

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

9:00 AM

**2:00-000000**

**Chapter**

- #0.00** 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
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**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).

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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 -

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:22-14606 Manuel Martinez-Saavedra**

**Chapter 13**

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

U.S. BANK TRUST N.A.  
vs  
DEBTOR

Docket 79

**Tentative Ruling:**

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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**CONT... Manuel Martinez-Saavedra Chapter 13**

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

Co-debtor stay

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

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

**Debtor(s):**

Manuel Martinez-Saavedra

Represented By  
Leonard Pena

**Movant(s):**

U.S. Bank Trust National

Represented By  
Dane W Exnowski  
Joseph C Delmotte  
Michelle Hart Ippoliti  
Dana OBrien  
Shannon A Doyle

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, April 8, 2025**

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10:00 AM

**2:23-16136 Ricardo Estrada**

**Chapter 13**

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

THE BANK OF NEW YORK MELLON  
vs  
DEBTOR

Docket 46

**Tentative Ruling:**

Grant as set forth below.

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

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

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

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

Termination

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

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

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**CONT... Ricardo Estrada Chapter 13**

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

Co-debtor stay

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

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

Ricardo Estrada

Represented By  
William W Tiffany

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Fanny Zhang Wan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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10:00 AM

**2:24-12284 Natarajan Srinivasan**

**Chapter 13**

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

U.S. Bank National Association  
vs  
DEBTOR

Docket 56

**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 childr/next friend's response, dkt. 57).

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

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

Natarajan Srinivasan

Represented By  
Jeffrey N Wishman  
Marcus G Tiggs

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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Central District of California  
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**2:24-20467 Barbara Hightower**

**Chapter 13**

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

PHH MORTGAGE CORPORATION  
vs  
DEBTOR

Docket 30

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) the status of the sale contemplated by Debtor and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 34).

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

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

Barbara Hightower

Represented By  
Joshua Sternberg

**Movant(s):**

PHH Mortgage Corporation

Represented By  
David Coats  
Sean C Ferry

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**2:23-12693 Brandon Santana Acosta**

**Chapter 13**

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

WESTLAKE SERVICES, LLC  
vs  
DEBTOR

Docket 55

**Tentative Ruling:**

Grant as set forth below.

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

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

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

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

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... Brandon Santana Acosta**

**Chapter 13**

Effective date of relief

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

Co-debtor stay

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

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

Brandon Santana Acosta

Represented By  
Leon D Bayer

**Movant(s):**

Westlake Services, LLC d/b/a/

Represented By  
Fanny Zhang Wan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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10:00 AM

**2:24-20515 Sylvia Baptista**

**Chapter 13**

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

STARTS PACIFIC, INC.  
vs  
DEBTOR

Docket 23

**Tentative Ruling:**

Grant in part and continue in part to 4/22/25 at 10:00 a.m., as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

Option for shortened time: This Court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

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

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)

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**CONT... Sylvia Baptista**

**Chapter 13**

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).

This Court is aware of at least two other pending bankruptcy cases affecting Movant's attempts to exercise its remedies to obtain possession of the property: (A) Lisa Nicole Gillman (Case No. 1:24-bk-12171-VK, filed on 12/31/24) (in the state court unlawful detainer action, a prejudgment claim of right to possession of the property was purportedly filed by Ms. Gillman on 2/25/25, see R/S Motion (dkt. 23) PDF pp. 74–75) and (B) Kevin O'Brien (Case No. 8:25-bk-10020-TA, filed on 1/5/25) (in the state court unlawful detainer action, a prejudgment claim of right to possession of the property was purportedly filed by Mr. O'Brien on 2/25/25, see R/S Motion (dkt. 23) PDF pp. 70–71). The tentative ruling is that, on this record, this Court is not prepared to terminate any automatic stay that *actually exists* in other cases, especially if a different judge is presiding over any such cases.

Nevertheless, if there is a sufficient pattern of sham transactions then, in rare instances and subject to certain procedural protections which may include an adversary proceeding, this Court has been persuaded that it has authority to issue a declaratory judgment that any documents that purport to implicate the automatic stay in any past or pending bankruptcy cases are rebuttably presumed to be shams, and therefore the automatic stay does not actually apply, pursuant to FRBP 7001 and 11 U.S.C. §§ 105(a) and 362(d). See *generally In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009). The tentative ruling is that although the multiple prejudgment claims of right to possession filed in the state court unlawful detainer action are highly suspicious, the evidence presented does not meet the very high bar sufficient to support issuance of such a declaratory judgment. The upshot is that in order to prosecute the unlawful detainer action, Movant will be required to obtain relief from the automatic stay in any other pending bankruptcy cases affecting the property – including the two cases mentioned above that are known to this Court.

Relief notwithstanding *future* bankruptcy cases

As to the requested relief that will remain effective notwithstanding any

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**CONT... Sylvia Baptista**

**Chapter 13**

future bankruptcy case, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (*i.e.*, the original lessee). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting such relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Carolyn Tracie Love.

Retroactive relief

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

Effective date of relief

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

Co-debtor stay

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

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

**Debtor(s):**

Sylvia Baptista

Represented By  
Onyinye N Anyama

**Movant(s):**

STARTS PACIFIC, INC., a

Represented By  
Marat Antonyan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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Central District of California  
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**2:25-11671 Pablo Monroy**

**Chapter 13**

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

KEN HSIANG  
vs  
DEBTOR

Docket 10

**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](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

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

The automatic stay does not apply

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

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

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**Pablo Monroy**

**Chapter 13**

Note regarding mootness: As provided in the posted "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://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).

11 U.S.C. 362(b) is inapplicable

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**Pablo Monroy**

**Chapter 13**

Deny the request for an order confirming that no stay is in effect under 11 U.S.C. 362(b). Movant has not established an exception to the automatic stay under 11 U.S.C. 362(b) because although the Motion references 11 U.S.C. 362(b)(22) and 11 USC 362(l), the elements of those sections have not been established because Movant has not obtained a prepetition judgment for possession against Debtor.

Effective date of relief

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

Co-debtor stay

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

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

Pablo Monroy

Pro Se

**Movant(s):**

Ken Hsiang

Represented By  
Luke P Daniels

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**2:25-11904 Sandy Rodriguez**

**Chapter 13**

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

Docket 5

**Tentative Ruling:**

Conditionally grant, as follows. 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 (in addition to motion papers): Opposition of secured creditor Rediger Investment Mortgage Fund ("Secured Creditor") (dkt. 11), no reply on file

Analysis

The tentative ruling is that Debtor cannot overcome the presumption of a lack of good faith absent something significantly more persuasive than the evidence that she has presented. For example, if Debtor were to propose a short deadline to sell her home, that might establish that she is prosecuting this latest bankruptcy case in good faith. Another example might be if she were (a) to agree that no future bankruptcy case filed in the next two years will affect the rights of Secured Creditor ("*in rem* relief") and (b) to agree to a stay-current adequate protection order ("APO") in this current bankruptcy case - in other words, if she truly believes that she can successfully prosecute this case, and is willing to put her own interests at risk rather than shifting more risks to her creditors, then that *might* be sufficient evidence of good faith.

Assuming that Debtor would prefer not to sell her home, the tentative ruling is that a stay-current APO with *in rem* relief as to any future bankruptcy case is warranted under 11 U.S.C. 362(d)(4) and the legal analysis in *In re*

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**Sandy Rodriguez**

**Chapter 13**

*Vasquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017). Put differently, in view of the significant equity in Debtor's home and the large equity cushion protecting Secured Creditor's interests, this Court *might* be persuaded to give Debtor a third "bite at the apple." But such relief is only appropriate on the condition that this will be Debtor's last chance to confirm and fully perform a chapter 13 plan.

If this Court adopts the foregoing approach, this Court contemplates that the APO will provide:

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.

Further analysis:

A presumption of lack of good faith applies under 11 U.S.C. 362(c)(3)(C) (i)(III) because (x) Debtor's prior bankruptcy case was dismissed on 2/7/25 (Case No. 2:24-bk-15237-NB) based on Debtor's failure to make her February plan payment and provide all of the requested documentation to the Trustee and/or Secured Creditor, and (y) Debtor's motion papers do not establish a sufficiently substantial change in her financial or personal affairs *since the dismissal of her last case* to conclude that this current case will result in "a confirmed plan that will be fully performed."

The presumption of a lack of good faith can only be rebutted by "clear and convincing evidence." 11 U.S.C. 362(c)(3)(C). The tentative ruling is that Debtor has failed to meet that burden on the present record, and can only do so if she presents substantially more evidence of a realistic ability to pay Secured Creditor in this bankruptcy case, such as the examples set forth at the start of this tentative ruling.

Of course, this Court recognizes the very difficult situation that Debtor alleges. It would be difficult for anyone to deal with health issues and still maintain a steady flow of income and comply with all of the reporting obligations

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**Sandy Rodriguez**

**Chapter 13**

of a chapter 13 debtor. But, first, Debtor is vague about the severity of her health issues so it is not clear whether similar issues might affect her ability to stay current with her payment obligations in this case. Second, this is Debtor's third bankruptcy filing in the last 1.5 years, so this Court is not persuaded by Debtor's representation that she did not understand why she had to comply with any requests for further documentation. Third, and most importantly, the Bankruptcy Code establishes a presumption of lack of good faith and places the burden on Debtor to overcome that presumption with clear and convincing evidence, and repeated bankruptcy filings and delays to secured creditors' exercise of their rights, while not making sufficient payments, makes it very difficult to establish such good faith.

The bottom line is that the statute requires "clear and convincing" evidence. Debtor's situation is very unfortunate, but that alone does not establish good faith in filing repeated bankruptcy petitions and having an uncertain ability to stay current in her present circumstances.

Based on all of the foregoing, the tentative ruling is to issue two orders: (1) the above-referenced stay-current APO with *in rem* relief, to be prepared by Secured Creditor with a copy of this tentative ruling attached (lodged within 7 days of this hearing), and (2) an order continuing the automatic stay, to be prepared by this Court, cross-referencing the APO and including the following language:

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

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

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

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**CONT...**

**Sandy Rodriguez**

**Chapter 13**

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

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

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

**Debtor(s):**

Sandy Rodriguez

Represented By  
Jaime A Cuevas Jr.

**Movant(s):**

Sandy Rodriguez

Represented By  
Jaime A Cuevas Jr.  
Jaime A Cuevas Jr.

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:25-11938 Troy Lamar Johnson and Aziza Adia Johnson**

**Chapter 13**

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

Docket 12

**Tentative Ruling:**

Grant, subject to (1) a standard, "stay-current" adequate protection order ("APO") in favor of objector Huntington Mortgage Co. ("Huntington") (14-day opportunity to cure any default in payments to Huntington, maximum of 3 such opportunities), (2) "in rem" relief (no future bankruptcy case would further delay Huntington's exercise of its remedies, as set forth below), and (3) the additional conditions set forth below. Debtors are directed to coordinate with Huntington regarding the terms of the APO (e.g., the address for payments). 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 (in addition to motion papers): Opposition of The Huntington National Bank ("Secured Creditor") (dkt. 24), Debtors' reply (dkt. 27)

Analysis

The tentative ruling is that Debtors cannot overcome the presumption of a lack of good faith absent something significantly more persuasive than the evidence that they have presented. Among other things (further discussed below), Debtors' income has declined, not increased, since the dismissal of their prior chapter 13 case.

The tentative ruling is that Debtors could overcome the presumption of a lack of good faith, by clear and convincing evidence, if they were to agree (a) that no future bankruptcy case filed in the next two years will affect the rights of

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**CONT... Troy Lamar Johnson and Aziza Adia Johnson Chapter 13**

Secured Creditor ("*in rem* relief") and (b) to agree to a stay-current adequate protection order ("APO") in this current bankruptcy case. In other words, if Debtors "put their money where their mouth is" by showing that they have faith that they can make the proposed payments and agreeing that this is their last chance (*i.e.*, if they fail to abide by the APO, Huntington will not be further delayed by any future bankruptcy filing).

The tentative ruling is that a stay-current APO with *in rem* relief as to any future bankruptcy case is warranted under 11 U.S.C. 362(d)(4) and the legal analysis in *In re Vasquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017). If this Court adopts the foregoing approach, this Court contemplates that the APO will provide:

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.

Further analysis:

A presumption of lack of good faith applies under 11 U.S.C. 362(c)(3)(C) (i)(II)(c)&(C)(III) because (x) Debtors' prior chapter 13 case was dismissed on 8/13/24 (Case No. 2:23bk-10804-NB) based on Debtors' failure to make plan payments, and (y) Debtors' motion papers do not establish a positive and substantial change in their financial or personal affairs since the dismissal of their last case (in fact, their income has been *reduced*).

The presumption of a lack of good faith can only be rebutted by "clear and convincing evidence." 11 U.S.C. 362(c)(3)(C). The tentative ruling is that Debtors have failed to meet that burden on the present record, and can only do so if they present substantially more evidence of good faith, such as the example set forth at the start of this tentative ruling.

Of course, this Court recognizes the very difficult situation that Debtors allege, including their need to provide a home for their five children. But the

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**CONT... Troy Lamar Johnson and Aziza Adia Johnson**

**Chapter 13**

statute requires "clear and convincing" evidence.

Based on all of the foregoing, the tentative ruling is to issue two orders: (1) the above-referenced stay-current APO with *in rem relief, to be prepared by Huntington* with a copy of this tentative ruling attached (lodged within 7 days of this hearing), and (2) and order continuing the automatic stay, *to be prepared by this Court*, cross-referencing the APO and including the following language:

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

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

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

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

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

**Debtor(s):**

Troy Lamar Johnson

Represented By  
Sevan Gorginian

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**CONT... Troy Lamar Johnson and Aziza Adia Johnson**

**Chapter 13**

**Joint Debtor(s):**

Aziza Adia Johnson

Represented By  
Sevan Gorginian

**Movant(s):**

Troy Lamar Johnson

Represented By  
Sevan Gorginian

Aziza Adia Johnson

Represented By  
Sevan Gorginian  
Sevan Gorginian

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**2:25-11938 Troy Lamar Johnson and Aziza Adia Johnson**

**Chapter 13**

**#10.00** Order to show cause re: Dismissal  
due to simultaneous bankruptcy cases

Docket 18

**Tentative Ruling:**

Discharge the OSC (dkt. 18) based on this Court's review of Debtors' response (dkt. 23). Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

*After the hearing this Court will prepare the order.*

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

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

**Debtor(s):**

Troy Lamar Johnson

Represented By  
Sevan Gorginian

**Joint Debtor(s):**

Aziza Adia Johnson

Represented By  
Sevan Gorginian

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:21-16840 Edward Roland Hayes, Jr**

**Chapter 13**

**#11.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/7/25, 2/25/25

DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS  
DEBTOR

Docket 114

**\*\*\* VACATED \*\*\* REASON: Continued to May 20, 2025 at 10:00 a.m.  
[dkt. 130]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Edward Roland Hayes Jr

Represented By  
Stella A Havkin

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Chad L Butler  
Theron S Covey  
Sean C Ferry

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:22-12334 October Olivia Ryan**

**Chapter 13**

**#12.00** Cont'd hrg re: Motion for relief from stay [PP]  
fr. 2/11/25, 2/25/25

LBS FINANCIAL CREDIT UNION  
VS  
DEBTOR

Docket 40

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

**Tentative Ruling:**

- NONE LISTED -

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

**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

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**2:22-14154 Florence Annette Reed**

**Chapter 13**

**#13.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 2/25/25

NEWREZ LLC  
vs  
DEBTOR

Docket 74

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required.

At the hearing on 2/25/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 2/25/25:**

Grant as set forth below.

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

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

If you are making an appearance, you may do so (1) in person in the courtroom,

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**CONT... Florence Annette Reed**

**Chapter 13**

unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

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

Termination

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

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

Effective date of relief

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

Co-debtor stay

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

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

**Debtor(s):**

Florence Annette Reed

Represented By  
Matthew D. Resnik

**Movant(s):**

NewRez LLC dba Shellpoint

Represented By  
Joseph C Delmotte

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:23-10115 Marilyn Warren Marks-Wynne**

**Chapter 13**

**#14.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/3/24, 1/7/25, 2/25/25

U.S. BANK TRUST COMPANY  
vs  
DEBTOR

Docket 51

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required.

At the hearing on 2/25/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 2/25/25:**

Appearances required.

At the hearing on 1/7/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

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**CONT...**      **Marilynn Warren Marks-Wynne**  
rulings.

**Chapter 13**

**Tentative Ruling for 1/7/25:**

Appearances required.

At the hearing on 12/3/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 12/3/24:**

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. 54).

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

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

**Debtor(s):**

Marilynn Warren Marks-Wynne

Represented By  
Joshua Sternberg

**Movant(s):**

U.S. Bank Trust Company, National

Represented By  
Sean C Ferry

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**CONT... Marilyn Warren Marks-Wynne**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**2:23-11462 Damian Lopez**

**Chapter 13**

**#15.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/7/25, 2/11/25, 3/4/25

SELENE FINANCE LP  
vs  
DEBTOR

Docket 49

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required.

At the hearing on 3/4/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 3/4/25:**

Appearances required.

At the hearing on 2/11/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

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**CONT...**      **Damian Lopez**  
rulings.

**Chapter 13**

**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).

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

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

**Debtor(s):**

Damian Lopez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
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**CONT... Damian Lopez**

**Chapter 13**

**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

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**2:23-17047 Diana Minerva Hernandez**

**Chapter 13**

**#16.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/24/24, 11/19/24, 1/7/25, 2/25/25

U.S. BANK TRUST NATIONAL ASSOC  
vs  
DEBTOR

Docket 35

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required.

At the hearing on 2/25/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 2/25/25:**

Appearances required.

At the hearing on 1/7/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

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**CONT...**      **Diana Minerva Hernandez**  
rulings.

**Chapter 13**

**Tentative Ruling for 1/7/25:**

Appearances required.

At the hearing on 11/19/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 11/19/24:**

Appearances required.

At the hearing on 9/24/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 9/24/24:**

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. 37).

