96)

There is no tentative ruling. As indicated in this Court's Interim Order (dkt. 96, p. 6:13-18), the parties are directed to address whether they have reached any agreement regarding Debtor's use of cash collateral or whether this Court should hear arguments and offers of proof and set a briefing schedule or, alternatively, make findings of fact and conclusions of law on the record presented, which might be interim or final findings and conclusions.

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

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(b) Possible order to show cause ("OSC") re dismissal etc.?

(i) Monthly operating reports ("MORs")

As of the preparation of this tentative ruling, Debtor has not filed her November or December MORs (due 12/21/24 and 1/21/25, respectively).

(ii) Missing status report

This Court's adopted tentative ruling for 12/17/24 set a deadline of 1/28/25 for Debtor to file a status report but no status report has been filed as of the preparation of this tentative ruling.

(iii) Issue OSC?

In view of the foregoing, and the issues noted in earlier tentative rulings (reproduced below), the tentative ruling is to direct Debtor to address why this Court should not issue an OSC directing her to appear at a future hearing and show cause why this case should not be dismissed under 11 U.S.C. 1112(b), or converted, or why other remedies should not be imposed, and in the event of any dismissal why a bar should not be imposed against future bankruptcy cases due to willful failure to appear in proper prosecution of this case under 11 U.S.C. 109(g)(1).

(2) Dates/procedures. This case was filed on 9/25/24 and converted from chapter 13 on 11/7/24. Dkt. 47.

(a) Bar date: 2/11/25 (dkt. 95) (timely served, dkt. 102)

(b) Procedures Order: dkt. 48 (timely served, dkt. 57)

(c) Plan/Disclosure Statement: file by 3/4/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 3/18/25 at 1:00 p.m. *Brief* status report due 3/4/25.

Tentative Ruling for 12/17/24:

Appearances required.

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

(1) Current issues

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Marisela Montejo

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(a) Cash collateral motion (LA Property, aka Tamarind Prop.) (dkt. 74), Application for hearing on shortened time (dkt. 75), Order provisionally shortening time (dkt. 78, "OST"), Notice of hearing and proof of service (dkt. 82), Certificates of service (dkt. 84 & 88), Opposition of Wilshire Quinn Income Fund REIT, LLC ("Secured Creditor") (dkt. 87), Notice of continued hearing (dkt. 93), interim order (dkt. 96)

There is no tentative ruling. This Court anticipates reviewing any supplemental papers filed by Debtor by the deadline of noon on 12/16/24 that this Court orally ordered at the 12/10/24 hearing, and addressing any issues with those papers at the hearing.

The parties are also directed to address whether they have met and conferred regarding this motion and, if so, whether they have reached any resolution of their disputes.

(b) Utility Motion (dkt. 76), Application for hearing on shortened time (dkt. 77), Order provisionally shortening time (dkt. 79, "OST"), Notice of hearing and proof of service (dkt. 82), Certificates of service (dkt. 84 & 88), Notice of continued hearing (dkt. 93), Interim order (dkt. 94)

As highlighted by the U.S. Trustee on the record at the last hearing, Debtor owes significant arrears to the Los Angeles Department of Water and Power ("LADWP") and SoCal Gas Company ("SoCal Gas"). See Bankruptcy Schedules E/F (dkt. 32, pdf pp. 20-22).

In view of the foregoing, and subject to any opposition by any of the utility companies at the hearing, the tentative ruling is to grant the Utility Motion on a final basis on the condition, even absent any objections, that (x) Debtor stays current on all post-petition utility payments, and (y) if Debtor fails to stay current then the affected utility company may self-calendar on 14 days' notice a motion requesting to increase the proposed deposit amount to more adequately protect it from any future delinquencies and/or other appropriate relief, with any opposition due 7 days prior to the hearing and any reply orally at the hearing.

(c) N. Hollywood Property (aka La Maida Prop.)

This Court's interim order regarding the LA Property (dkt. 96, p. 3:13-19) directed Debtor "forthwith to file and serve a motion for use of cash collateral regarding the N. Hollywood Property." (Emphasis omitted.) As of the preparation of this tentative ruling, no such motion is on the docket. Why

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Chapter 11

not?