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),

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Los Angeles  
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**CONT... Diana Minerva Hernandez**

**Chapter 13**

(2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

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

**Debtor(s):**

Diana Minerva Hernandez

Represented By  
D Justin Harelik

**Movant(s):**

U.S. BANK TRUST NATIONAL

Represented By  
Sean C Ferry

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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Los Angeles  
Neil Bason, Presiding  
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**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-10152 Jimmy Alexander**

**Chapter 13**

**#17.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 10/22/24, 11/5/24, 12/3/24, 1/7/25, 2/25/25

NEWREZ LLC  
vs  
DEBTOR

Docket 46

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

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jimmy Alexander

Represented By  
Joseph A Weber  
Fritz J Firman

**Movant(s):**

NewRez LLC d/b/a Shellpoint

Represented By  
Darren J Devlin

**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, April 8, 2025**

**Hearing Room 1545**

10:00 AM

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

**Chapter 13**

**#18.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 02/11/25, 2/25/25

NEWREZ, LLC  
vs  
DEBTOR

Docket 63

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

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Raymond David McClam Jr.

Represented By  
Raj T Wadhwani

**Joint Debtor(s):**

Bethany Amanda McClam

Represented By  
Raj T Wadhwani

**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  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-11485 Clay Laurence Patane**

**Chapter 13**

**#19.00** Cont'd hrg re: Motion for relief from stay [PP]  
fr. 2/25/25

CAPITAL ONE AUTO FINANCE, N.A.  
VS  
DEBTOR

Docket 75

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

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Clay Laurence Patane

Represented By  
Roseann Frazee

**Movant(s):**

Capital One Auto Finance, a division

Represented By  
Cheryl A Skigin  
Joseph C Delmotte

**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, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-16656 Sarva Moghbel**

**Chapter 13**

**#20.00** Cont'd hrg re: Motion for relief from stay [PP]  
fr. 3/18/25

TOYOTA MOTOR CREDIT CORPORATION  
VS  
DEBTOR

Docket 39

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

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Sarva Moghbel

Represented By  
Frank J Alvarado

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Kirsten Martinez

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-18075 Jonathan Jones**

**Chapter 13**

**#21.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 3/4/25

THE BANK OF NEW YORK MELLON  
VS  
DEBTOR

Docket 29

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

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jonathan Jones

Represented By  
Joshua Sternberg

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Dane W Exnowski

**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, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-18075 Jonathan Jones**

**Chapter 13**

**#22.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 3/18/25

WEST COAST SERVICING, INC.  
vs  
DEBTOR

Docket 33

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required.

At the hearing on 3/18/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 3/18/25:**

Grant as set forth below.

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

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

If you are making an appearance, you may do so (1) in person in the courtroom,

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**CONT... Jonathan Jones**

**Chapter 13**

unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

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

Termination

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

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

Effective date of relief

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

Co-debtor stay

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

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

**Debtor(s):**

Jonathan Jones

Represented By  
Joshua Sternberg

**Movant(s):**

West Coast Servicing, Inc.

Represented By  
Brian A Paino

**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, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-18315 Richard Lemont Gocha**

**Chapter 13**

**#23.00** Cont'd hrg re: Motion for relief from stay [PP]  
fr. 2/25/25

CALIFORNIA CREDIT UNION  
vs  
DEBTOR

Docket 30

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required.

At the hearing on 2/25/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**Tentative Ruling for 2/25/25:**

Grant as set forth below.

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

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

If you are making an appearance, you may do so (1) in person in the courtroom,

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**CONT... Richard Lemont Gocha**

**Chapter 13**

unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

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

Termination

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

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

Effective date of relief

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

Co-debtor stay

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

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

**Debtor(s):**

Richard Lemont Gocha

Represented By  
Devin Sawdayi

**Movant(s):**

California Credit Union

Represented By  
Nichole Glowin

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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

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**Hearing Room 1545**

10:00 AM

**2:20-13039 Adell Dwayne Traylor, III and Christina Marie Traylor**

**Chapter 13**

**#24.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 3/18/25

MORGAN STANLEY MORTGAGE LOAN TRUST  
VS  
DEBTOR

Docket 79

**\*\*\* VACATED \*\*\* REASON: Per order entered 3/20/25**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Adell Dwayne Traylor III

Represented By  
Jeffrey N Wishman

**Joint Debtor(s):**

Christina Marie Traylor

Represented By  
Jeffrey N Wishman

**Movant(s):**

Morgan Stanley Mortgage Loan

Represented By  
Joseph C Delmotte

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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

10:00 AM

**2:25-12132 Francisco Eduardo Francia**

**Chapter 13**

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

JOSE FIGUEROA  
vs  
DEBTOR

Docket 9

**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](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

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

The automatic stay does not apply

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

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

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Central District of California  
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**CONT...**

**Francisco Eduardo Francia**

**Chapter 13**

Note regarding mootness: As provided in the posted "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://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)(4).

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

Relief notwithstanding *future* bankruptcy cases

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**CONT...**

**Francisco Eduardo Francia**

**Chapter 13**

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

Effective date of relief

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

Co-debtor stay

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

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

Francisco Eduardo Francia

Pro Se

**Movant(s):**

Jose Figueroa, his successors and/or

Represented By  
Reilly D Wilkinson

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

10:00 AM

**CONT... Francisco Eduardo Francia**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 8, 2025**

**Hearing Room 1545**

11:00 AM

**2:20-10046 Samini Cohen Spanos LLP**

**Chapter 7**

**#1.00** Hrg re: Motion for Allowance of Chapter 7 Administrative Claim of Counsel for Petitioning Partners Cynthia M. Cohen and Theodore G. Spanos Pursuant to 11 U.S.C. §§ 503(b)(1), (b)(3) and (b)(4)

Docket 142

**Tentative Ruling:**

Grant the motion, subject to the 10% reduction in fees requested by the U.S. Trustee (dkt. 147, 149), and allow an administrative expense claim in the amount of \$81,271.80 fees and \$2,975.25 expenses, for a total administrative expense claim of \$84,247.15. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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)).

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): Stipulation with U.S. Trustee (dkt. 147) & Order thereon (dkt. 149)

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

**Debtor(s):**

Samini Cohen Spanos LLP

Represented By  
Robert P Goe

**Movant(s):**

Cynthia M Cohen Esq

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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11:00 AM

**CONT... Samini Cohen Spanos LLP**

**Chapter 7**

Steven T Gubner  
Michael W Davis  
Jessica Wellington

Theodore G Spanos Esq

Represented By  
Michael W Davis  
Steven T Gubner  
Jessica Wellington

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Daniel A Lev  
Steve Burnell

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, April 8, 2025**

**Hearing Room 1545**

11:00 AM

**2:23-14096 Everardo Rubio**

**Chapter 7**

**#2.00** Hrg re: Chapter 7 Trustees Notice of Motion and Motion for Orders: (1) Approving Overbid Procedures for Sale of Real Property; (2) Authorizing Sale of Real Property Located at 611 S. Griffith Park DrIve, Burbank, CA 91506 (APN 2443-008-008) Free and Clear of Liens, Claims and Interests to the Buyers and/or Their Assignee, or Other Bidder; (3) Approving Related Purchase Agreement for Property; (4) Determining that the Buyer is a Good Faith Purchaser; (5) Authorizing Payment of Commission of Broker, and Other Distribution of Sale Proceeds; (6) Authorizing the Trustee to Withhold and Remit Estimated State Income Taxes Resulting from the Sale, If Any; (7) Waiving Stay of Order under Rule 6004(h) of the Federal Rules of Bankruptcy Procedures; and (8) Granting Related Relief

Docket 138

**Tentative Ruling:**

Appearances required.

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)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

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)

Analysis: The tentative ruling is to grant the sale motion and conditionally authorize a sale free and clear (11 U.S.C. 363(b) & (f)), subject to any overbids at the hearing, with the following relief:

(i) approve the proposed overbid procedures;

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**CONT...**

**Everardo Rubio**

**Chapter 7**

(ii) authorize a sale free and clear of all liens, claims and interests under 11 U.S.C. 363(f)(3);  
(iii) grant the request to waive the 14-day stay provided by Rule 6004(h) (Fed. R. Bankr. P.); and  
(iv) grant the request for a "good faith" finding (11 U.S.C. 363(m)) if RM Premier Homes, LLC is the successful bidder and, alternatively, if the successful bidder seeks a good faith finding they must, prior to the lodging of any order containing such a finding, file declaration(s) substantially in the form set forth in the posted "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) within 7 days after the hearing.

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

**Debtor(s):**

Everardo Rubio

Represented By  
Maureen J Shanahan  
Michael L Kosloff

**Movant(s):**

Elissa Miller (TR)

Represented By  
Toan B Chung

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Toan B Chung



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**Tuesday, April 8, 2025**

**Hearing Room 1545**

11:00 AM

**2:24-13172 Daisy Noemi Benitez**

**Chapter 7**

**#3.00** Hrg re: Debtor's Motion to vacate or  
Revoke The Automatic discharge

Docket 40

**Tentative Ruling:**

Conditionally grant the motion, subject to (x) Debtor addressing the feasibility of a chapter 13 plan that takes into account any allowed administrative expenses of the chapter 7 trustee and his counsel, and (y) Debtor stipulating that if she fails to complete a chapter 13 plan her case must be reconverted to chapter 7 rather than dismissed. Appearances required by counsel for Debtor and the Chapter 7 Trustee.

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.

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): Opposition of Chapter 7 Trustee (dkt. 44), no reply on file

Analysis:

The tentative ruling is to overrule Trustee's opposition, but direct Trustee's counsel to appear and provide an estimate to this Court and Debtor of the total dollar amount of fees and expenses that Trustee will seek for administration of this case through the hearing date, and conditionally grant Debtor's request to vacate her chapter 7 discharge under Rule 60(b)(6) (Fed. R. Civ. P.), made applicable by Rule 9024 (Fed. R. Bankr. P.), subject to the conditions stated at

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Los Angeles  
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11:00 AM

**CONT... Daisy Noemi Benitez**

**Chapter 7**

the start of this tentative ruling, as follows.

**(a) Standing**

Trustee argues that Debtor lacks standing to seek an order revoking her discharge because nothing in the Bankruptcy Code authorizes debtors to seek that relief. Opp. (dkt. 44) p. 3:8-23. The tentative ruling is that, although Trustee appears to be correct that Debtor lacks standing to seek to revoke her chapter 7 discharge under the plain meaning of 11 U.S.C. 727(d), the Trustee does not argue and/or cite any legal authority to persuade this Court that Debtor lacks standing to seek an order vacating the discharge under Rule 60(b) (Fed. R. Civ. P.), made applicable by Rule 9024 (Fed. R. Bankr. P.). Cf. *In re Estrada*, 568 B.R. 533 (Bankr. C.D. Cal. 2017) (Houle, J.) (granting motion by debtor to vacate discharge).

**(b) Relief under Rule 60(b)**

Next, Trustee argues that a discharge order may not be vacated under Rule 60(b) because it is not analagous to a judgment. Opp. (dkt. 44) pp. 3:24-4:2. The tentative ruling is that this argument is not persuasive.

First, under Rule 9001(7) (Fed. R. Bankr. P.) a "[j]udgment' means any appealable order," and the discharge order is appealable. Therefore, to the extent (if any) that Trustee is relying on terminology ("judgment" v. "order") his argument is unpersuasive.

Second, in *In re Cisneros*, the Court of Appeals for the Ninth Circuit (the "Ninth Circuit") rejected an argument that the bankruptcy court could not revoke a discharge pursuant to Rule 60(b)(1) where the discharge order was entered based on a mistake of fact. *In re Cisneros*, 994 F.2d 1462 (9th Cir. 1993). In *Cisneros*, the bankruptcy court granted debtors a chapter 13 discharge on the mistaken belief that they had completed their plan payments. *Id.* at 1464. A creditor later asked the court to vacate the discharge order under Rule 60(b)(1) because its claim was overlooked by the trustee and had not been paid, which the bankruptcy court granted. *Id.* On appeal, the Ninth Circuit rejected the debtors' argument that section 1328(e), which permits revocation of a chapter 13 discharge only for fraud, prohibited the bankruptcy court from vacating a discharge entered by mistake, even in the absence of the debtor's fraud. *Id.* at 1467. The Ninth Circuit rejected that argument and concluded that the plain language of Rules 60(b) (Fed. R. Civ. P.) and 9024 (Fed. R. Bankr. P.) gives

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**Chapter 7**

bankruptcy courts authority to vacate discharge orders where appropriate grounds exist. *Id.* at 1466; see also *In re Lenox*, 902 F.2d 737, 739-40 (9th Cir. 1990) ("Bankruptcy courts, as courts of equity, have the power to reconsider, modify or vacate their previous orders so long as no intervening rights have become vested in reliance on the orders. This power has been formalized in Bankruptcy Rule 9024 which makes Federal Rule of Civil Procedure 60 applicable to bankruptcy cases") (citations omitted).

Third, although the cases cited by the parties (dkt. 40, pp. 4:22-6:2 & 44, pp. 3:24-4:2) demonstrates that courts are split on whether a debtor can utilize Rule 60(b) to seek to vacate their discharge on grounds other than for purposes of correcting a clerical error or mistake, this Court is not aware of any binding Ninth Circuit authority prohibiting this Court from vacating a discharge under one of the other grounds enumerated in Rule 60(b) and this Court finds the cases cited in Debtor's motion papers (dkt. 40, pp. 4:22-6:2) to be better reasoned, particularly when the request is made in good faith and there is no showing that creditors would be prejudiced.

For the reasons set forth above, the tentative ruling is that this Court is also not persuaded by Trustee's argument that a discharge, once granted, cannot be waived. Opp. (dkt. 44) p. 4:3-9. That is not the situation presented.

(c) Extraordinary circumstances appear to exist that warrant vacating Debtor's discharge under Rule 60(b)(6)

Rule 60(b)(6) is an equitable catchall provision that authorizes a court to vacate a final judgment or order for "any reason that justifies relief." A party seeking relief under this rule must establish that "extraordinary circumstances" exist. *Estrada*, 568 B.R. 533, 541 (citations omitted).

The tentative ruling is that extraordinary circumstances might be present in this case to warrant relief under Rule 60(b)(6). First, Trustee did not object to Debtor's homestead exemption until after entry of her chapter 7 discharge, so Debtor did not have an opportunity to seek a waiver of her discharge or pursue other available remedies to avoid a potential sale of her home.

Second, the claims register reflects a total of \$21,610.20 in claims. The tentative ruling is that it would be manifestly unjust to force Debtor to vacate her home so the Trustee can administer the property for the benefit of creditors if Debtor has the financial ability to pay those claims in full through a chapter 13 plan.

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**Daisy Noemi Benitez**

**Chapter 7**

Third, the homestead issues that were at the heart of this case are complex and highly fact-dependent, so there was no hint of bad faith in Debtor's course of conduct. She simply attempted to prevail on that issue in a chapter 7 case and then, when that did not work, is now attempting to retain her ownership of the subject property under chapter 13. Much of bankruptcy law is very clear, so it is unusual to have issues that are as uncertain as the one litigated by Debtor, and attempting to litigate issues that are unclear should not result in barring the door to good faith debtors.

The tentative ruling is to direct Debtor to appear to address whether she (x) can afford to fund a chapter plan that will pay existing administrative and general unsecured claims in full and (y) is willing to stipulate to the case being reconverted to chapter 7 if she fails to complete a chapter 13 plan.

**(d) Conclusion**

For all of the foregoing reasons, the tentative ruling is to conditionally grant the motion and vacate Debtor's discharge, subject to (x) Debtor addressing the feasibility of a chapter 13 plan that takes into account any administrative claims that might be allowed in favor of the chapter 7 trustee and his counsel and pays general unsecured claims in full, and (y) Debtor stipulating that if she fails to complete a chapter 13 plan her case must be reconverted to chapter 7 rather than dismissed.

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

**Debtor(s):**

Daisy Noemi Benitez

Represented By  
Lauren M Foley

**Movant(s):**

Daisy Noemi Benitez

Represented By  
Lauren M Foley  
Lauren M Foley  
Lauren M Foley

**Trustee(s):**

John P Pringle (TR)

Represented By  
Toan B Chung

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**2:24-13172 Daisy Noemi Benitez**

**Chapter 7**

**#4.00** Cont'd hrg re: Motion to Convert Case From Chapter 7 to 13  
fr. 3/18/25

Docket 33

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Grant this motion if this Court is persuaded to grant Debtor's motion to vacate or revoke her own discharge, which is scheduled concurrently with the hearing on this matter (see Calendar No. 3, 4/8/25 at 11:00 a.m.). 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.

**Tentative Ruling for 3/18/25:**

Continue to 4/8/25 at 11:00 a.m., concurrent with Debtor's motion to vacate or revoke her own discharge (dkt. 40, 41). Appearances are not required on 3/18/25.

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.

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

Daisy Noemi Benitez

Represented By  
Lauren M Foley

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**CONT... Daisy Noemi Benitez**

**Chapter 7**

**Movant(s):**

Daisy Noemi Benitez

Represented By  
Lauren M Foley  
Lauren M Foley  
Lauren M Foley

**Trustee(s):**

John P Pringle (TR)

Represented By  
Toan B Chung

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11:00 AM

**2:24-14661 Andrey Oganessian and Olga Oganessian**

**Chapter 7**

**#5.00** Hrg re: Debtor's motion to reopen case pursuant to 11 U.S.C. section 350(b) and F.R.B.P. 5010 to permit debtors to file section 522(f) motions to avoid judicial liens

Docket 58

**Tentative Ruling:**

Grant.

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

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

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

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

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

Andrey Oganessian

Represented By  
Rosie Barmakszian

**Joint Debtor(s):**

Olga Oganessian

Represented By

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**CONT... Andrey Oganessian and Olga Oganessian**

**Chapter 7**

Rosie Barmakszian

**Movant(s):**

Andrey Oganessian

Represented By

Rosie Barmakszian

Rosie Barmakszian

Rosie Barmakszian

Rosie Barmakszian

Rosie Barmakszian

Rosie Barmakszian

Olga Oganessian

Represented By

Rosie Barmakszian

Rosie Barmakszian

Rosie Barmakszian

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



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**2:24-13431 FAME Housing Corporation**

**Chapter 7**

**#6.00** Hrg re: First interim application for award of compensation and reimbursement of expenses of Danning, Gill, Israel & Krasnoff, LLP, as former general bankruptcy counsel to Chapter 7 trustee

Docket 284

**Tentative Ruling:**

Allow \$533,855.50 in fees and \$23,091.90 in expenses, on an interim basis, for a total award of \$556,947.40, and authorize and direct Chapter 7 Trustee ("Trustee") to pay at this time **up to** \$150,000.00 of the fees and expenses awarded, while at the same time providing Trustee discretion to pay a lesser amount depending upon the amount of cash on hand in the estates.

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

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)

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

FAME Housing Corporation

Represented By  
Gerald Edwin Rush II

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**CONT... FAME Housing Corporation**

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Represented By  
John N Tedford IV

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**2:24-13431 FAME Housing Corporation**

**Chapter 7**

**#7.00** Hrg re: First interim application for compensation of fees and reimbursement of expenses of Menchaca & Company, LLP as Financial Advisors and Consultants for trustee

Docket 285

**Tentative Ruling:**

Allow \$7,308.50 in fees and \$0.00 in expenses (no expenses were requested), on an interim basis, for a total award of \$7,308.50, and authorize and direct Chapter 7 Trustee ("Trustee") to pay at this time **up to** \$5,000.00 of the fees awarded, while at the same time providing Trustee discretion to pay a lesser amount depending upon the amount of cash on hand in the estates.

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

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)

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

**Debtor(s):**

FAME Housing Corporation

Represented By  
Gerald Edwin Rush II

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**CONT... FAME Housing Corporation**

**Chapter 7**

**Movant(s):**

MENCHACA & COMPANY LLP

Represented By  
Jeffrey L Sumpter

**Trustee(s):**

John J Menchaca (TR)

Represented By  
John N Tedford IV

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**2:24-13431 FAME Housing Corporation**

**Chapter 7**

**#8.00** Hrg re: First Interim application by Chapter 7 trustee approving payment of trustee compensation for the period of May 1, 2024 through March 17, 2025

Docket 289

**Tentative Ruling:**

Allow \$77,746.59 in fees and \$1,848.50 in expenses, on an interim basis, for a total award of \$79,595.09, and authorize and direct Chapter 7 Trustee ("Trustee") to pay at this time **up to** \$51,848.50 of the fees awarded and expenses awarded (*i.e.*, **up to** \$50,000.00 in fees plus 100% of expenses), while at the same time providing Trustee discretion to pay a lesser amount depending upon the amount of cash on hand in the estates. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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)

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

**Debtor(s):**

FAME Housing Corporation

Represented By  
Gerald Edwin Rush II

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**CONT... FAME Housing Corporation**

**Chapter 7**

**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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**2:24-19225 Troy Lamar Johnson and Aziza Adia Johnson**

**Chapter 7**

**#9.00** Hrg re: Motion to Avoid Lien Personal Property Lien  
with Quantum3 Group LLC as agent for Aqua Finance Inc.

Docket 28

**\*\*\* VACATED \*\*\* REASON: Cont'd to 5/20/25 at 11:00 a.m. per  
stipulation (dkt. 37) and order thereon**

**Tentative Ruling:**

- NONE LISTED -

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

Troy Lamar Johnson

Represented By  
Sevan Gorginian

**Joint Debtor(s):**

Aziza Adia Johnson

Represented By  
Sevan Gorginian

**Movant(s):**

Troy Lamar Johnson

Represented By  
Sevan Gorginian

Aziza Adia Johnson

Represented By  
Sevan Gorginian  
Sevan Gorginian

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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**2:25-11312 Patricia Ann Oliver**

**Chapter 7**

**#10.00** Hrg re: Motion Objecting to Clerk's Notice of Non-Entitlement to Discharge Pursuant to 11 USC Section 727(a)(8) or (9)

Docket 10

**Tentative Ruling:**

Grant.

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)).

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

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

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

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

Patricia Ann Oliver

Represented By  
Frank X Ruggier

**Movant(s):**

Patricia Ann Oliver

Represented By  
Frank X Ruggier



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**CONT... Patricia Ann Oliver**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

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**2:24-11121 Alan Tri Luu**

**Chapter 7**

Adv#: 2:24-01127 Runway Fash Inc., a California corporation, doing v. Luu

**#11.00** Status conference re: Complaint excepting  
discharge of debt pursuant to 11 U.S.C.  
section 523(A)(6)

Docket 1

**Tentative Ruling:**

Set litigation deadlines and continue the status conference, 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**

This Court has reviewed the parties' joint status report (adv. dkt. 35) and the other filed documents and records in this adversary proceeding, and notes that Defendant/Debtor's addendum to that status report (id. at PDF p. 5) states that he provided disclosures to Plaintiff/Creditor at a 9/11/24 "Rule 26 conference call" and that his "understanding is that according to Local Bankruptcy Rule 7026-1, actual exchange of documents/evidence at this time is not required." Defendant/Debtor's addendum goes on to describe additional history regarding discovery and asserts that he previously promised "the disclosures will be sent by email within the 14 days from the September 11 meet and confer." *Id.* at PDF pp. 5-6.

It is unclear to this Court from the parties' status report whether either of them is asking this Court to resolve any discovery disputes at this time. If so, they are directed briefly to explain at the hearing what they want this Court to decide.

More broadly, both parties are encouraged to comply voluntarily with their discovery obligations, and they are directed to review the discovery dispute

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resolution process described in the "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)). Because Defendant/Debtor appears to be self-represented, and in an effort to be clear about how this Court expects to apply the rules, Defendant/Debtor is cautioned that, if he is in fact obligated to produce documents and has not done so, it is possible that Plaintiff/Creditor could use that fact at trial to exclude evidence proffered by Defendant/Debtor, or to establish evidentiary presumptions, or other remedies.

**(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**

It appears that the parties have already addressed all matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. If that is incorrect, they are directed at this hearing to specify exactly what issues remain outstanding. See Status Report (adv. dkt. 35) p. 4. See *generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). See *generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

**(b) Mediation**

A mediation session was conducted before J. Scott Bovitz on 12/2/24, but no settlement was reached. Status Report (adv. dkt. 35) ¶ E (p. 3). The

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**Chapter 7**

tentative ruling is to decline to order further mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 5/13/24. The Hon. Sandra Klein presided over this matter from 5/13/24 until 3/3/25, when the matter was reassigned to Judge Bason pursuant to Administrative Order 25-03 dated 2/4/25.

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

Joinder of parties/amendment of pleadings-deadline: 6/13/25

Discovery cutoff (for completion of discovery): 6/27/25

Expert(s) - deadline for reports: 7/11/25 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 7/25/25 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 9/9/25

Joint Status Report: 7/1/25

Continued status conference: 7/15/25 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

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

**Debtor(s):**

Alan Tri Luu

Represented By  
Rex Tran

**Defendant(s):**

Alan Tri Luu

Pro Se

**Plaintiff(s):**

Runway Fash Inc., a California

Represented By  
Daniel H Wu

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**Chapter 7**

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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**2:24-13191 Marisol Osorio Barajas**

**Chapter 7**

Adv#: 2:24-01180      Margarian v. Osorio Barajas

**#12.00**      Status conference re: Complaint objecting  
to the discharge pursuant to 11 U.S.C. section  
523(a)(2)(A) and section 727(a)(4)(A)

Docket      1

**Tentative Ruling:**

Appearances required. The parties have filed a stipulation (adv. dkt. 30) to dismiss this adversary proceeding. The Complaint asserts a claim under 11 U.S.C. 727 (see Complaint, adv. dkt. 1, pp. 6:22-8:2, alleging hidden income and other false oaths), and Rule 7041 (Fed. R. Bankr. P.) specifies that when a complaint objects to a debtor's discharge then **dismissal must be on a "motion"** (not a stipulation), to be served on the chapter 7 trustee and the United States Trustee (and "any other person the court designates"). The tentative ruling is to require that motion to be served on no persons other than those two trustees and Defendant/Debtor, and continue this status conference to 5/20/25 at 11:00 a.m. (with no written status report required unless, for some reason, a dismissal motion has not been filed and served as set forth above).

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

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

**Debtor(s):**

Marisol Osorio Barajas

Represented By  
Christopher J Lauria

**Defendant(s):**

Marisol Osorio Barajas

Represented By  
Christopher J Lauria

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**CONT... Marisol Osorio Barajas**

**Chapter 7**

**Plaintiff(s):**

Hovanes Margarian

Represented By  
Hovanes Margarian

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

11:00 AM

**2:24-19060 Idar Reiss**

**Chapter 7**

Adv#: 2:25-01021      Perez v. Reiss

**#13.00**      Status conference re: Complaint for nondischargeability of debt and objection to discharge pursuant to sections 523

Docket      1

**Tentative Ruling:**

Appearances required by counsel for Plaintiff.

This adversary proceeding was filed on 1/23/25 and the Clerk's Office issued a summons the following day (adv. dkt. 2). As of the preparation of this tentative ruling, there is no proof of service of the summons and complaint on any of the defendants. Although the proof of service filed in support of the complaint (adv. dkt. 1, p. 5) reflects service of the complaint on Defendant/Debtor's bankruptcy counsel, service on counsel does not appear to be proper service on Debtor based on counsel's limited scope of representation which does not appear to include nondischargeability actions. See Debtor's Attorney's Disclosure of Compensation Arrangement In Individual Chapter 7 Case (dkt. 1, pdf. 54-55) (excluding representation of Debtor in "[a]ny proceeding to determine whether a specific debt is nondischargeable under 11 U.S.C. 523").

Additionally the complaint asserts a claim for relief under 11 U.S.C. 523(a)(6) (seeking nondischargeability of debts) against Uzzi Reiss, M.D., Inc. and Uzzi Reiss but, because neither party is a debtor in bankruptcy or eligible to receive a discharge in the underlying bankruptcy case, (x) this Court lacks subject matter jurisdiction over the non-debtor defendants, (y) Plaintiff's claim seeking to deny either party a discharge is unnecessary, and (z) is a claim on which no relief can be granted. See *In re Senouthai*, 2019 Bankr. LEXIS 1071, at \*19-20 (Bankr. E.D. Pa. March 26, 2019) (Dismissing nondischargeability complaint against non-debtor defendants for lack of subject matter jurisdiction).

Finally, as of the preparation of this tentative ruling Plaintiff has not filed a unilateral status report as required by Local Bankruptcy Rule ("LBR") 7016-1(a) (3).

In view of the foregoing, counsel for Plaintiff is directed to appear to address why the complaint should not be dismissed (x) for lack of jurisdiction and



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**CONT... Idar Reiss**

**Chapter 7**

failure to state a claim for relief against Defendants Uzzi Reiss, M.D., Inc. and Uzzi Reiss, and (y) for failure to prosecute and/or deemed an abandonment of the claim asserted in the complaint against Defendant/Debtor based on Plaintiff's lack of service of the summons and complaint. See LBR 7016-1(f) & (g).

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

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

Idar Reiss

Represented By  
Steven A Alpert

**Defendant(s):**

Idar Reiss

Pro Se

**Plaintiff(s):**

Maria Perez

Represented By  
Kaveh Elihu  
Daniel J Friedman

**Trustee(s):**

Jason M Rund (TR)

Pro Se

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11:00 AM

**2:24-16947 Oxford Gold Group Inc.**

**Chapter 7**

Adv#: 2:24-01280 Dye v. Adler et al

**#14.00** Hrg re: Motion for leave to file first amended complaint

Docket 89

**Tentative Ruling:**

Grant Trustee's motion for leave to file a first amended complaint. 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 (in addition to motion papers): Opposition filed by Jonathan Adler (adv. dkt. 93, the "Opp."), Chapter 7 Trustee's Reply (adv. dkt. 95, the "Reply")

**(1) Introduction**

On 12/30/24, the Chapter 7 Trustee ("Trustee") filed a complaint (adv. dkt. 1) against Jonathan Adler, Pedram Granfar, and Patrick Granfar, seeking among other things to avoid fraudulent transfers alleged to be in excess of \$6 million. Complaint (adv. dkt. 1) at pp. 5:8–6:22 & 8:1–4. On 3/11/25, this Court approved a settlement with Patrick Granfar. Dkt. 96. Trustee has also reached a settlement with Pedram Granfar; her motion to approve that settlement remains pending. Dkt. 98.

Trustee seeks leave to amend the complaint (A) to name Laura Adler (Jonathan Adler's spouse) as an additional defendant (on the theory that Ms. Adler is liable as a transferee of the allegedly fraudulent transfers) and (B) to add a claim for relief to impose a constructive trust against the Adlers' primary residence (on the theory that allegedly fraudulently transferred funds were used to purchase the property). *See generally* Proposed First Amended Complaint (the "Proposed FAC") (adv. dkt. 95, Ex. A). Mr. Adler opposes Trustee's motion

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**CONT... Oxford Gold Group Inc.**  
for leave to amend.

**Chapter 7**

**(2) Legal principles**

Because more than 21 days have elapsed since Mr. Adler answered the complaint, Trustee is permitted to file an amended complaint only with leave of this Court. See Rule 15(a)(1)–(2) (Fed. R. Civ. P.) (made applicable by Rule 7015, Fed. R. Bankr. P.). Although this Court is required to "freely give leave when justice so requires," Rule 15(a)(2), "[l]eave need not be granted where the amendment of the complaint would cause the opposing party undue prejudice, is sought in bad faith, constitutes an exercise in futility, or creates undue delay." *Ascon Properties, Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989). Leave to amend is futile if the proposed amended complaint fails to cure the pleading deficiencies, making it subject to dismissal for failure to state a claim upon which relief can be granted. *Gordon v. City of Oakland*, 627 F.3d 1092, 1096 (9th Cir. 2010).

**(3) Discussion**

With respect to Trustee's request to name Ms. Adler as an additional defendant, Mr. Adler relies primarily upon two arguments in support of his contention that amendment of the complaint would be futile. First, he asserts that Ms. Adler "is a good faith transferee" and therefore is not liable as the recipient of any allegedly fraudulent transfers. Opp. (adv. dkt. 93) pp. 7:22–9:6. Second, he contends that the Proposed FAC fails to allege fraud with sufficient particularity. Opp. (adv. dkt. 93) pp. 9:9–11:3.

The tentative ruling is that neither argument is persuasive. With respect to the first argument, the question of whether Ms. Adler could prevail upon a good-faith transferee defense is a fact-intensive issue that cannot be properly determined at the pleadings stage. Mr. Adler's bald assertion that his spouse could prevail upon such a defense falls far short of showing that allowing the Proposed FAC to proceed would amount to an exercise in futility.

With respect to the second argument, there are two aspects. Trustee is correct that he is not required to allege with particularity that Ms. Adler committed fraud, because "the issue is the intent of the transferor, not the transferee." Reply (adv. dkt. 95) p. 4:12. As for the other elements of actual or constructive fraud, the tentative ruling is that the allegations in the proposed amended Complaint (as narrowed by the Reply, adv. dkt. 95, Ex. A) are more than

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**CONT... Oxford Gold Group Inc.**

**Chapter 7**

sufficient under Rule 9(b) (Fed. R. Civ. P., incorporated by Rule 7009, Fed. R. Bankr. P.).

*Note:* This Court's recollection is that in federal civil practice there is no such thing as "doe" defendants. But this issue has not been briefed, so the tentative ruling is to permit the amended complaint to name "doe" defendants and then, if any such defendant is named in future and believes that they have been prejudiced by the "doe" defendant procedure then they can object at that time.

**(4) Conclusion**

Based upon the foregoing, the tentative ruling is (A) to authorize Trustee to file the Proposed FAC, (B) to **set a deadline** of 4/15/25 for Trustee to file on the docket a non-redlined, "clean" version of the Proposed FAC, and (C) to deem the Proposed FAC to have been filed as of the date that the aforementioned non-redlined, "clean" version is docketed.

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)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

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

**Debtor(s):**

Oxford Gold Group Inc.

Pro Se

**Defendant(s):**

Jonathan Adler

Represented By  
Michael Jay Berger

Pedram Granfar

Represented By  
Marc Weitz

Patrick Granfar

Pro Se

**Movant(s):**

Carolyn Dye

Represented By  
James A Dumas Jr

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**CONT... Oxford Gold Group Inc.**

**Chapter 7**

Christian T Kim

**Plaintiff(s):**

Carolyn Dye

Represented By  
James A Dumas Jr  
Christian T Kim

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

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**Tuesday, April 8, 2025**

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11:00 AM

**2:24-16947 Oxford Gold Group Inc.**

**Chapter 7**

Adv#: 2:24-01280 Dye v. Adler et al

**#15.00** Cont'd status conference re: Complaint for: 1. Actual fraudulent transfer [bankruptcy code section 548(1)(a); CAL. CIV.Code section 3439.04 (A)(1)]; 2. Constructive fraudulent transfer [bankruptcy code section 548 (1)(b); CAL. CIV. CODE sections 3439.04(B)(2) and 3439.05]; 3 To recover shareholder loans; 4. For money had and received fr. 3/4/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Continue the status conference 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) Chapter 7 Trustee's motion for leave to amend (adv. dkt. 89–90, 93, & 95)

Please see the tentative ruling for Cal. No. 14 (4/8/25 at 11:00 a.m.).

(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

As to remaining defendant Jonathan Adler, issues of venue, jurisdiction, and authority have been determined and/or waived or forfeited at prior status

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**CONT... Oxford Gold Group Inc.**

**Chapter 7**

conferences. Provided this Court maintains its tentative ruling to authorize Trustee to amend the complaint to add Laura Adler as an additional defendant, the tentative ruling is that issues of venue, jurisdiction, and authority as they pertain to Ms. Adler will be determined at the next status conference (see part "(2)(c)," below).

**(b) Mediation**

On 3/26/25, this Court entered an order assigning this matter to the Mediation Program and appointing M. Jonathan Hayes as mediator. Adv. dkt. 94. Without revealing the any confidential settlement communications, the parties are directed to provide an update on the status of mediation. In addition, the parties are directed to address whether Ms. Adler needs to be added to any mediation, and whether that should be memorialized in an amended mediation order.

**(c) Deadlines**

The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 82) except as modified/supplemented below.

Joint Status Report: 6/3/25.

Continued status conference: 6/17/25 at 11:00 a.m.

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

**Debtor(s):**

Oxford Gold Group Inc.

Pro Se

**Defendant(s):**

Jonathan Adler

Represented By  
Michael Jay Berger

Pedram Granfar

Represented By  
Marc Weitz

Patrick Granfar

Pro Se

**Plaintiff(s):**

Carolyn Dye

Represented By

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**CONT... Oxford Gold Group Inc.**

**Chapter 7**

James A Dumas Jr  
Christian T Kim

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim



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**2:24-16947 Oxford Gold Group Inc.**

**Chapter 7**

**#16.00** Cont'd status conference re: Involuntary Petition  
fr. 10/8/24, 11/19/24, 1/21/25, 2/5/25, 2/11/25,  
3/4/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

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) Trustee v. Adler (Adv. No. 2:24-ap-01280-NB)

Please see the tentative rulings for Cal. Nos. 14–15 (4/8/25 at 11:00 a.m.).