At the hearing Debtor is directed to address the status of any negotiations with any secured creditor(s) who have an interest in the cash collateral of the La Maida Property.

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Dates/procedures. This case was filed on 9/25/24 and converted from chapter 13 on 11/7/24. Dkt. 47.

(a) Bar date: 2/11/25 (dkt. 95) (the deadline for Debtor to serve that order is 12/18/24, *id.*, p. 2, para. 2).

(b) Procedures Order: dkt. 48 (timely served, dkt. 57)

(c) Plan/Disclosure Statement: file by 3/4/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 2/11/25 at 1:00 p.m. *Brief* status report due 1/28/25.

Tentative Ruling for 12/10/24:

Appearances required by counsel for Debtor and by Debtor(s) themselves.

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

(1) Current issues

This Court's order (dkt. 67) conditionally granting Debtor's emergency motion (dkt. 66) to continue the 12/3/24 status conference to this date set a deadline for Debtor to file and serve a number of outstanding motions and papers. The tentative ruling is that Debtor's recent filings (dkt. 70-78) appear to satisfy this Court's concerns highlighted in that order, except as noted below and/or orally at the hearing.

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(a) Compliance issues

Debtor's status report (dkt. 62, p. 2) states that she has not filed all necessary documents or complied with all applicable guidelines established by the U.S. Trustee. Debtor is directed to address at the hearing whether she is now in compliance.

(b) Compliance with this Court's orders setting hearings on shortened time on cash collateral and utility motions

This Court's orders setting hearings on shortened time (dkt. 78 and 79, the "OSTs") required expedited service on various parties in interest such that they would receive notice of the hearing, the OSTs and copies of the motion papers by 12/6/24. Debtor's certificate of service (dkt. 84) states that parties were served via email, FedEx, and United States Express Mail. *Id.*

The tentative ruling is that, absent consent, service via email is ineffective. See Rules 4001(b)(1)(C), 7004 (manner of serving summons and complaint), 9014(b) (service must be in same manner as summons and complaint), 9036(c)&(e) (electronic transmission sometimes permitted, but not when service is required per Rule 7004) (Fed. R. Bankr. P.) and Rule 4(d) (Fed. R. Civ. P., incorporated by Rule 7004(a)(1), Fed. R. Bankr. P.) (procedures for consent to waive formal service).

Additionally, it is not clear whether Debtor's service via FedEx and United States Express mail were for "overnight" delivery to ensure receipt by 12/6/24. At the hearing Debtor's counsel is directed to address whether service complied with this Court's OSTs.

(c) Cash collateral motion (dkt. 74), Application for hearing on shortened time (dkt. 75), Order provisionally shortening time (dkt. 78, "OST"), Notice of hearing and proof of service (dkt. 82), Certificate of service (dkt. 84), oppositions and replies, if any, may be made orally at the hearing

There is no tentative ruling. This Court anticipates hearing any oppositions and replies to the Cash Collateral Motion and making an oral ruling. Debtor's proposed counsel is also directed to address the issues raised in paragraph 7 of the OST (in addition to the service issues highlighted in part "(1)(b)," above).

(d) Utility Motion (dkt. 76), Application for hearing on shortened time

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(dkt. 77), Order provisionally shortening time (dkt. 79, "OST"), Notice of hearing and proof of service (dkt. 82), Certificate of service (dkt. 84), oppositions and replies, if any, may be made orally at the hearing

There is no tentative ruling. This Court anticipates hearing any oppositions and replies to the Utility Motion and making an oral ruling. Debtor's proposed counsel is also directed to address the issues raised in paragraph 7 of the OST (in addition to the service issues highlighted in part "(1)(b)," above).

(e) Amended Bankruptcy Schedule I

Debtor's amended Bankruptcy Schedule I (dkt. 73) does not include a "statement" (as required by line 8a) for the property located at 11554 La Maida St., North Hollywood, CA 91601 (the "La Maida Property"). Although Debtor states (dkt. 64, p. 3) that she was listed on the title and mortgage of the property solely to assist her son in qualifying for the purchase, the tentative ruling is to set a **deadline of 12/17/24** for Debtor to file a further amended schedule I that includes a statement setting forth the gross receipts, ordinary and necessary business expenses, and the total monthly net income for the La Maida Property.