(b) Missing status report in bankruptcy case in chief

At the prior status conference, this Court directed Trustee to submit a brief written status report by no later than 4/1/25. As of the preparation of this tentative ruling, no status report is on file. Although the papers on file (both in the adversary proceeding and in the bankruptcy case in chief) have provided this Court with substantial information regarding the status of this case, that may not always be the situation in future. Therefore, Trustee is reminded of the importance of filing status reports as directed by this Court.

(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: 6/17/25 at 11:00 a.m. *Brief* written

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**CONT...**      **Oxford Gold Group Inc.**  
status report due by 6/10/25.

**Chapter 7**

**Tentative Ruling for 3/4/25:**  
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) Equity Trust's Motion to Quash (dkt. 57–59, 62, 65, 68, 70, 75, 78, 81, & 86–87)

Please see the tentative ruling for Cal. No. 6 (3/4/25 at 11:00 a.m.).

(b) Trustee v. Adler (Adv. No. 2:24-ap-01280-NB)

Please see the tentative rulings for Cal. Nos. 3-5 (3/4/25 at 11:00 a.m.).

(c) Missing status report in bankruptcy case in chief

At the prior status conference, this Court directed Trustee to submit a brief written status report by no later than 2/25/25. As of the preparation of this tentative ruling, no status report is on file. Although the papers on file (both in the adversary proceeding and in the bankruptcy case in chief) have provided this Court with substantial information regarding the status of this case, that may not always be the situation in future. Therefore, Trustee is reminded of the importance of filing status reports as directed by this Court.

(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: 4/8/25 at 11:00 a.m. *Brief* written status report due by 4/1/25.

**[PRIOR TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
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**CONT... Oxford Gold Group Inc.**

**Chapter 7**

**Debtor(s):**

Oxford Gold Group Inc.

Pro Se

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

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11:00 AM

**2:21-19480 Howard Chorng Jeng Wu**

**Chapter 7**

**#17.00** Cont'd hrg re: To determine whether to issue order to show cause regarding alleged violation of the discharge injunction fr. 2/25/25

Docket 127

**\*\*\* VACATED \*\*\* REASON: Continued per stipulation (dkt. 136) and order thereon.**

**Tentative Ruling:**

- NONE LISTED -

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

Howard Chorng Jeng Wu

Represented By  
Eric Bensamochan

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

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**Tuesday, April 8, 2025**

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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

**#18.00** Status/Pretrial conference re: Complaint to  
avoid and recover avoidable transfers  
fr. 11/19/24, 2/11/25

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order approving stip to continue  
status/pretrial conf to 7/8/25 at 11:00 a.m. [dkt. 20]**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**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  
Steve Burnell

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth  
Steve Burnell

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**2:22-12904 626 Hospice, Inc.**

**Chapter 7**

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

**#19.00** Cont'd status conference re: Complaint for Aiding and Abetting Fraud  
fr. 10/22/24, 12/10/24, 1/7/25, 2/11/25, 2/25/25

Docket 1

**Tentative Ruling:**

Continue to 5/6/25 at 11:00 a.m. No written status report is required. This Court contemplates issuing a Memorandum Decision on Trustee's motion for leave to file a First Amended Complaint (adv. dkt. 24) prior to the continued status conference. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

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

**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  
Steve Burnell

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

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth  
Steve Burnell

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11:00 AM

**2:22-13069 George Gordon Strong, III**

**Chapter 7**

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

**#20.00** 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, 2/11/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Set a trial date and related pretrial deadlines pursuant to the parties' status report (adv. dkt. 12), and continue the status conference, all as set forth below.

Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 12) 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



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**CONT... George Gordon Strong, III**

**Chapter 7**

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 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, see adv. dkt. 10, and the parties attended mediation before the Hon. Meredith Jury (retired) on 2/19/25, see Status Report (adv. dkt. 12) ¶ E(2) (p. 3). The tentative ruling is to decline to order further formal mediation at this time.

**(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. The tentative ruling is to continue the trial date and related pretrial deadlines that were established at the 2/11/25 status conference, based upon the request of the parties.

Joint Status Report: 7/1/25

Continued status conference: 7/15/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: 8/26/25

Pretrial conference: 9/9/25 at 11:00 a.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 9/17/25

Trial commencement: 9/24/25 at 9:00 a.m.

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

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

**Debtor(s):**

George Gordon Strong III

Represented By  
Alan W Forsley

**Defendant(s):**

George Gordon Strong III

Represented By  
Alan W Forsley

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**CONT... George Gordon Strong, III**

**Chapter 7**

**Plaintiff(s):**

David Vosicher

Represented By  
Stella A Havkin

**Trustee(s):**

John J Menchaca (TR)

Pro Se

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11:00 AM

**2:22-14012 Juan Jose Joya**

**Chapter 13**

Adv#: 2:24-01179 Joya v. Joya

**#21.00** Cont'd status conference re: Complaint to set aside fraudulent transfers fo real property; to quiet title; determine secured status of creditors; declaratory relief; for turnover of property of the estate; for automatic reservation of avoided transfers; and for injunctive relief  
fr. 9/24/24, 11/19/24

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Dismiss this adversary proceeding for lack of prosecution based on Plaintiff's repeated failure to lodge an order assigning this matter to mediation and file case status reports. See LBR 7026-1(f) & (g). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings."). After the hearing this Court will prepare the order.

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

**Tentative Ruling for 11/19/24:**

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.

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Central District of California  
Los Angeles  
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11:00 AM

**CONT... Juan Jose Joya**

**Chapter 13**

**(1) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 4) and the other filed documents and records in this adversary proceeding.

**(a) Proposed order(s) assigning matter to mediation**

This Court's adopted tentative ruling for 9/24/24 set a deadline of 10/8/24 for the parties to lodge a proposed mediation order but, as of the preparation of this tentative ruling, no order(s) has been lodged. Why not?

**(2) Standard requirements**

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

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

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

**(b) Mediation**

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a new **deadline of 12/3/24** for the parties to lodge a proposed mediation order (the

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**CONT...**

**Juan Jose Joya**

**Chapter 13**

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 7/22/24.

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

Joinder of parties/amendment of pleadings-deadline: 1/24/25

Discovery cutoff (for completion of discovery): 2/7/25

Expert(s) - deadline for reports: 2/14/25 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 2/21/25 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 4/8/25

Joint Status Report: 3/25/25

Continued status conference: 4/8/25 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

**Tentative Ruling for 9/24/24:**

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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**CONT... Juan Jose Joya**

**Chapter 13**

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

(a) Service of summons and complaint; Defendant's answer

The docket in this adversary proceeding does not reflect any proof of service of the summons and complaint. On the other hand, Defendant has filed an answer, so it appears that any dispute as to service might be waived or forfeited.

Defendant filed his answer in the bankruptcy case in chief (Case No. 2:22-bk-14012-NB, dkt. 52), rather than in this adversary proceeding. The tentative ruling is to set a **deadline of 10/1/24** for Defendant to refile his answer in this adversary proceeding.

(b) Missing joint and/or unilateral status report(s)

The summons (adv. dkt. 2) setting this adversary status conference directed the parties to file a joint status report on local form F 7016-1.STATUS.REPORT) at least 14 days before this status conference (*id.*, p. 2) but, as of the preparation of this tentative ruling, no status report(s) is on file. Why not?

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th

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

(b) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge)? The tentative ruling is to set a **deadline of 10/8/24** 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 7/22/24.

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

Joinder of parties/amendment of pleadings-deadline: TBD

Discovery cutoff (for completion of discovery): TBD

Expert(s) - deadline for reports: TBD

Expert(s) - discovery cutoff (if different from above): TBD

Dispositive motions to be heard no later than: TBD

Joint Status Report: 11/5/24

Continued status conference: 11/19/24 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

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

**Debtor(s):**

Juan Jose Joya

Represented By

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**CONT... Juan Jose Joya**

**Chapter 13**

Stephen L Burton

**Defendant(s):**

Joel Joya

Represented By  
Brian K Trinidad  
Stephen L Burton

**Plaintiff(s):**

Juan Jose Joya

Represented By  
Stephen L Burton

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**2:23-12401 Annie Elizabeth Sanchez**

**Chapter 13**

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

**#22.00** 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, 2/11/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

This Court has reviewed the supplemental post-trial briefing filed by the parties (adv. dkt. 52 & 56). The tentative ruling is (A) to decline to authorize any additional post-trial briefing at this time and (B) to continue the status conference to 6/17/25 at 11:00 a.m. (no written status report is required). This Court contemplates issuing a written decision and judgment prior to the continued status conference. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**Tentative Ruling for 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

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**CONT...**      **Annie Elizabeth Sanchez**  
Rulings

**Chapter 13**

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 written status report required).

**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.

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

**Debtor(s):**

Annie Elizabeth Sanchez

Represented By

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**CONT... Annie Elizabeth Sanchez**

**Chapter 13**

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  
Matthew A Lesnick  
Lisa Patel

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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11:00 AM

**2:24-17763 Julie Elizabeth Sagatelian**

**Chapter 13**

Adv#: 2:24-01262 Sagatelian v. U.S. Bank National Assoc.asTrustee for Banc of Ame

**#23.00** Cont'd status conference re: Complaint of plaintiff: i. Breach of contract; ii. breach of the duty of good faith and fair dealing; iii. violations of fair debt collection practices act; iv. violations of the truth in Lending Act; v.request for relief vi. request for injunctive relief  
fr. 1/28/25, 3/4/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Maintain the previously ordered litigation deadlines; direct the parties to attend mediation; and continue the status conference, all as set forth below.

Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 22) 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.)

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**CONT... Julie Elizabeth Sagatelian**

**Chapter 13**

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

Plaintiff and Defendant have both consented to this Bankruptcy Court's entry of final judgment in this adversary proceeding. Status Report (adv. dkt. 22) at ¶ F (p. 4). The tentative ruling is that it is appropriate for this Bankruptcy Court to enter final judgment in this matter. See *Wellness Intern. Network, Ltd. v. Sharif*, 575 U.S. 665 (2015).

**(b) Mediation**

Plaintiff and Defendant both request mediation. The tentative ruling is to set a **deadline of 4/22/25** 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 11/22/24.

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

Joint Status Report: 6/3/25.

Continued status conference: 6/17/25 at 11:00 a.m.

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

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

**Debtor(s):**

Julie Elizabeth Sagatelian

Represented By  
Sevan Gorginian

**Defendant(s):**

U.S. Bank National Assoc.asTrustee

Represented By  
Justin D Balser  
Jillian A Benbow

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**CONT...**      **Julie Elizabeth Sagatelian**  
NATIONSTAR MORTGAGE LLC

**Chapter 13**

Represented By  
Justin D Balser  
Jillian A Benbow

**Plaintiff(s):**

Julie Sagatelian

Represented By  
Susan Barilich

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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1:00 PM

**2:25-11164 Guillermo Roditi Dominguez**

**Chapter 11**

**#1.00 Status conference re: Chapter 11 case**

Docket 1

**Tentative Ruling:**

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**

**(a) Budget motion**

Debtor's status report (dkt. 23, p. 3) states that he anticipates filing a budget motion prior to this status conference. If Debtor has not filed a status report by the start of this hearing, the tentative ruling is to set a **deadline of 4/15/25** for Debtor to file and serve a budget motion with a hearing concurrent with the continued status conference, with any opposition due 4/21/25 at noon, and any reply orally at the hearing.

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

**(a) Bar date:** 6/17/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

**(b) Procedures Order:** dkt. 19 (served 1 day late, dkt. 28)

**(c) Plan/Disclosure Statement:** file by 9/1/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

**(d) Continued status conference:** 4/22/25 at 1:00 p.m., concurrent with other matters. No status report required.

<b>Party Information</b>
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**CONT... Guillermo Roditi Dominguez**

**Chapter 11**

**Debtor(s):**

Guillermo Roditi Dominguez

Represented By  
Michael Jay Berger



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**2:25-11664 11262 VENTURA LLC**

**Chapter 11**

**#2.00** Status conference re: Chapter 11 case

Docket 1

**\*\*\* VACATED \*\*\* REASON: Transferred to San Fernando Division ordered. 3/4/25**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

11262 VENTURA LLC

Pro Se

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

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**2:24-18171 Hays Tabernacle CME Church**

**Chapter 11**

**#3.00** Hrg re: Motion for Order Granting Additional 31-Day  
Extension of Plan Filing Deadline

Docket 70

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 4, 4/8/25  
at 1:00 p.m.).

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

**Debtor(s):**

Hays Tabernacle CME Church

Represented By  
Lewis R Landau

**Movant(s):**

Hays Tabernacle CME Church

Represented By  
Lewis R Landau

**Trustee(s):**

Mark M Sharf (TR)

Pro Se

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**2:24-18171 Hays Tabernacle CME Church**

**Chapter 11**

**#4.00 Status conference re: Chapter 11 case**

Docket 1

**Tentative Ruling:**

Extend Debtor's deadline to file a Plan through and including 4/14/25; deny Evergreen Advantage, LLC's request to convert this case to chapter 7; and continue the status conference, all as set forth below. Appearances required by counsel for Debtor and by Debtor's authorized representative.

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 motion to extend its deadline to file a Plan (dkt. 70, the "Motion to Extend"), Opposition filed by The Evergreen Advantage, LLC ("Evergreen") (dkt. 80), Debtor's Reply (dkt. 90), unauthorized sur-reply/Aver Decl. (dkt. 91)

The tentative ruling is to grant Debtor's motion to extend its deadline to file a Plan by 31 days, through and including 4/14/25, for the reasons set forth in the motion papers (dkt. 70) and the supporting reply (dkt. 90).

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)).

**(2) Dates/procedures**. This case was filed on 10/6/24 and reassigned to Judge Bason on 3/3/25 (dkt. 65).

- (a) Bar date: 3/14/25 (Bar Date Order (dkt. 60) timely served, dkt. 59)
- (b) Procedures Order: dkt. 67 (served on 3/11/25, dkt. 79 pp. 15–16)
- (c) Plan/Disclosure Statement: see part "(1)(a)," above (DO NOT

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**Hays Tabernacle CME Church**

**Chapter 11**

SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 4/22/25 at 1:00 p.m., concurrent with other matters. No written status report is required.

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

Hays Tabernacle CME Church

Represented By  
Lewis R Landau

**Trustee(s):**

Mark M Sharf (TR)

Pro Se

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

**Chapter 11**

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

BURBANK DEVELOPMENT, INC  
vs  
DEBTOR

Docket 116

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 6, 4/8/25 at 1:00 p.m.).

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

**Debtor(s):**

1629 Reeves, LLC, a Michigan

Represented By  
John P Kreis

**Movant(s):**

Burbank Development, Inc.

Represented By  
Andrew Mase  
Matthew H. Aguirre

**Trustee(s):**

Moriah Douglas Flahaut (TR)

Pro Se

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

**Chapter 11**

**#6.00** 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, 3/13/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**  
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) Background/status of proposed sale (dkt. 144, 145)

Debtor and its real estate agent have provided notice that the proposed sale has fallen through for Debtor's principal asset, the real property located at 1629 South Reeves Street, Los Angeles, CA 90035 (the "Property"). This Court previously issued an order granting Debtor's motion for a structured dismissal of this case (dkt. 136, the "Sale and Structured Dismissal Order"), but any actual dismissal was contingent on the closing of the sale, so this case has not been dismissed.

(b) R/S Motion filed by Burbank Development, Inc. ("Burbank") (dkt. 116), Debtor's Opposition (dkt. 142), Burbank's Reply (dkt. 143)

The tentative ruling is to grant the R/S Motion as provided below, with no foreclosure sale to occur prior to June 10, 2025 (slightly more than 60 days).

(A) Termination

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

To the extent, if any, that the motion seeks to terminate the automatic stay

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

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).

(B) 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](http://www.cacb.uscourts.gov)) this Court's order will state that the Court "does not make" a finding that Debtor was involved in the "scheme" to hinder, delay, and defraud creditors, 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.

(C) Effective date of relief

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

Proposed order(s): Unless otherwise ordered, Burbank 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 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).

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**1629 Reeves, LLC, a Michigan Limited Liability Co.**

**Chapter 11**

(b) Procedures Order: dkt. 14 (timely served, dkt. 23).

(c) Plan/Disclosure Statement: Not applicable – on 2/12/25, Debtor filed a notice (dkt. 105) instructing parties in interest to disregard its First Amended Plan (dkt. 98, timely filed on 1/21/25) filed 2/12/25 (dkt. 105).

(d) Continued status conference: 5/20/25 at 1:00 p.m. (this Court contemplates that this status conference will be further continued, unless there are matters that make it necessary or appropriate to conduct the status conference at that time). No written status report is required.

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

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

**Debtor(s):**

1629 Reeves, LLC, a Michigan

Represented By  
John P Kreis

**Trustee(s):**

Moriah Douglas Flahaut (TR)

Pro Se



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**2:25-10181 Jamie Mazur**

**Chapter 11**

**#7.00** Hrg re: Motion in Individual Ch 11 Case for Order Pursuant to 11 U.S.C. Sec. 363 Setting Budget for Interim Use of Estate Property as Defined in 11 U.S.C. Sec. 1115

Docket 31

**Tentative Ruling:**

Grant the Budget Motion on an interim basis, subject to the adequate protection provisions set forth below, and set a continued hearing contemporaneous with the continued status conference in this case (see calendar no. 8, for 4/8/25 at 1:00 p.m.). 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 (in addition to motion papers): U.S. Bank's Opposition (dkt. 36), California Finance's Oppositino (dkt. 37), Debtor's Reply (dkt. 49).

Analysis

On 2/19/25, Debtor filed an amended budget motion (dkt. 31, the "Budget Motion"). Secured creditors U.S. Bank Trust National Association as Trustee of the Cabana Series V Trust, as serviced by SN Servicing Corporation ("U.S. Bank") and Finance California, a California corporation ("Finance California") both objected to the Budget Motion, citing a lack of adequate protection.

Debtor has not filed a cash collateral motion based on the fact that, previously, Debtor was not collecting rents. See Reply (dkt. 49) p. 3:14-23; Stat.Rpt. (dkt. 21) p. 3, item B.1. But now Debtor anticipates collecting regular monthly rents, and Debtor does not dispute that the funds to be generated by its property qualify as cash collateral in which US Bank and Finance California have an interest. See Reply (dkt. 49) p. 2:17-3:13 (contending that the payments contemplated in the Budget Motion, as well as the value of the property, provide

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**Jamie Mazur**

**Chapter 11**

adequate protection to the secured creditors).

The tentative ruling is to address the cash collateral/adequate protection issues in connection with the Budget Motion for the following reasons. On the one hand, a budget motion and a cash collateral motion are different. The purpose of requiring a budget motion is to assure (i) transparency and (ii) an opportunity for parties in interest to object to expenditures that a debtor might characterize as "ordinary course" (and therefore not requiring disclosure or approval under 11 U.S.C. 363(c)(1)), but that creditors might characterize as out of the ordinary course. In contrast, the purpose of a cash collateral motion is to obtain approval for the use of cash collateral, which cannot be used even for "ordinary course" expenditures without approval (by the secured creditors or this Court). 11 U.S.C. 363(c)(2). In other words, Debtor's Budget Motion typically is not a cash collateral motion.

On the other hand, it is appropriate for US Bank and Finance California to use their responses to the Budget Motion as an appropriate time to demand adequate protection of their interests, as a condition for approval of the budget. Under 11 U.S.C. 363(e), "at any time, on request of an entity that has an interest in property" proposed to be used, sold, or leased by a debtor in possession (per 11 U.S.C. 1101(1)), this Court "shall" prohibit or condition the bankruptcy estate's use, sale, or lease of property "as is necessary to provide adequate protection" to such entities.

Alternatively, the tentative ruling is to treat the Budget Motion as implicitly incorporating Debtor's request for authority to use cash collateral, pursuant to this Court's obligation "to secure the just, speedy, and inexpensive determination of every case and proceeding." Rule 1001 (Fed. R. Bankr. P.). Alternatively, the tentative ruling is to entertain an oral motion by Debtor for such authorization, at the hearing and without further notice (per Rule 4001(b) and, to the extent applicable, per Rule 9006(c), Fed. R. Bankr. P.), because (x) it appears that interim authorization is necessary to avoid immediate and irreparable harm including paying utilities and other necessary expenses; (y) doing so will not prejudice any parties in interest and, to the contrary, will preserve value and facilitate interim adequate protection payments; and (z) at the continued hearing this Court can make a final determination, after appropriate briefing, about whether any different or additional protection is required.

Turning to the merits, there is some confusion about the dollar amounts. Because the motion was filed using the standard form for budget motions (as

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opposed to the standard form for cash collateral motions), it is somewhat unclear what monthly payments Debtor proposes to make to secured creditors. In his reply papers, Debtor has clarified that he intends to make monthly adequate protection payments of \$15,000.00 to U.S. Bank. Reply (dkt. 49) p. 2:17–18. U.S. Bank was under the impression that Debtor intended to pay it only \$100.00 per month, and requested that Debtor be required at a minimum to make payments equal to the non-default post-petition rate of interest, or \$4,562.50 per month. U.S. Bank Opp. (dkt. 36) p. 4:20–24.) (The Budget Motion is inconsistent as to the exact amount of the proposed monthly adequate protection payments to U.S. Bank. Cf. Mazur Decl. ¶ 2 (dkt. 49) (stating that monthly payments will be \$15,500.00) with Mazur Decl. ¶ 4 (dkt. 49) (stating that monthly payments will be \$15,000.00. This Court assumes that the lower figure is the correct one, because it correlates with income generated by a lease of the property that Debtor recently executed. Debtor is directed to confirm the correct figure at the hearing.)

Debtor has also clarified that he intends to make monthly adequate protection payments of \$3,000.00 to Finance California. Reply (dkt. 49) p. 2:22–24. (Finance California's position as to the sufficiency of the proposed \$3,000.00 monthly adequate protection payment is unclear; its opposition papers do not specify the amount of adequate protection payments to which it believes it is entitled.)

The tentative ruling is that the payments proposed by Debtor adequately protect secured creditors' interests in their collateral, at least on an interim basis. Therefore, the tentative ruling is to grant the Budget Motion on an interim basis, subject to the adequate protection payments proposed by Debtor and further subject to the conditions set forth in the next section of this tentative ruling, below.

For the continued hearing, the tentative ruling is to set a **deadline of two weeks prior** to that hearing for US Bank and Finance California to file and serve any supplemental opposition and request for additional or different adequate protection. The tentative ruling is that Debtor's reply must be filed and served **one week prior** to that continued hearing.

In addition, the tentative ruling is that the foregoing procedures will moot the need for Debtor to file and serve a separate motion seeking authorization for the use of US Bank's and Finance California's cash collateral, especially given the expense of such a separate (and apparently redundant) cash collateral

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motion. If any party in interest disagrees, they are directed to raise their disagreement at this hearing.

Proposed order(s): This Court contemplates three orders: (A) an interim order to be lodged by Debtor temporarily granting the Budget Motion, (B) an interim order to be lodged by US Bank temporarily granting the request of US Bank for adequate protection, and (C) an interim order lodged by Finance California temporarily granting the request of Finance California for adequate protection. Unless otherwise ordered, those orders must be lodged 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.

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

(1) Written order [for cash collateral]

(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.

(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

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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 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

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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.

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

**Debtor(s):**

Jamie Mazur

Represented By  
Michael Jay Berger

**Movant(s):**

Jamie Mazur

Represented By  
Michael Jay Berger

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**Chapter 11**

**#8.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 2/11/25, 3/18/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

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) Amended Budget Motion (dkt. 31), U.S. Bank's Opposition (dkt. 36), California Finance's Opposition (dkt. 37), Debtor's Reply (dkt. 49)

Please see the tentative ruling for Cal. No. 7 (4/8/25 at 1:00 p.m.).

(b) Debtor's declaration (dkt. 45) regarding Amended Schedule I (dkt. 26)

The tentative ruling is that the declaration filed by Debtor on 3/25/25 (dkt. 45) sufficiently explains the operations of Debtor's business Burton Partners LLC.

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

(a) Bar date: 3/31/25 (Bar Date Order (dkt. 24) timely served, dkt. 30).

(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: 6/17/25 at 1:00 p.m. *Brief* written status report due 6/3/25.

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

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**CONT... Jamie Mazur**

**Chapter 11**

**Debtor(s):**

Jamie Mazur

Represented By  
Michael Jay Berger



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**2:24-19904 Georgia K Bode**

**Chapter 11**

Adv#: 2:24-01273 Bode v. Luna et al

**#9.00** Hrg re: Defendant Antonio Leon's motion for  
leave to file an amended answer to assert  
counterclaim [FRBP 7015 and FRCP 15(A)(2)]

Docket 59

**\*\*\* VACATED \*\*\* REASON: Cont'd to 5/6/2025 at 1:00 p.m. [dkt. 61]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Georgia K Bode

Represented By  
David B Zolkin

**Defendant(s):**

Robert G Luna

Pro Se

Antonio Leon

Represented By  
Armen Manasserian

JPMORGAN CHASE BANK, N.A.

Represented By  
Christopher R Fredrich

J.P. Morgan Securities, LLC

Represented By  
Christopher R Fredrich

CITIBANK, N.A.

Pro Se

WELLS FARGO BANK, N.A.

Represented By  
Lisa Yun Pruitt

**Movant(s):**

Antonio Leon

Represented By  
Armen Manasserian

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**CONT... Georgia K Bode**

**Chapter 11**

**Plaintiff(s):**

Georgia K Bode

Represented By  
David B Zolkin

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**2:24-19904 Georgia K Bode**

**Chapter 11**

**#10.00** Hrg re: Defendant Antonio Leon's Motion for Order Deeming Leon's Valuation Motion and Limited Opposition a Timely Objection to Debtor's Scheduled Exemptions Pursuant to 11 U.S.C. § 105

Docket 58

**\*\*\* VACATED \*\*\* REASON: Cont'd to 5/6/2025 at 1:00 p.m. [dkt. 60]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Georgia K Bode

Represented By  
David B Zolkin

**Movant(s):**

Antonio Leon

Represented By  
Armen Manasserian

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**2:24-19904 Georgia K Bode**

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**#11.00** Cont'd Status conference re: Chapter 11 case  
fr. 1/7/25, 2/25/25

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 5/6/25 at 1:00 p.m.**

**Tentative Ruling:**

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

**Debtor(s):**

Georgia K Bode

Represented By  
David B Zolkin

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**2:24-12614 Boisson Inc.**

**Chapter 11**

**#12.00** Hrg re: Motion To Extend The Time To Object To  
Proof Of Claim 55 Filed By The California Department  
Of Resources Recycling And Recovery

Docket 248

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 14, 4/8/25 at 1:00 p.m.).

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

**Debtor(s):**

Boisson Inc.

Represented By  
Ron Bender  
Todd M Arnold

**Movant(s):**

Boisson Inc.

Represented By  
Ron Bender  
Todd M Arnold

**Trustee(s):**

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

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**2:24-12614 Boisson Inc.**

**Chapter 11**

**#13.00** Cont'd hrg re: Motion for Order to Allow / Deem Timely Filing  
of Proof of Claim by California Department of Resources  
Recycling and Recovery  
fr. 2/25/25

Docket 237

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Please see the tentative ruling for the status conference (Calendar No. 14, 4/8/25 at 1:00 p.m.).

**Tentative Ruling for 2/25/25:**

Please see the tentative ruling for the status conference (Calendar No. 8, 2/25/25 at 1:00 p.m.).

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

**Debtor(s):**

Boisson Inc.

Represented By  
Ron Bender  
Todd M Arnold

**Movant(s):**

CA Department of Resources

Represented By  
Annadel A Almendras  
Barbara Spiegel

**Trustee(s):**

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

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**2:24-12614 Boisson Inc.**

**Chapter 11**

**#14.00** Cont'd Status Conference re: Post Confirmation  
fr. 4/9/24, 4/30/24, 5/7/24, 5/14/24, 5/21/24, 6/25/24,  
7/9/24, 7/16/24, 10/8/24, 12/17/24, 1/7/25, 2/25/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

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) Motion of California Department of Resources Recycling and Recovery ("CalRecycle") to deem proof of claim 55 ("Claim 55") as timely and allow claim in unspecified amount (dkt. 237, "Motion to Allow Claim") & Notice of errata (dkt. 244), Debtor's opposition (dkt. 243), CalRecycle's reply (dkt. 245), Order continuing hearing (dkt. 249), status reports of Debtor (dkt. 256) and CalRecycle (dkt. 257)

The parties have not reached a resolution to date. The tentative ruling is to grant CalRecycle's Motion to Allow Claim as set forth below.

The key background facts are as follows. Debtor filed its voluntary chapter 11 petition on 4/4/24, the bar date was 6/13/24; Debtor's proposed plan (the "Plan") was confirmed on 8/8/24; CalRecycle emailed Debtor to inquire about the taxes Debtor should have been withholding on 11/19/24; Debtor provided notice to CalRecycle of this bankruptcy case on 11/19/24; there is no evidence that CalRecycle knew of this bankruptcy case prior to that date; CalRecycle has provided reasons why it took a (relatively modest) amount of time to determine how to proceed and prepare its Motion to Allow Claim; and CalRecycle filed its Motion to Allow Claim just over two months after it received

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notice, on 2/4/25.

In considering whether a creditor's failure was the product of "excusable neglect," this Court must take "account of all the relevant circumstances surrounding the party's omission," including "the danger of prejudice to the debtor, the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith." *Pioneer Inv. Svcs. Co. v. Brunswick Assoc's LP*, 507 U.S. 380, 395 (emphasis added). The tentative ruling is that CalRecycle easily satisfies this test, for the reasons stated in its papers.

As for what remedy is appropriate, the tentative ruling is that, on the one hand, Debtor is correct that (i) the confirmed Plan (dkt. 148 & 185) is essentially a binding contract between Debtor and the creditors who are dealt with under the Plan, and (ii) procedurally there is no pending adversary proceeding and request for injunctive relief to preclude Debtor from making distributions under the Plan (and a party's request for injunctive relief generally requires an adversary proceeding per Rule 7001(g), Fed. R. Bankr. P.), nor is there a proceeding to revoke confirmation of the Plan (which, again, generally requires an adversary proceeding under Rule 7001(e), Fed. R. Bankr. P., and 11 U.S.C. 1144), nor is there a request to modify the Plan (under 11 U.S.C. 1193). Therefore, Debtor arguably is correct that it is contractually obligated to proceed with making distributions to general unsecured creditors.

On the other hand, the Plan is flexible about when distributions are made, and Debtor appears to be taking an aggressive stance that seeks to have it both ways. Specifically, Debtor seeks to proceed with a Plan that was premised on a false factual foundation (*i.e.* the absence of this claim, which might well be a priority claim), and meanwhile Debtor has failed or refused to provide CalRecycle with the factual information that would enable that creditor to establish the dollar amount and priority of the claim until it might be too late (*i.e.* until after distributions have already been made to general unsecured creditors and Debtor might no longer have the financial ability to pay CalRecycle's omitted claim).

Based on this situation of Debtor's own making, the tentative ruling is that principles of estoppel and, alternatively, this Court's powers under Rule 9024 (Fed. R. Bankr. P.) and 11 U.S.C. 105(a) make it appropriate to continue the temporary stay of any distributions under the Plan, without the need for an adversary proceeding at this time. In addition, if Debtor does not voluntarily agree



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**Boisson Inc.**

**Chapter 11**

to a continuation of the temporary stay, this Court may have to consider other emergency remedies, such as the appointment of a chapter 11 trustee who will take appropriate action to resolve CalRecycle's claim prior to making any distributions and who will pursue contribution or indemnity claims against individuals who were responsible for collecting the taxes, or other remedies, all of which might have to be done on an immediate, emergency basis if Debtor threatens to make disbursements on the basis that it has not been subject to an adversary proceeding to prevent it from doing so. See, e.g., *In re Bibo, Inc.*, 76 F.3d 256 (9th Cir. 1996).

As for the dollar amount of CalRecycle's claim, unless Debtor provides sufficient evidence of adequate protection of CalRecycle's interest, this Court may have to estimate the claim, or allow the claim temporarily without prejudice to reconsideration once more facts are known, in a dollar amount sufficient to protect CalRecycle's interests based on the limited information available to it. See, e.g., 11 U.S.C. 105(a), 361(3), 363(e), 502(b), (c) & (j). In other words, the tentative ruling is to force Debtor to deal with this claim in a way that truly provides adequate protection to CalRecycle, given Debtor's apparent unwillingness to do so voluntarily.

This Court recognizes that all of the foregoing might disrupt Debtor's projected distributions under the Plan, or might create a default under the Plan, all of which could be very disruptive to Debtor's attempted reorganization. In addition, this Court recognizes that Debtor's bankruptcy counsel and Debtor's control persons might be in a difficult situation. But, again, this appears to be a dilemma of Debtor's own making.

The tentative ruling is to direct the parties to address whether this Court should make an interim estimate of the dollar amount and priority of CalRecycle's claim at this hearing, or set a future hearing to do so, and whether to base any such estimate on Debtor's (w) bankruptcy schedules and Statement Of Financial Affairs ("SOFA"), (x) Monthly Operating Reports ("MORs"), (y) plan projections, or (z) something else. The parties are also directed to address whether this Court should set an evidentiary hearing or other proceeding to determine on a final basis the dollar amount and priority of CalRecycle's claim.

(b) Debtor's motion to extend the time to object to proof of claim 55 (dkt. 248), CalRecycle's conditional non-opposition (dkt. 254), Debtor's reply (dkt. 255)  
Deny, for the reasons set forth above.

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**CONT...**

**Boisson Inc.**

**Chapter 11**

Proposed order(s): Unless otherwise ordered, CalRecycle 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/deadlines**

This subchapter V case was filed on 4/4/24, and this Court confirmed a plan on 8/29/24 (dkt. 185). The tentative ruling is to continue this status conference to 5/20/25 at 1:00 p.m. No written status report is required.

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

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

**Debtor(s):**

Boisson Inc.

Represented By  
Ron Bender  
Todd M Arnold

**Trustee(s):**

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

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**2:25-10237 KB3 2275 Century LLC**

**Chapter 11**

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

CRESENCIO GARCIA  
vs  
DEBTOR

Docket 47

**Tentative Ruling:**

Grant as set forth below. Appearances required.

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.

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): Debtor's Opposition (dkt. 54), Creditors' Reply (dkt. 57)

**(1) Introduction**

Cresencio Garcia and Maria D. Garcia, Daniel L. Barraza and Veronia R. Barraza, and Jorge Tobias Leal, in his capacity as trustee of the Family Trust dated 12/14/2004 ("Creditors") seek relief from the automatic stay under 11 U.S.C. 362(d)(1) as to property located at 2275 Century Hill, Los Angeles, CA 90067 (the "Property"). According to an appraisal obtained by Debtor, the Property is worth \$1,100,000.00. Opp. (dkt. 54) Ex. 1. The Property is encumbered by a first deed of trust held by Preferred Bank. On 3/3/25,

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**CONT... KB3 2275 Century LLC**

**Chapter 11**

Preferred Bank filed a proof of claim, in which it asserts a secured claim of “[n]ot less than \$950,179.79.” POC 3-1, p. 2 ¶ 7. (Debtor scheduled Preferred Bank’s claim as “undisputed” in the amount of \$1,015,000.00. Schedule C ¶ 2.2 (dkt. 1).)

Creditors assert a second-position claim against the Property of \$659,124.14, based upon a short-term loan. R/S Motion (dkt. 47) pp. 7 & 11–12. On 3/28/25, Debtor filed an adversary proceeding against Creditors (Adv. No. 2:25-ap-01065-NB) seeking a determination of the validity, extent, and priority of Creditors’ lien. Among other things, the Complaint alleges that Creditors improperly refused to apply \$475,000.00 in repayments tendered by Debtor to reduce the loan balance. Complaint (adv. dkt. 1) pp. 4:23–5:9.