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Dates/procedures. This case was filed on 9/25/24 and converted from chapter 13 on 11/7/24. Dkt. 47.

(a) Bar date: 2/11/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Procedures Order: dkt. 48 (timely served, dkt. 57)

(c) Plan/Disclosure Statement: file by 3/4/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 1/7/25 at 1:00 p.m. *Brief* status report due 1/31/24.

Party Information

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Chapter 11

Debtor(s):

Marisela Montejo

Represented By
Eric Bensamochan

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2:23-18208 Meir Siboni

Chapter 11

#14.00 Cont'd Status Conference re: Chapter 11 Case
fr. 6/4/24, 6/25/24, 7/9/24, 07/30/24, 8/6/24, 9/24/24,
12/3/24, 12/10/24, 1/21/25

Docket 109

Tentative Ruling:

Tentative Ruling for 2/11/25:

Appearances required for calendar nos. 14 and 17.1 by Debtor's Counsel and the Examiner. Other parties in interest are permitted to appear but are not required. In addition, appearances are not required on calendar nos. 15-17. (If you wish to contest the tentative ruling for calendar nos. 15-17, see the "Procedures of Judge Bason," available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Stipulation to continue deadline for examiner's report (dkt. 229) & order thereon (dkt. 230)

There is no tentative ruling. Debtor and the Examiner are directed to appear to address the issues set forth in the order setting this hearing (dkt. 230).

(b) Menlo et al. v. Siboni [2:24-ap-01083-NB]

This Court has reviewed the parties' (belated) status report (adv. dkt. 15). The tentative ruling is to continue the status conference in this proceeding to 4/22/25 at 11:00 a.m. with a deadline of 4/8/25 for the parties to file a joint status report.

(c) Siboni v. Menlo et al. [2:24-ap-01027-NB]

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This Court has reviewed the parties' (belated) status report (adv. dkt. 31). The tentative ruling is to continue the status conference in this proceeding to 4/22/25 at 11:00 a.m. with a deadline of 4/8/25 for the parties to file a joint status report.

(d) Vicino Limited Partnership v. Siboni [2:24-ap-01234-NB]

Continue the status conference in this proceeding to 4/22/25 at 11:00 a.m. with a 4/15/25 deadline for Plaintiff to file a unilateral status report in view of this Court's review of Plaintiff's latest status report (adv. dkt. 12).

(2) Dates/procedures. This case was filed on 12/12/23, and was converted from chapter 13 to chapter 11 on 5/15/24 (dkt. 109).

(a) Bar date: 2/20/24 (dkt. 23 & 24, the "Original Bar Date") and 7/1/24 (dkt. 134, the "Supplemental Bar Date")

(b) Procedures Order: dkt. 108 (not timely served, but eventually served which gives notice of matters therein, dkt. 127)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 3/18/25 at 2:00 p.m. *Brief* status report from Debtor due 3/4/25.

Tentative Ruling for 1/21/25:

Continue the status conference as set forth below based on this Court's review of Debtor's latest status report (dkt. 226). Appearances are not required on 1/21/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court does not have any issues to raise sua sponte at this time, so the tentative ruling is to continue this matter as set forth below.

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Meir Siboni

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(2) Dates/procedures. This case was filed on 12/12/23, and was converted from chapter 13 to chapter 11 on 5/15/24 (dkt. 109).

(a) Bar date: 2/20/24 (dkt. 23 & 24, the "Original Bar Date") and 7/1/24 (dkt. 134, the "Supplemental Bar Date")

(b) Procedures Order: dkt. 108 (not timely served, but eventually served which gives notice of matters therein, dkt. 127)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 3/18/25 at 2:00 p.m. *Brief* status report from Debtor due 3/4/25.

[PRIOR TENTATIVE RULING(S) OMITTED. For principal issues, see Order on motion to dismiss case (dkt. 97); additional Order re same (dkt. 109); and Order directing appointment of examiner (dkt. 169).]