(2) Legal principles

Proceedings on motions for relief from the automatic stay are “summary” proceedings. *In re Veal*, 450 B.R. 897, 914 (9th Cir. BAP 2011) (summarizing cases; internal quotation marks and citations omitted). Even the issue of legal standing, for example, is only determined in summary fashion:

Given the limited nature of the relief obtained through a motion for relief from the stay, the expedited hearing schedule § 362(e) provides, and because final adjudication of the parties’ rights and liabilities is yet to occur, ... a party seeking stay relief need only establish that it has a colorable claim to enforce a right against property of the estate [in order to establish sufficient legal standing to prosecute the motion].” [*Veal*, 450 B.R. 897, 914-15 (citations omitted; emphasis added).]

Creditors have “the burden of proof on the issue of the debtor’s equity in property.” 11 U.S.C. 362(g)(1). Debtor has the burden of proof “on all other issues.” 11 U.S.C. 362(g)(2). As set forth in 11 U.S.C. 362(d)(1), “[o]n request of a party in interest and after notice and a hearing, the court **shall** grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay for cause, including the lack of adequate protection of an interest in property of such party in interest ....” (emphasis added). An “equity cushion” is “the classic form of protection for a secured debt justifying the restraint of lien enforcement by a bankruptcy court.” *In re Mellor*, 734 F.2d 1396, 1400 (9th Cir. 1984). Unless other forms of adequate protection are present, an equity cushion of less than 20% likely does

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**Chapter 11**

not provide adequate protection to a secured creditor. *Mellor*, 734 F.2d 1396, 1400. But 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).

*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 (*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).

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). *In re Timbers of Inwood Forest Assoc's, Ltd.*, 484 U.S. 365, 370 (1988).

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.

According to Debtor's own admissions, the Property is worth only \$1,100,000.00 and is encumbered by a first-position deed of trust in favor of

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Preferred Bank. Debtor's opposition to the R/S Motion (dkt. 47) is predicated upon the recently-filed adversary proceeding, in which Debtor disputes the validity of Creditors' debt.

**(3) Discussion**

The tentative ruling is that, even using Debtor's own figures, and even assuming for the sake of argument that Debtor will ultimately prevail upon all the allegations in the Complaint and obtain a determination that Creditors' loan balance should have been reduced "to approximately \$25,000.00," see Complaint (adv. dkt. 1) p. 5 ¶ 26, Creditors would still not be adequately protected. Per Debtor's own appraisal, the Property is worth \$1,100,000.00. Preferred Bank asserts a secured claim of "[n]ot less than \$950,179.79." POC 3-1, p. 2 ¶ 7. That leaves an equity cushion of only 13.62% (\$1,100,000.00 minus \$950,179.79 equals \$149,820.21; and \$149,820.21 divided by \$1,100,000.00 equals 13.62%). In other words, under the most favorable assumptions toward Debtor, Creditors' interest is not adequately protected.

Moreover, the tentative ruling is that, for purposes of determining the R/S Motion, it is not appropriate to assume that Debtor will ultimately establish through the adversary proceeding that Creditors have a claim of only approximately \$25,000.00. In its opposition to the R/S Motion, Debtor has produced no actual evidence substantiating any of the allegations in the adversary proceeding. In contrast, Creditors have presented evidence, including a deed of trust and loan agreement, establishing the *prima facie* validity of their claim against the Property. See *generally* R/S Motion (dkt. 47) Exs. 1–3. The tentative ruling is that Creditors have carried their burden as to the validity of their indebtedness, and therefore have also carried their burden under 11 U.S.C. 362(g)(1) as to Debtor's lack of equity in the Property.

That is, on this record, the evidence shows that the Property is substantially underwater, because it is worth \$1,100,000.00 (per Debtor's admission) but is encumbered by (A) a first deed of trust in favor of Preferred Bank in the amount of *at least* \$950,179.79 and (B) a second deed of trust in favor of Creditors in the amount of *at least* \$659,124.14. For these reasons, the tentative ruling is to grant relief from the automatic stay as set forth below.

**(a) Termination**

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

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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).

(b) Effective date of relief

Creditors have not requested waiver of the 14-day stay provided by FRBP 4001(a)(3), so the order granting the R/S Motion (dkt. 47) will be subject to FRBP 4001(a)(3).

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

**Debtor(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama

**Movant(s):**

Jorge Tobias Leal, Family Trust

Represented By  
Stella A Havkin

Veronia R Barraza

Represented By  
Stella A Havkin

Daniel L Barraza

Represented By  
Stella A Havkin

Maria D Garcia

Represented By  
Stella A Havkin

Cresencio Garcia

Represented By  
Stella A Havkin

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**Chapter 11**

**#16.00** Hrg re: Amended Motion in Individual Ch 11 Case for Order  
Pursuant to 11 U.S.C. Sec. 363 Setting Budget for Interim Use  
of Estate Property as Defined in 11 U.S.C. Sec. 1115

Docket 25

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 18, 4/8/25  
at 1:00 p.m.).

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

**Debtor(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama

**Movant(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama



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**Chapter 11**

**#17.00** Cont'd hrg re: Motion in chapter 11 case for  
order authorizing use of cash collateral  
fr. 2/25/25

Docket 16

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Grant in part and deny in part without prejudice 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.

Key documents reviewed (in addition to motion papers): Creditors' Opposition (dkt. 48), Creditors' Reply (dkt. 57)

**(1) Introduction**

Cresencio Garcia and Maria D. Garcia, Daniel L. Barraza and Veronia R. Barraza, and Jorge Tobias Leal, in his capacity as trustee of the Family Trust dated 12/14/2004 ("Creditors") seek relief from the automatic stay under 11 U.S.C. 362(d)(1) as to property located at 2275 Century Hill, Los Angeles, CA 90067 (the "Property"). According to an appraisal obtained by Debtor, the Property is worth \$1,100,000.00. Opp. (dkt. 54) Ex. 1. The Property is encumbered by a first deed of trust held by Preferred Bank. On 3/3/25, Preferred Bank filed a proof of claim, in which it asserts a secured claim of "[n]ot less than \$950,179.79." POC 3-1, p. 2 ¶ 7.

Creditors assert a second-position claim against the Property of \$659,124.14, based upon a short-term loan. R/S Motion (dkt. 47) pp. 7 & 11–12; Cash Collateral Opp. (dkt. 48) PDF pp. 5–63. On 3/28/25, Debtor filed an adversary proceeding against Creditors (Adv. No. 2:25-ap-01065-NB) seeking a

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**KB3 2275 Century LLC**

**Chapter 11**

determination of the validity, extent, and priority of Creditors' lien. Among other things, the Complaint alleges that Creditors improperly refused to apply \$475,000.00 in repayments tendered by Debtor to reduce the loan balance. Complaint (adv. dkt. 1) pp. 4:23–5:9.

Debtor seeks authorization to use cash collateral, and proposes to make monthly adequate protection payments of \$7,784.00 to Preferred Bank, but proposes to make no adequate protection payments to Creditors in view of the pending adversary proceeding. Cash Collateral Motion (dkt. 27) p. 5 ¶ 7. Creditors request that the Cash Collateral Motion (dkt. 27) be denied and that Debtor be instructed "to provide for Creditor[s] in an amended cash collateral motion." Opp. (dkt. 48) p. 2:11–12.

**(2) Discussion**

As set forth in 11 U.S.C. 365(p), Debtor "has the burden of proof on the issue of adequate protection" and Creditors have "the burden of proof on the issue of the validity, priority, or extent" of their interest. The tentative ruling is that Creditors have carried their burden with respect to the validity of their interest in the cash collateral generated by the Property. Creditors' evidence consists, among other things, a Secured Note (dkt. 48, PDF pp. 31–35), and a recorded deed of trust (dkt. 48, PDF pp. 36–64). Debtor has presented nothing more than allegations disputing the validity of Creditors' interest in the cash collateral; those allegations are not substantiated by any actual evidence.

Under 11 U.S.C. 363(e), this Court is required to provide adequate protection on request of any entity with an interest in cash collateral. The tentative ruling is to deny the Cash Collateral Motion without prejudice to the extent that Debtors seek authorization to use Creditors' cash collateral.

Preferred Bank has not objected to the treatment proposed with respect to its interests in the Cash Collateral Motion (dkt. 27). The tentative ruling is to authorize Debtor to continue using Preferred Bank's cash collateral on a final basis, on the same terms and conditions as set forth in the interim order issued on 3/11/25 (dkt. 39).

**(3) Conclusion**

In sum, the tentative ruling is to grant the Cash Collateral Motion (dkt. 27) insofar as it pertains to Preferred Bank, but to deny the Cash Collateral Motion without prejudice insofar as it pertains to Creditors.

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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.

**Tentative Ruling for 2/25/25:**

Grant the cash collateral motion (dkt. 16) on an interim basis, subject to the conditions set forth below, with a final hearing on **4/8/25 at 1:00 p.m.**, a deadline of **2/28/25** for Debtor to file a proof of service of notice of the final hearing, and deadlines of 3/18/25 for any opposition and 3/25/25 for any 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 (in addition to motion papers): Limited opposition filed by Preferred Bank ("Bank") (dkt. 21)

**(A) Bank's request for adequate protection**

In addition to the monthly adequate protection payments proposed by Debtor in the cash collateral motion (dkt. 16, p. 4), Bank seeks the following further forms of adequate protection:

- (1) The ability to inspect the property on reasonable notice.
- (2) An order directing Debtor to name Bank as an additional insured and loss payee on Debtor's insurance policy for the property.
- (3) An order directing Debtor to pay all property taxes owed.
- (4) An order directing Debtor to provide Bank (i) a copy of the lease for the property, (ii) copies of any agreements with unsecured creditors, (iii) copies of loan documents with the junior lienholder, including an accounting of payments to the junior

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- lienholder, (iv) an accounting of rents received in 2024, and (v) an explanation of how prior junior liens were satisfied.
- (5) An order fixing a deadline for Debtor to commence proceedings to avoid or invalidate the junior lien. See Opp. (dkt. 21) p. 3:5–18.

The tentative ruling is that all of Bank's requests are standard forms of adequate protection to which Bank is entitled. The parties are directed to address what deadline this Court should set for Debtor to commence any proceedings to avoid or invalidate the junior lien.

**(B) Dollar amount of monthly adequate protection payment**

In its motion papers, Debtor states that the monthly loan payment owed to Bank is \$5,558.07, and proposes to continue making this payment to Bank as adequate protection. Cash collateral motion (dkt. 16) p. 4. But Grace Li, a Vice President and Portfolio Manager at Bank, testifies that the monthly payment, calculated at the current variable non-default interest rate, is in fact \$7,783.97. Li Decl. (dkt. 21) p. 4:3–11 & 5:11–15. Debtor apparently now agrees with Bank – on 2/19/25, Debtor filed a Budget Motion incorporating Bank's figure. See dkt. 25 PDF p. 7.

The tentative ruling is that Bank is entitled to monthly adequate protection payments at the current variable non-default interest rate. The exact monthly payment will vary depending upon the number of days in the month and as the Prime Rate fluctuates. See Promissory Note (dkt. 21, Ex. 1). The tentative ruling is to direct Debtor to meet and confer with Bank to insure that the adequate protection payments Debtor makes each month correspond to the contractual amounts owed under the Promissory Note.

**(C) 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

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(including the docket number of the document), subject to any modification by this Court.

(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

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prepetition liens extended to inventory and accounts receivable but not equipment then postpetition liens are likewise limited (unless otherwise 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.

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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.

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

**Debtor(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama

**Movant(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama

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**#18.00** Cont'd Status conference re: Chapter 11 case  
fr. 2/11/25, 2/25/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

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) R/S Motion (dkt. 47), Debtor's Opposition (dkt. 54), Reply (dkt. 57)

Grant as set forth in the tentative ruling for Cal. No. 15 (4/8/25 at 1:00 p.m.).

(b) Amended Cash Collateral Motion (dkt. 27), Notice of continued hearing (dkt. 32), Interim Cash Collateral Order (dkt. 39), Opposition (dkt. 48), No reply on file

Grant in part and deny in part as set forth in the tentative ruling for Cal. No. 17 (4/8/25 at 1:00 p.m.).

(c) Budget Motion (dkt. 25), Notice (dkt. 44), No opposition on file

Grant.

Proposed order(s): Unless otherwise ordered, and except as to the R/S Motion, 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)).



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**KB3 2275 Century LLC**

**Chapter 11**

(d) Future of this case

Provided this Court maintains its tentative ruling to grant relief from the automatic stay with respect to Debtor's primary real property asset, Debtor is directed to address the future of this case. Are there compelling reasons for this case to remain in chapter 11 if the property is lost to foreclosure?

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

(a) Bar date: 4/10/25 (dkt. 22) (timely served, dkt. 24)

(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: If this case is not dismissed, the tentative ruling is to continue this status conference to 5/20/25 at 1:00 p.m. No written status report required.

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

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

**Debtor(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama

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

**Tuesday, April 8, 2025**

**Hearing Room 1545**

1:00 PM

**2:25-11042 Kingsman Real Estate Corporation**

**Chapter 11**

**#19.00** Cont'd hrg re: Motion for relief from stay [UD]  
fr. 3/4/25, 3/18/25

PIAZZ INVESTMENTS, LLC  
vs  
DEBTOR

Docket 6

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Please see the tentative ruling for the status conference (Calendar No. 20, 4/8/25 at 1:00 p.m.).

**Tentative Ruling for 3/18/25:**

Please see the tentative ruling for the status conference (Calendar No. 1.10, 3/18/25 at 1:00 p.m.).

**Tentative Ruling for 3/4/25:**

Please see the tentative ruling for the status conference (Calendar No. 3, 3/4/25 at 1:00 p.m.).

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

**Debtor(s):**

Kingsman Real Estate Corporation

Represented By  
Frank J Alvarado

**Movant(s):**

Pizazz Investments, LLC

Represented By  
Lane M Nussbaum

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

1:00 PM

**2:25-11042 Kingsman Real Estate Corporation**

**Chapter 11**

**#20.00** Cont'd Status Conference re: Chapter 11 case  
fr. 3/4/25, 3/18/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

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) Motion for relief from the automatic stay filed by Pizazz Investments, LLC ("Landlord") (dkt. 6, the "R/S Motion"), Debtor's opposition (dkt. 13), Landlord's reply (dkt. 16), Notice of continued hearing (dkt. 19), Landlord's supplemental reply (dkt. 24), Order granting in part and continuing hearing (dkt. 31)

Debtor's status report (dkt. 38) states that the State Court set a hearing on the motion for summary judgment for 4/4/25, so the parties are directed to appear to provide an update on the outcome of that hearing.

(b) Budget motion

As discussed at the last status conference on 3/18/25, it appears that a budget motion may be necessary because, although Debtor's tenant is purportedly paying Debtor for its use of the utilities at the Mirasol Street Property and Debtor is then remitting those payments to the utility companies, Debtor is presumably the party legally obligated to pay utilities and the parties' payment arrangement does not appear to be a transaction in the ordinary course of Debtor's business operations (11 U.S.C. 363(b)).

Accordingly, some form of Court authorization is necessary for Debtor to

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**CONT...**

**Kingsman Real Estate Corporation**

**Chapter 11**

make those expenditures, and the tentative ruling is that a budget motion, which is broader than just this one known payment of utilities, appears to be the appropriate vehicle because Debtor's principal should declare under oath whether there are other transactions that similarly need court approval.

If Debtor has not filed a budget motion by the time of the status conference, the tentative ruling is to set a **deadline of 4/23/25** for Debtor to file and serve a budget motion.

(2) Dates/procedures. This case was filed on 2/11/25.

(a) Bar date: 5/1/25 (dkt. 25) (timely served, dkt. 27)

(b) Procedures Order: dkt. 2 (timely served, dkt. 5)

(c) Plan/Disclosure Statement: At the hearing on 3/18/25, this Court was persuaded to adopt a deadline of 4/22/25 for Debtor to file a plan and disclosure statement based on counsel for the Debtor's representation that the date would coincide with the expiration of Debtor's exclusivity period to file a plan (11 U.S.C. 1121(c)(2)), but that appears to have been an inadvertent error on counsel's part because 120 days from the petition date in this case is 6/11/25. Accordingly, the tentative ruling is to set a **deadline of 6/10/25** for Debtor to file a plan and disclosure statement (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 5/20/25 at 1:00 p.m. *Brief* written status report due by 5/6/25.

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

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

**Debtor(s):**

Kingsman Real Estate Corporation

Represented By  
Frank J Alvarado

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
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**2:24-20369 Cinema Management Group, LLC**

**Chapter 11**

**#21.00** Hrg re: Amended Application of Chapter 11 Trustee to Employ  
Levene, Neale, Bender, Yoo & Golubchik L.L.P., as General  
Bankruptcy Counsel

Docket 82

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 23, 4/8/25  
at 1:00 p.m.).

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

**Debtor(s):**

Cinema Management Group, LLC

Represented By  
John D Monte

**Trustee(s):**

John P Pringle (TR)

Represented By  
Jeffrey S Kwong  
Juliet Y. Oh  
David L. Neale  
Todd A. Frealy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:24-20369 Cinema Management Group, LLC**

**Chapter 11**

**#22.00** Cont'd 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 fr. 2/11/25, 3/4/25

Docket 37

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Please see the tentative ruling for the status conference (Calendar No. 23, 4/8/25 at 1:00 p.m.).

**Tentative Ruling for 3/4/25:**

Please see the tentative ruling for the status conference (Calendar No. 4, 3/4/25 at 1:00 p.m.).

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

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

**Debtor(s):**

Cinema Management Group, LLC

Represented By  
John D Monte

**Movant(s):**

John P Pringle (TR)

Represented By  
Jeffrey S Kwong  
Juliet Y. Oh  
David L. Neale  
Todd A. Frealy

**Trustee(s):**

John P Pringle (TR)

Represented By  
Jeffrey S Kwong  
Juliet Y. Oh

**United States Bankruptcy Court  
Central District of California  
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**CONT...**

**Cinema Management Group, LLC**

David L. Neale  
Todd A. Frealy

**Chapter 11**

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**2:24-20369 Cinema Management Group, LLC**

**Chapter 11**

**#23.00** Cont'd Status conference re: Chapter 11 case  
fr. 2/21/25, 3/4/25, 3/18/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Approve Mr. Pringle's application to employ Levene, Neale, Bender, Yoo & Golubchik LLP ("Firm") as his general bankruptcy counsel; authorize the further interim use of cash collateral; approve proposed schedule for sale of Debtor's assets; and continue the status conference, 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) Application of chapter 11 trustee ("Trustee") to employ Levene, Neale, Bender, Yoo & Golubchik LLP as his general bankruptcy counsel (dkt. 115, the "Employment Application"), Opposition of United States Trustee ("UST") (dkt. 115, the "Opp."), Trustee's Reply (dkt. 125)

**(i) Background**

Debtor filed a voluntary chapter 7 petition on 12/20/24. On 2/6/25, upon the motion of the chapter 7 trustee, this Court (A) converted the case to chapter 11 and (B) directed UST to appoint a chapter 11 trustee. Dkt. 40. On 2/10/25, this Court issued an order approving the appointment of John P. Pringle as the chapter 11 trustee. Dkt. 52.

Before the case was converted to chapter 11, Mr. Pringle also served as the chapter 7 trustee. On 2/24/25, Mr. Pringle filed an application to employ Firm as his general bankruptcy counsel, effective as of 1/14/25. Employment Application (dkt. 82) p. 2:3–7. That is, Mr. Pringle seeks approval of Firm's



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**CONT...**

**Cinema Management Group, LLC**

**Chapter 11**

employment both for the period in which this case proceeded under chapter 7 and for the period in which this case has and will proceed under chapter 11.

UST objects to the Employment Application. It appears that UST does not object to Firm's employment as Mr. Pringle's general bankruptcy counsel during the period in which this case proceeded under chapter 7, provided that Firm does not continue to represent Mr. Pringle during the chapter 11 portion of the case. *See, e.g., Opp. At p. 2:2-4.*

UST contends that Firm is not disinterested, because it "is a pre-conversion creditor of the estate, having incurred fees of \$78,645 and costs of \$1,380.24 during the chapter 7 portion of the case." *Opp. (dkt. 115) p. 2:7-12.* UST asserts that if it is employed, Firm will have an improper incentive to seek disallowance of other administrative claims for the purpose of protecting its claim for fees and expenses incurred during the chapter 7 portion of the case.

Note: On a related issue, UST assumes that where a case is converted from chapter 7 to chapter 11, fees incurred during the chapter 11 portion of the case have priority over fees incurred during the chapter 7 portion. UST does acknowledge that "there is no direct statutory guidance" as to this issue. *Opp. (dkt. 115) p. 3:22.* Without citing any authority, UST notes that since under 11 U.S.C. 726(b), chapter 7 fees have priority when a case is converted from chapter 11 to chapter 7, then by analogy, in the reverse situation (when a case is converted from chapter 7 to chapter 11), chapter 11 fees should have priority. *Opp. (dkt. 115) p. 3:23-4:2.* Firm agrees with UST's position, but likewise does not cite any authority. *Reply (dkt. 125) p. 6:13-7:24.*

For purposes of this tentative ruling only, this Court will assume that, when a case has been converted from chapter 7 to chapter 11, the chapter 11 administrative expenses probably would take priority over the chapter 7 administrative expenses. But this Court is not making any final determination as to this issue, which might affect parties who have not been given notice and an opportunity to be heard on it; and all rights are reserved for parties in interest to assert in future that a different priority scheme should apply. The question of administrative expense priority will be ripe for adjudication only if this case proves to be administratively insolvent, which remains unknown at this time, and if all parties in interest have the opportunity to be heard on that issue.

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**Cinema Management Group, LLC**

**Chapter 11**

(ii) Discussion

Firm has cited non-binding authorities that support its employment. This Court's tentative ruling is to agree with those authorities.

The tentative ruling is that UST's argument – that Firm is not disinterested because, if the case is administratively insolvent, Firm will have an improper incentive to seek disallowance of other chapter 11 administrative claims in order to increase the likelihood of receiving payment on its chapter 7 administrative claim – proves too much. In *any* chapter 11 case that becomes administratively insolvent (regardless of whether the case originated under chapter 11 or was instead converted from chapter 7), counsel for the chapter 11 trustee will have an incentive to seek disallowance of other administrative claims in order to increase the dividend on its own administrative claim. And there is *always* some chance that a chapter 11 case will become administratively insolvent.

Adopting UST's logic would mean that the proposed counsel for a chapter 11 trustee probably could *never* satisfy the Bankruptcy Code's disinterestedness requirement in view of the incentives arising in connection with potential administrative insolvency. True, the incentives are slightly different if chapter 7 administrative expenses are subordinated, and if chapter 7 fees are subordinated then Firm arguably has an incentive to reduce chapter 11 administrative expenses *even more*, so that there is *anything* left over for chapter 7 administrative expenses. But ultimately the incentives appear to cut the other way.

If chapter 7 fees are subordinated then the chances of obtaining payment on those fees is even more remote. And the more drastically Firm attempts to reduce other professionals' chapter 11 fees, the greater the risk of drawing those persons' counter-objections to Firm's own chapter 11 fees. Therefore, Firm would be increasing the risk of losing more in its *un-subordinated* chapter 11 administrative fees than it might possibly gain on its *subordinated* chapter 7 fees.

In other words, regardless whether chapter 7 expenses are or are not subordinated, Firm does not appear to have an incentive to object to chapter 11 expenses that is any greater than what is inherent in any chapter 11 case - if anything, the incentive appears to be less if chapter 7 expenses are subordinated. Therefore, the UST's concerns do not appear to accord with what is most likely to happen in actuality.

In addition, this Court notes that if UST's concerns were correct then presumably they would apply not only to Firm but also to Mr. Pringle. He has a

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**CONT...**

**Cinema Management Group, LLC**

**Chapter 11**

claim for chapter 7 administrative expenses, and yet UST chose to select him to administer the chapter 11 phase of this case. This cuts against UST's stated concerns about Firm's alleged lack of disinterestedness.

In addition, in its reply papers Firm offers several concessions to UST. Specifically, Firm agrees that:

- 1) Its chapter 7 fees and costs will not be allowed until Court approval under 11 U.S.C. 330(a). Reply (dkt. 8) p. 8:6–8. (This does not appear to be a meaningful concession, since it is what the statute requires in the first place.)
- 2) Its chapter 7 fees and costs "should be subordinated to all other Section 503(b) administrative claims that were incurred during the chapter 7 phase of the case." Reply (dkt. 8) p. 8:9–11.
- 3) Its chapter 7 fees and costs "should have lesser priority than the fees and costs incurred during the chapter 11 phase of the case." Reply (dkt. 8) p. 8:11–12.
- 4) It will "waive all of its fees incurred in seeking employment in this case and in responding" to UST's opposition to its Employment Application. Reply (dkt. 8) p. 8:13–14.

The tentative ruling is that it is *not* appropriate at this time to make Firm's employment subject to the third concession – subordination of Firm's chapter 7 fees to its chapter 11 fees – because doing so would assume that in this case chapter 11 administrative expenses have priority over chapter 7 administrative expenses, which as discussed above is an issue that this Court is not determining at this time. But the tentative ruling is that Firm's concession will be enforceable if that priority scheme ultimately is applied by this Court.

In addition, the tentative ruling is that making Firm's employment subject to the first, second, and fourth concessions is appropriate, because those concessions do not implicate the issue of administrative claim priority as between the chapter 7 and chapter 11 portions of this case. With this minor adjustment, Firm's concessions provide further support for its employment application.

(ii) Conclusion

Based upon the foregoing, the tentative ruling is to approve Mr. Pringle's application to employ Firm as his general bankruptcy counsel, effective as of 1/14/25.

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**CONT... Cinema Management Group, LLC**

**Chapter 11**

Proposed order(s): Unless otherwise ordered, Mr. Pringle 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.

(b) Cash collateral motion (dkt. 37), Rule 4001 statement (dkt. 38), Notice of interim hearing (dkt. 39), Notice of final hearing (dkt. 58), Revised budget (dkt. 59), First interim cash collateral order (dkt. 65), Second interim cash collateral order (dkt. 94), Second supplement to cash collateral motion (dkt. 113), no opposition on file

Authorize the continued use of cash collateral on a further interim basis per the request of the Chapter 11 Trustee ("Trustee") (see Status Report (dkt. 126) p. 3:10–15), on the same terms and conditions as set forth in the second interim cash collateral order (dkt. 94) issued on 3/7/25, except that Trustee shall also be authorized to pay his financial advisor a \$10,000.00 upfront fee as described in the second supplement to the cash collateral motion (dkt. 113). The tentative ruling is to set a continued hearing on the cash collateral motion for **5/20/25 at 1:00 p.m.**

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) Sale of Debtor's film library and related assets

The tentative ruling is to adopt the timeline proposed by Trustee for the sale of Debtor's film library and related assets (see Status Report (dkt. 126), p. 2:22–3:9), as follows:

- 1) 4/1/25: Deadline for Trustee to create electronic data room
- 2) 4/8/25: Deadline for Trustee's financial advisors to send marketing information to client list
- 3) 4/15/25: Deadline for Trustee to file and serve bidding procedures motion
- 4) 4/22/25 at 1:00 p.m.: Hearing on bidding procedures motion
- 5) 5/6/25: Deadline for potential bidders to submit bids to Trustee

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**CONT...**

**Cinema Management Group, LLC**

**Chapter 11**

- 6) 5/12/25: Deadline for Trustee to select stalking horse bid
- 7) 5/13/25: Deadline for Trustee to file and serve sale motion
- 8) 6/3/25 at 1:00 p.m.: Sale and auction hearing

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 12/20/24, and was converted from Chapter 7 to Chapter 11 on 2/6/25 (dkt. 40).

- (a) Bar date: 4/18/25 (Bar Date Order (dkt. 93) timely served, dkt. 102)
- (b) Procedures Order: dkt. 60 (timely served, dkt. 64)
- (c) Plan/Disclosure Statement: TBD
- (d) Continued status conference: 4/22/25 at 1:00 p.m., concurrent with other matters. No written status report required.

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

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

**Debtor(s):**

Cinema Management Group, LLC

Represented By  
John D Monte

**Trustee(s):**

John P Pringle (TR)

Represented By  
Jeffrey S Kwong  
Juliet Y. Oh  
David L. Neale  
Todd A. Frealy

**United States Bankruptcy Court  
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**2:21-10368 Mrudula Kothari**

**Chapter 11**

**#24.00** Hrg re: Debtor's third Motion for an order (1) Approving the sale of debtor's real property located at 3140 S. Winsor Avenue, Unit #5, Yuma, Arizona 85365, free and clear of all liens, claims, encumbrances, and interests, with the exception of enumerated exclusions; (2) Approving bidding procedures; (3) Finding that the buyer is a good faith purchaser

Docket 406

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on 3/26/25 [dkt. 431]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mrudula Kothari

Represented By  
Stella A Havkin

**Movant(s):**

Mrudula Kothari

Represented By  
Stella A Havkin  
Stella A Havkin  
Stella A Havkin

**Trustee(s):**

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**2:21-10368 Mrudula Kothari**

**Chapter 11**

**#25.00** Hrg re: Application for payment of Interim fees and/or expenses  
[Havkin & Shrago, Attorney for debtor ]

Docket 420

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 27, 4/8/25 at 1:00 p.m.).

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

**Debtor(s):**

Mrudula Kothari

Represented By  
Stella A Havkin

**Movant(s):**

Havkin & Shrago Attorneys at Law

Represented By  
Stella A Havkin

**Trustee(s):**

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:21-10368 Mrudula Kothari**

**Chapter 11**

**#26.00** Hrg re: Application for payment of interim fees and.or expenses  
[Susan K Seflin, SubChapter V Trustee]

Docket 402

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 27, 4/8/25 at 1:00 p.m.).

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

**Debtor(s):**

Mrudula Kothari

Represented By  
Stella A Havkin

**Movant(s):**

Susan K Seflin (TR)

Pro Se

**Trustee(s):**

Susan K Seflin (TR)

Pro Se



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**2:21-10368 Mrudula Kothari**

**Chapter 11**

**#27.00** 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, 2/11/25, 3/4/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Approve the fee applications and continue the status conference, all as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

**(a) Fee application of Subchapter V Trustee (dkt. 402), Notice of hearing (dkt. 423) no opposition on file**

Allow \$58,412.50 in fees and \$216.00 in expenses, for a total award of \$58,628.50, and authorize and direct payment of the full amounts allowed.

**(b) Fee application of Havkin & Shrago (dkt. 420), Notice of hearing (dkt.**

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**CONT...**

**Mrudula Kothari**

**Chapter 11**

421), Supplemental Declaration (dkt. 422), no opposition on file

Allow \$23,226.00 in fees and \$511.01 in expenses, for a total award of \$23,737.01, and authorize and direct payment of the full amounts allowed.

Proposed orders: Unless otherwise ordered, Applicants are directed to lodge proposed orders on each of the foregoing motions via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(2) Dates/procedures. This case was filed on 1/19/21. On 4/4/24 and 2/13/25 this Court entered orders 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 & 399.

(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 dkt. 399), or else TBD (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 4/22/25 at 1:00 p.m, concurrent with other matters. No written status report required.

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

Mrudula Kothari

Represented By  
Stella A Havkin

**Trustee(s):**

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
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**2:21-10956 LAX In-Flite Services, LLC**

**Chapter 11**

**#28.00** Cont'd Status Conference re: Post confirmation  
fr. 02/25/21, 03/02/21, 4/6/21, 4/27/21, 5/11/21,  
5/19/21, 5/26/21, 6/15/21, 6/29/21, 7/6/21, 7/20/21,  
8/31/21, 9/28/21, 10/26/21, 11/9/21, 12/14/21, 12/21/21,  
2/15/22, 3/1/22, 03/29/22 4/12/22, 5/10/22, 5/31/22,  
8/9/22, 8/23/22, 10/11/22, 10/25/22, 11/15/22, 2/21/23  
5/30/23, 12/19/23, 4/9/24, 8/6/24, 9/10/24, 12/17/24

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Continue as set forth below based on this Court's review of Debtor's latest status report (dkt. 349). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has no issues to raise *sua sponte* at this time.

**(2) Deadlines/dates**

This case was filed on 2/5/21, and Debtor's plan was confirmed on 8/23/22 (dkt. 302). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 10/7/25 at 1:00 p.m., with a post-confirmation status report due by 9/23/25.

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Central District of California  
Los Angeles  
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**Tuesday, April 8, 2025**

**Hearing Room 1545**

1:00 PM

**CONT... LAX In-Flite Services, LLC**

**Chapter 11**

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

LAX In-Flite Services, LLC

Represented By  
Jeremy H Rothstein  
Yi Sun Kim  
James R Felton

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

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Los Angeles  
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**Tuesday, April 8, 2025**

**Hearing Room 1545**

1:00 PM

**2:24-12114 Patriot Linen Services LLC**

**Chapter 11**

**#29.00** Status conference re: Chapter 11 post confirmation  
fr. 4/4/24, 4/9/24, 5/15/24, 6/25/24, 7/16/24,  
8/6/24, 9/10/24, 10/22/24, 12/3/24, 1/28/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Continue as set forth below based on this Court's review of Debtor's latest status report (dkt. 197). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Deadlines/dates

This Subchapter V case was filed on 3/19/24, and Debtor's plan was confirmed on 12/16/24 (dkt. 164). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 10/7/25 at 1:00 p.m., with a post-confirmation status report due by 9/23/25.

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

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

Patriot Linen Services LLC

Represented By  
David Tran  
Steven R Fox

**United States Bankruptcy Court  
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**CONT... Patriot Linen Services LLC**

**Chapter 11**

**Trustee(s):**

Mark M Sharf (TR)

Pro Se

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Central District of California  
Los Angeles  
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**Tuesday, April 8, 2025**

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2:00 PM

**2:24-19238 Karla Enid Ramirez**

**Chapter 11**

**#1.00 Status conference re: Chapter 11 case**

Docket 41

**Tentative Ruling:**

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**

**(a) Amended Bankruptcy Schedules I & J (dkt. 58, pdf p. 2-5)**

Debtor's Bankruptcy Schedule I lists net monthly income from a rental property of \$7,500.00 (dkt. 58, p. 3, line 8a), but Debtor's status report (dkt. 61, pdf pp. 3 & 8) discloses that she receives \$7,500.00/month from renting out 9820 Brookshire Ave, Downey, CA 90240 (the "Rental Property"), so it appears Debtor has ignored the instruction to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income."

The tentative ruling is to set a **deadline of 4/11/25** for Debtor to file further amended Bankruptcy Schedules I & J that correct the issue described above.

**(b) Budget Motion**

This matter is not on for hearing today because Debtor elected to utilize the procedures for filing the motion on negative notice pursuant to Local Rule 9013-1(o), but the tentative ruling is to (x) set this matter for hearing on 5/20/25 at 1:00 p.m., concurrent with Debtor's motion to value the Rental Property (dkt. 60, "Valuation Motion") (see also stipulation to continue hearing (dkt. 66) and order thereon), and (y) set a **deadline of 4/22/25** for Debtor to file and serve notice of the hearing on all creditors, because Debtor's proposed budget

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**CONT...**

**Karla Enid Ramirez**

**Chapter 11**

contemplates making reduced monthly payments to the 1st lienholder (\$5,422.00 rather than the \$8,654.10 reflected in Bankruptcy Schedule J, line 20a), but the actual amount Debtor will be required to pay the 1st lienholder will depend on the outcome of the Valuation Motion.

(2) Dates/procedures. This case was filed on 11/12/24 and converted from chapter 13 on 3/11/25.

- (a) Bar date: 6/17/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 43 (timely served, dkt. 55)
- (c) Plan/Disclosure Statement: file by 7/9/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 5/20/25 at 1:00 p.m., concurrent with other matters. *Brief* written status report due 5/6/25.

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

Karla Enid Ramirez

Represented By  
Onyinye N Anyama



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2:00 PM

**2:23-11397 Michael R Totaro**

**Chapter 11**

**#2.00** Cont'd Status Conference re: Chapter 11 case  
fr. 3/21/23, 4/4/23, 4/28/23, 5/16/23, 6/13/23,  
7/18/23, 8/15/23, 10/17/23, 11/14/23, 11/28/23,  
1/23/24, 2/6/24, 2/20/24, 3/5/24, 3/12/24, 4/9/24,  
4/23/24, 5/7/24, 6/4/24, 6/12/24, 8/8/24, 9/10/24,  
9/11/24, 10/10/24, 10/22/24, 10/29/24, 12/10/24,  
1/21/25, 2/25/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**  
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) Continued Evidentiary Hearing on Orders to Show Cause issued in Mr. Maghloubi's Chapter 11 Case (dkt. 60, 78–79, 81–83, 89, 97–98, 101, 120, 141, 144, 150–51, 154, 156, 176, 178–83, 186–87, 207–08, 217–18, 224, & 227)

Please see the tentative ruling for the status conference in Mr. Maghloubi's bankruptcy case-in-chief (Cal. No. 3, 4/8/25 at 2:00 p.m.).