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

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2:23-18208 Meir Siboni

Chapter 11

Adv#: 2:24-01083 Menlo et al v. Siboni

#15.00 Cont'd Status Conference re: Complaint to
Determine Non-Dischargeability of Debt
fr. 6/4/24, 7/30/24, 8/6/24, 10/22/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the bankruptcy case in chief status conference (Calendar No. 14, 2/11/25 at 1:00 p.m.).

Tentative Ruling for 10/22/24:

Continue this proceeding to 2/11/25 at 1:00 p.m. with a 1/28/25 deadline for the parties to file a joint status report based on this Court's review of the parties' latest joint status report (adv. dkt. 14). Appearances are not required on 10/22/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

Defendant(s):

Meir Siboni

Represented By

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CONT... Meir Siboni

Chapter 11

Thomas B Ure

Plaintiff(s):

Franklin Menlo

Represented By
Paul P Young
Kevin Ronk

Miracle Mile Properties, LP

Represented By
Paul P Young
Kevin Ronk

Franklin Menlo Trustee of the Menlo

Represented By
Paul P Young
Kevin Ronk

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2:23-18208 Meir Siboni

Chapter 11

Adv#: 2:24-01027 Siboni v. Menlo et al

- #16.00 Cont'd Status Conference re: Complaint to Determine Priority Extent of Liens, Declaratory Relief and Recovery of Assets of the Estate: (1) Quiet Title; (2) Quiet Title; (3) Quiet Title; (4) Declaratory Relief (5) Cancellation of Instrument; (6) Cancellation of Instrument; (7) Cancellation of Instrument; (8) Breach of Fiduciary Duty; (9) Breach of Fiduciary Duty; (10) Concealment fr. 4/2/24, 4/9/24, 4/11/24, 6/4/24, 7/30/24, 8/6/24, 10/22/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the bankruptcy case in chief status conference (Calendar No. 14, 2/11/25 at 1:00 p.m.).

Tentative Ruling for 10/22/24:

Continue this proceeding to 2/11/25 at 1:00 p.m. with a 1/28/25 deadline for the parties to file a joint status report based on this Court's review of the parties' latest joint status report (adv. dkt. 30). Appearances are not required on 10/22/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Meir Siboni

Represented By

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CONT... **Meir Siboni**

Chapter 11

Thomas B Ure

Defendant(s):

Jonathan Menlo

Represented By
Elsa M Horowitz

Frank Menlo

Represented By
Paul P Young
Kevin Ronk

Menlo Trust U/T/L February 22,

Represented By
Paul P Young
Kevin Ronk

Miracle Mile Properties, LP

Represented By
Paul P Young
Kevin Ronk

DOES 1-10

Pro Se

Plaintiff(s):

Meir Siboni

Represented By
Thomas B Ure

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2:23-18208 Meir Siboni

Chapter 11

Adv#: 2:24-01234 Vicino Limited Partnership v. Siboni

#17.00 Cont'd Status conference re: Complaint to determine dischargeability of debt and objection to discharge fr. 12/3/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Please see the tentative ruling for the bankruptcy case in chief status conference (Calendar No. 14, 2/11/25 at 1:00 p.m.).

Tentative Ruling for 12/3/24:

Please see the tentative ruling for the bankruptcy case in chief status conference (Calendar No. 6, 12/3/24 at 1:00 p.m.).

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

Defendant(s):

Meir Siboni

Pro Se

Plaintiff(s):

Vicino Limited Partnership

Represented By
David I Brownstein

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2:23-18208 Meir Siboni

Chapter 11

#17.10 Hrg re: Third stipulation to continue
deadline for examiner's report

Docket 229

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 14,
2/11/25 at 1:00 p.m.).

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

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2:23-18579 Clinical Edify

Chapter 7

Adv#: 2:24-01087 American Career College, Inc. et al v. Clinical Edify et al

#18.00 Cont'd Status conference re: Complaint to hold debtor liable on creditors' judgment fr. 6/4/24, 7/16/24, 9/24/24, 11/19/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Continue the status conference as set forth below. Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 11) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte* at this time. The tentative ruling is to continue the status conference as set forth in part "(2)(c)," below, to provide sufficient time for the parties to obtain approval of their global settlement agreement. See Status Report (adv. dkt. 11) at p. 4, ¶ G.

(2) Standard requirements

[Intentionally omitted, except as set forth below.]

* * *

(c) Deadlines

This adversary proceeding has been pending since 4/1/24.

Continued status conference: 5/6/25 at 1:00 p.m. (even if this adversary proceeding is dismissed, to deal with any proper post-dismissal

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Chapter 7

matters). If this adversary proceeding is not dismissed then a *brief* status report is due by 4/29/25.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Clinical Edify

Pro Se

Defendant(s):

Clinical Edify

Represented By
Steven R Fox

Howard M. Ehrenberg, Chapter 7

Represented By
Mark S Horoupian
Steve Burnell

Plaintiff(s):

American Career College, Inc.

Represented By
Miles D Grant
Alexander J Kessler

West Coast University, Inc.

Represented By
Miles D Grant
Alexander J Kessler

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Mark S Horoupian

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2:24-20369 Cinema Management Group, LLC

Chapter 11

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

WONDERDOG 1 PRODUCTIONS INC
vs
DEBTOR

Docket 9

Tentative Ruling:

Appearances required. There is no tentative ruling but the parties are directed to address the issues raised by their filed papers (referenced below).

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

Key documents reviewed: Motion (dkt. 9, 36); Trustee's opposition (dkt. 31), Trustee's evidentiary objections (dkt. 32), Debtor's reply (49, 50).

Party Information

Debtor(s):

Cinema Management Group, LLC

Represented By
John D Monte

Movant(s):

Wonderdog 1 Productions Inc.

Represented By
Paul J Laurin

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2:24-20369 Cinema Management Group, LLC

Chapter 11

#20.00 Hrg re: Chapter 11 Trustee's Motion For Entry Of An Interim Order: (I) Authorizing The Trustee To Use Cash Collateral; (II) Granting Adequate Protection; (III) Scheduling A Final Hearing; And (IV) Granting Related Relief

Docket 37

Tentative Ruling:

Grant the cash collateral motion (dkt. 37–39) on an interim basis, subject to the conditions set forth below, with a final hearing on **3/4/25 at 1:00 p.m.**, a deadline of **2/12/25** for Trustee to file and serve a notice of the final hearing, a deadline of **2/18/25** for Trustee to file any supplemental papers in support of the cash collateral motion (e.g., to update the budget, if necessary or appropriate), a deadline of **2/25/25** for any party in interest to file an opposition to the relief sought at the final hearing, and a deadline of **2/28/25** for Trustee to file a reply. Appearances required.

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

Key documents reviewed: Chapter 11 Trustee's motion to use cash collateral (dkt. 37), Rule 4001 statement (dkt. 38), Notice (dkt. 39)

Judge Bason's standard conditions for use of cash collateral and/or postpetition financing (by creditors holding prepetition claims)

(1) Written order

(a) Form. Use local form

F2081-2.1.ORDER.CASH.COLLATERAL or the equivalent. Attach a copy of this tentative ruling as an exhibit, thereby adopting it as the written ruling of this Court, subject to any changes ordered at the hearing. Do not repeat the terms set forth in the motion or any stipulation. Incorporate those terms by reference (including the docket number of the document), subject to any modification by this Court.

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Chapter 11

(b) Timing. Lodge the proposed order within 7 days after the hearing. See LBR 9021-1(b)(1)(B).

(2) Minimum adequate protection

In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be approved, Debtor shall provide at least the following protection to any creditor with a security interest in the subject property (pursuant to 11 U.S.C. 361-364, as applicable):

(a) Insurance. For all collateral of a type that typically is insured (e.g., real property and improvements), Debtor is directed to maintain insurance in a dollar amount at least equal to Debtor's good faith estimate of the value of such creditor's interest in the collateral, and such insurance shall name such creditor as an additional insured. Debtor is directed to remain current on payments for such insurance.

(b) Taxes. Debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. Debtor is directed to provide, upon such creditor's reasonable request, periodic accountings of the foregoing insurance and tax obligations and payments, as well as postpetition proceeds, products, offspring, or profits from the collateral, including gross revenues and expenses and a calculation of net revenues. Debtor is directed to provide appropriate documentation of those accountings, and access for purposes of inspection or appraisal.

(3) Grant of, and limitation on, postpetition liens

The tentative ruling is to grant postpetition liens to any creditors holding secured claims by granting replacement liens, but such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or this Court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date. For example, if prepetition liens extended to inventory and accounts receivable but not equipment then postpetition liens are likewise limited (unless otherwise

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CONT... Cinema Management Group, LLC

Chapter 11

expressly provided by order of this Court). In addition, postpetition liens shall not extend to any avoidance actions or the proceeds thereof, any claim or recoveries under 11 U.S.C. 506(c), any "carveout" under 11 U.S.C. 552, or any claim or recoveries under 11 U.S.C. 724(a).

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any *automatic* perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(4) Automatic disapproval of insufficiently disclosed provisions

Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either: (a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively (b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

(5) Disputes

In the event of any disputes regarding the rulings in this order, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact Judge Bason's chambers to arrange a mutually convenient time for either a telephonic or in-person hearing to address such disputes.

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

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

Tuesday, February 11, 2025

Hearing Room 1545

1:00 PM

CONT...

Cinema Management Group, LLC

Chapter 11

lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

Party Information

Debtor(s):

Cinema Management Group, LLC

Represented By
John D Monte

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

Tuesday, February 11, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01071 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

- #1.00** Cont'd Status conference re: Complaint for: (1) Avoidance of preferential transfer [11 U.S.C. section 547]; (2) Avoidance of actual fraudulent transfers [11 U.S.C. section 548(a)(1)(A)]; (3) Avoidance of constructive fraudulent transfers [11 U.S.C. section 548(a)(1)(B)]; (4) Recovery of avoided transfers [11 U.S.C. section 550]; and (5) Disallowance of claims [11 U.S.C. section 502]
fr. 6/25/24, 8/6/24, 10/22/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Continue the status conference as set forth below. Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 30) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte* at this time. The tentative ruling is to continue the status conference as set forth in part "(2)(c)," below, to provide sufficient time for the parties to obtain approval of their settlement agreement. See Status Report (adv. dkt. 30) at p. 4, ¶ G.

(2) Standard requirements

[Intentionally omitted, except as set forth below.]

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

Tuesday, February 11, 2025

Hearing Room 1545

2:00 PM

CONT...

Cherry Man Industries, Inc.

Chapter 7

* * *

(c) Deadlines

This adversary proceeding has been pending since 4/1/24.

Continued status conference: 5/6/25 at 1:00 p.m. (even if this adversary proceeding is dismissed, to deal with any proper post-dismissal matters). If this adversary proceeding is not dismissed then a *brief* status report is due by 4/29/25.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami
Victor A Sahn
Hamid R Rafatjoo
David B Golubchik

Defendant(s):

VERIZON COMMUNICATIONS,

Represented By
Lawrence J Hilton

XO Communications Services, LLC

Represented By
Lawrence J Hilton

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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

Tuesday, February 11, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01065 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v. APEX

#2.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Avoidance Of Unauthorized Post-Petition Transfers [11 U.S.C. § 549]; (3) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (4) Disallowance Of Claims [11 U.S.C. §502]]
fr. 6/4/24, 9/24/24, 11/19/24

Docket 1

Tentative Ruling:

Tentative Ruling for 2/11/25:

Conclude this status conference (no continuance) in view of the entry of a stipulated order of dismissal on 11/21/24 (adv. dkt. 16), the absence of an appeal, and the absence of any request for post-dismissal relief.

Appearances are not required on 2/11/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami
Victor A Sahn
Hamid R Rafatjoo
David B Golubchik

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

Tuesday, February 11, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Defendant(s):

APEX MARITIME CO. (LAX),

Represented By
Ronald L Richman

K APEX LOGISTICS CO LTD

Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Carolyn A Dye (TR)

Pro Se