(b) Removed state court action (Adv. No. 2:24-ap-01271-NB)

This proceeding has been stayed pending further order of this Court. See Stay Order (adv. dkt. 5). A continued status conference will take on 10/7/25 at 2:00 p.m. as set forth in the Stay Order (adv. dkt. 5).

(2) Dates/procedures. This case was filed on 3/8/23.

(a) Bar date: 6/15/23 (dkt. 73, 90); Proof of Service (dkt. 91)

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**CONT...**

**Michael R Totaro**

**Chapter 11**

(b) Procedures order: dkt. 30 (timely served, dkt. 41).

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 6/3/25 at 2:00 p.m., concurrent with other matters. No written status report required.

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

Michael R Totaro

Pro Se

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2:00 PM

**2:23-13307 Seyed Mustafa Maghloubi**

**Chapter 11**

**#3.00** Cont'd Status conference re: Chapter 11 case  
fr. 11/14/23, 11/28/23, 1/23/24, 2/20/24, 3/12/24,  
4/2/24, 4/9/24, 4/23/24, 6/12/24, 8/8/24, 8/23/24,  
9/11/24, 10/10/24, 10/22/24, 10/29/24, 12/3/24,  
12/10/24, 1/21/25, 2/25/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/8/25:**

Appearances required by Debtor Seyed Mustafa Maghloubi (Case No. 2:23-bk-13307-NB) and his counsel Daryoush (Darius) Shahrouzi; Mr. Maghloubi's Chapter 11 Trustee Todd A. Frealy ("Trustee"); and Michael R. Totaro (Case No. 2:23-bk-11397-NB).

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) Orders to Show Cause and related papers (dkt. 60, 78–79, 81–83, 89, 97–98, 101, 120, 141, 144, 150–51, 154, 156, 176, 178–83, 186–87, 207–08, 217–18, 224, & 227)

**(i) Background**

This matter is ***NOT on for hearing***. (For a brief summary, including references to other docket entries including additional information, see dkt. 224, Ex. A.) This matter is only noted here because (i) it is relevant to the status conferences in the Maghloubi and Totaro bankruptcy cases and (ii) the parties conceivably *might* have reached a consensual agreement that they will jointly ask this Court to amend its existing order directing Mr. Maghloubi to surrender himself for renewed coercive incarceration on 5/13/25. Dkt. 227 p. 2:4–13. See 3/26/25 Totaro Status Report (dkt. 274, Case No. 2:23-bk-11397-NB, p.

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**CONT... Seyed Mustafa Maghloubi**

**Chapter 11**

1:20–24) ("Everything related to Seyed Maghloubi remains the same and so far he is making payments. I believe he has made one payment of \$5,000, one payment of \$20,000 and one payment of \$10,000. Since [Mr. Totaro] has been displaced from files [as a result of the recent fires in the Pacific Palisades], [Mr. Totaro] may be missing one payment and will inquire at the hearing.").

As this Court has stated repeatedly, at this point the burden is on Mr. Maghloubi to file papers showing why this Court should excuse him from being incarcerated (and lodge any appropriate proposed orders). Unless and until he files appropriate papers this Court does not intend to re-set any hearing on the OSC.

(ii) Status of Mr. Maghloubi's compliance

There is no tentative ruling. The parties are directed to address (A) the status of Mr. Maghloubi's compliance with the above-referenced Orders to Show Cause and (B) whether the parties agree that this Court should excuse Mr. Maghloubi from being required to surrender himself for renewed coercive incarceration on 5/13/25. Dkt. 227 p. 2:4–13.

If there is no such agreement, this Court will not hear any arguments from Mr. Maghloubi at this hearing. At most this Court will (as part of the status conferences in these cases) set appropriate procedures/deadlines, although that may be premature unless and until Mr. Maghloubi has filed his papers that he believes show his compliance or that he cannot comply (despite this Court's prior findings of fact that he can).

(2) Dates/procedures. The involuntary petition commencing this case was filed on 5/30/23. An Order for Relief was entered on 6/27/23, dkt. 11. The case was converted from Chapter 7 to Chapter 11 on 10/12/23, dkt. 29.

(a) Bar date: TBD

(b) Procedures Order: dkt. 88 (not timely served, but eventually served which gives notice of matters therein, dkt. 133–134)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 6/3/25 at 2:00 p.m. No written status report required.

**[PRIOR TENTATIVE RULINGS OMITTED (see dkt. 224 for a summary of these proceedings)]**

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**CONT... Seyed Mustafa Maghloubi**

**Chapter 11**

**Party Information**

**Debtor(s):**

Seyed Mustafa Maghloubi

Represented By  
Darius Shahrouzi

**Trustee(s):**

Todd A. Frealy (TR)

Pro Se

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**2:23-10990 Leslie Klein**

**Chapter 11**

**#4.00** Hrg re: Motion of Chapter 11 Trustee, for Order Enforcing the Automatic Stay and Sanctions Against (A) the Debtor, (B) Daniel Crawford, (C) Crawford Law Group, (D) Leslie Klein & Associates, Inc., and (E) EKLK Foundation, and Related Relief

Docket 969

**Tentative Ruling:**

**Revised Tentative Ruling for 4/8/25:**

Please see the tentative ruling for the status conference (Calendar No. 7, 4/8/25 at 2:00 p.m.).

**Tentative Ruling for 4/8/25:**

This Court anticipates posting a tentative ruling prior to the hearing.

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

Leslie Klein

Pro Se

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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2:00 PM

**2:23-10990 Leslie Klein**

**Chapter 11**

**#5.00** Hrg re: Motion to Enforce Order to Restore Possession of the Property Located at 322 N. June St., Los Angeles, California to the Trustee, Compelling Debtor to Vacate the Property, Authorizing and Directing the United States Marshals Service to Turnover Possession of the Property, and Authorizing the Trustee to Remove Any Remaining Personal Property

Docket 962

**Tentative Ruling:**

**Revised Tentative Ruling for 4/8/25:**

Please see the tentative ruling for the status conference (Calendar No. 7, 4/8/25 at 2:00 p.m.).

**Tentative Ruling for 4/8/25:**

This Court anticipates posting a tentative ruling prior to the hearing.

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

Leslie Klein

Pro Se

**Movant(s):**

Bradley D. Sharp (TR)

Represented By  
Jeffrey W Dulberg  
Jeffrey N Pomerantz  
John W Lucas  
Jeffrey P Nolan  
Pachulski Stang Ziehl & Jones LLP

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
Jeffrey W Dulberg  
Jeffrey N Pomerantz  
John W Lucas  
Jeffrey P Nolan

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**CONT...**

**Leslie Klein**

**Chapter 11**

Pachulski Stang Ziehl & Jones LLP



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2:00 PM

**2:23-10990 Leslie Klein**

**Chapter 11**

**#6.00** Hrg re: Motion of Chapter 11 Trustee for Order Approving  
Settlement Between the Trustee and Erica Vago and  
Joseph Vago Pursuant to Bankruptcy Rule 9019

Docket 961

**Tentative Ruling:**

**Revised Tentative Ruling for 4/8/25:**

Please see the tentative ruling for the status conference (Calendar No. 7, 4/8/25 at 2:00 p.m.).

**Tentative Ruling for 4/8/25:**

This Court anticipates posting a tentative ruling prior to the hearing.

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

**Debtor(s):**

Leslie Klein

Pro Se

**Movant(s):**

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

**#7.00 Status Conference re: Chapter 11 case**

Docket 1

**Tentative Ruling:**

**Revised Tentative Ruling for 4/8/25:**

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

(a) Trustee's motion for order enforcing the automatic stay and for sanctions (dkt. 969, "Stay Violation Motion"), Application for hearing on shortened time (dkt. 970), Proof of service (dkt. 971), Order granting application (dkt. 972, "OST"), Notice of Sanctions Motion (dkt. 974), Proof of service of OST (dkt. 975 & 976), Response of Life Capital Group, LLC (dkt. 992), Opposition of Debtor, Leslie Klein & Associates, Inc. ("LKA"), EKLK Foundation ("EKLK"), and Daniel A. Crawford, Esq. ("Responding Parties") (dkt. 997), Trustee's reply (dkt. 999)

Grant the Stay Violation Motion for reasons to be stated by this Court on the record.

(b) Trustee's motion to enforce order to restore possession of June St. Property (dkt. 962, "Second Turnover Motion"), Proof of service (dkt. 963), Stipulation to extend response deadline (dkt. 1004) & order thereon (dkt. 1006), Opposition (dkt. 1005), Trustee's reply (dkt. 1009)

Grant the Second Turnover Motion for the reasons stated in the motion and reply papers. As Trustee highlights, although the (x) Order granting Trustee's motion for summary judgment (Adv. No. 2:24-ap-01140-NB, dkt. 62) and (y) Order granting Trustee's first turnover motion (dkt. 923) have been

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**Leslie Klein**

**Chapter 11**

appealed (see Adv. No. 2:24-ap-01140-NB, dkt. 67 & dkt. 938), the affected parties have not sought to stay those orders, so the tentative ruling is that this Court retains jurisdiction to implement and enforce those orders. See *In re Padilla*, 222 F.3d 1184 (9th Cir. 2000) ("Absent a stay or supersedeas, the ... court also retains jurisdiction to implement or enforce the judgment or order but may not alter or expand upon the judgment").

Trustee is directed to modify the proposed order attached as Exhibit H to the motion (dkt. 962, Pdf pp. 245-247) to include the language set forth in LBR 7064-1(e) prior to lodging a proposed order via LOU.

(c) LKA's Ex Parte Motion to Continue Hearing on Vago Settlement Motion (dkt. 1003, "Ex Parte Motion to Continue"), Oppositions of Trustee (dkt. 1010) and Erica and Joseph Vago (dkt. 1011)

Deny the Ex Parte Motion to Continue (x) because it is procedurally improper because although LKA purported to self-calendar this matter for today, it did not comply with the applicable LBRs for seeking a hearing on an emergency basis or on shortened time (LBR 9075-1(a)&(b)), and (y) for the reasons stated in the opposition papers.

(d) Trustee's motion to approve settlement with Erica and Joseph Vago pursuant to Rule 9019 (Fed. R. Bankr. P.) (dkt. 961, "Settlement Motion"), Joinder of Erica and Joseph Vago ("Vagos") (dkt. 964), Opposition of LKA (dkt. 980), Trustee's reply (dkt. 991), Reply of Vagos (dkt. 998)

Grant the Settlement Motion as follows.

First, on the issue of standing, this Court cannot presume that LKA lacks standing because, as a co-judgment debtor, it appears that any settlement that reduces Debtor's liability might shift the burden of the judgment to LKA so it might have an injury in fact sufficient to give it standing to object to the proposed settlement. Although Trustee asserts that LKA is "essentially" an alter ego of Debtor (Reply, dkt. 999, p. 2:7-8), Trustee does not point to any judicial determination of alter ego status.

Nevertheless, on the merits, the tentative ruling is to overrule the LKA opposition and grant the Settlement Motion for all of the other reasons stated in the motion and reply papers and because, on this record, LKA has not established that the proposed settlement falls below the lowest point of reasonableness. See e.g., *In re McClure*, 2018 Bankr. LEXIS 3271, at \*40

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**Leslie Klein**

**Chapter 11**

(Bankr. C.D. Cal. 2018) (Mund, J.) ("The Court is not required to hold a full evidentiary hearing or a mini-trial before it can approve a compromise. The Court need only canvas the issues to see if the settlement falls below the lowest point of reasonableness").

(e) Adversary proceeding status conferences for Adv. Nos. 2:23-ap-01150-NB (Vago et al. v. Klein), 2:23-ap-01152-NB (Menlo, co-trustee of Frank Menlo Irrevocable Trust established March 1, 1983 v. Klein), 2:23-ap-01153-NB (Mermelstein v. Klein), 2:23-ap-01167-NB (Sharp v. Klein et al.), 2:23-ap-01169-NB (Berger v. Klein), 2:24-ap-01140-NB (Sharp v. Klein et al.) and 2:25-ap-01020-NB (Sharp v. Life Capital Group, LLC et al.)

Please see the tentative rulings for calendar nos. 8-14 on today's 2:00 p.m. calendar.

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

(2) Dates/procedures. This case was filed on 2/22/23 as a Subchapter V case. The petition was amended to remove the Subchapter V election and proceed as a chapter 11 case on 3/8/23. See dkt. 33, 37 & 43. On 5/17/23 this Court directed the appointment of a chapter 11 trustee (dkt. 142) and on 5/24/23 the U.S. Trustee appointed Bradley D. Sharp as trustee. Dkt. 151, 154, 155 & 156.

(a) Bar date: 5/3/23 (see dkts. 10, 12 & 18)

(b) Procedures Order: dkt. 950 (timely served, dkt. 953)

(c) Plan/Disclosure Statement: file by 7/15/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 4/22/25 at 1:00 p.m., concurrent with other matters. No written status report is required.

**Tentative Ruling for 4/8/25:**

This Court anticipates posting a tentative ruling prior to the hearing.

<b>Party Information</b>
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**CONT... Leslie Klein**

**Chapter 11**

**Debtor(s):**

Leslie Klein

Pro Se

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:23-01150 Vago et al v. Klein

**#8.00** Status conference re: Complaint to determine the nondischargeability of certain debts pursuant to 11 U.S.C. section 523 and to deny discharge pursuant to section 727 (A)(12)

Docket 51

**Tentative Ruling:**

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 53). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 53) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

**(2) Standard requirements**

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

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

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 53, p. 4)

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**Chapter 11**

**(b) Mediation**

The tentative ruling is not to order mediation at this time. This Court recognizes that Defendant/Debtor expressed his interest in mediation as of the filing of the latest status report (adv. dkt. 53) on 3/25/25. But, this Court understands that the parties already participated in mediation and did not reach any settlement so it appears that ordering Plaintiffs to mediation likely would be a waste of time and money.

**(c) Deadlines**

This adversary proceeding has been pending since 5/10/23.

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

Joinder of parties/amendment of pleadings-deadline: TBD

Discovery cutoff (for completion of discovery): TBD

Expert(s) - deadline for reports: TBD

Expert(s) - discovery cutoff (if different from above): TBD

Dispositive motions to be heard no later than: TBD

**Joint Status Report: 7/1/25**

**Continued status conference: 7/15/25 at 2:00 p.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

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

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Leslie Klein

Pro Se

**Plaintiff(s):**

Erica Vago

Represented By  
Brian A Procel

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**Chapter 11**

Joseph Vago

Robert P Goe  
Reem J Bello

Represented By  
Robert P Goe  
Reem J Bello

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
Jeffrey W Dulberg  
Jeffrey N Pomerantz  
John W Lucas  
Jeffrey P Nolan  
Pachulski Stang Ziehl & Jones LLP



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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:23-01152 Menlo, co-trustee of the Franklin Menlo Irrevocabl v. Klein

**#9.00** Status Conference re: Complaint for Nondischargeability of Debt,  
and Denial of Discharge Under Bankruptcy Code  
sections 523, 727

Docket 1

**Tentative Ruling:**

Continue the status conference as set forth below based on this Court's review of the parties' latest status reports (adv. dkt. 65, 66 & 67), and vacate the status conference presently scheduled for 5/6/25 at 1:00 p.m. (adv. dkt. 61).

Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed the parties' latest status reports (adv. dkt. 65, 66 & 67) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

**(2) Standard requirements**

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

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

Matters of venue, jurisdiction, and authority have been determined and/or

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**Chapter 11**

waived or forfeited (adv. dkt. 45, p. 4 & 65, p. 4)

**(b) Mediation**

The tentative ruling is not to order mediation at this time. This Court recognizes that Defendant/Debtor expressed his interest in mediation as of the filing of the latest status report (adv. dkt. 65) on 3/31/25. But, Plaintiff obtained entry of default against Defendant (adv. dkt. 19), Judge Klein denied Defendant/Debtor's motion to set aside default (adv. dkt. 34), and Defendant/Debtor's appeal of that order was not successful (adv. dkt. 59). Accordingly, it appears that ordering Plaintiff to mediation likely would be a waste of time and money.

**(c) Deadlines**

This adversary proceeding has been pending since 5/11/23.

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

**Unilateral Status Report from Plaintiff: 9/9/25**

**Continued status conference: 9/23/25 at 2:00 p.m.**

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

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Leslie Klein

Pro Se

**Plaintiff(s):**

Franklin Menlo, co-trustee of the

Represented By  
Paul P Young  
Nikko Salvatore Stevens  
Armen Manasserian

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By

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**Leslie Klein**

**Chapter 11**

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:23-01153 Mermelstein v. Klein

- #10.00** Status conference re: Complaint for nondischargability of debt pursuant to 11 USC section 523(a)(2)(A), 11 USC section 523(a)(4), & 11 USC section 523(a)(6); & for denial of discharge pursuant to 11 USC section 727(a)(2)(A); 11 USC section 727(a)(2)(B); 11 USC section 727(a)(3); 11 USC section 727(a)(4); 11 USC section 727(a)(5)

Docket 1

**Tentative Ruling:**

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 102) and order this matter to mediation as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 102) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

**(2) Standard requirements**

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

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**CONT...**

**Leslie Klein**

**Chapter 11**

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 102, p. 4)

(b) Mediation

Both parties have indicated that they want this matter sent to mediation (adv. dkt. 102, p. 3), so the tentative ruling is to set a **deadline of 4/22/25** 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 5/12/23.

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

**Joint Status Report: 7/1/25**

**Continued status conference: 7/15/25 at 2:00 p.m.**

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

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Leslie Klein

Represented By  
Eric J Olson

**Plaintiff(s):**

Robert & Esther Mermelstein

Represented By  
Baruch C Cohen

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**CONT... Leslie Klein**

**Chapter 11**

**Trustee(s):**

Bradley D. Sharp (TR)

**Represented By**

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:23-01167 Sharp v. Klein et al

**#11.00** Status conference re: Complaint for avoidance  
and recovery of fraudulent transfer

Docket 1

**Tentative Ruling:**

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 133). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 133) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 133, p. 4)

(b) Mediation

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**CONT...**

**Leslie Klein**

**Chapter 11**

The tentative ruling is not to order the parties to mediation at this time. This Court recognizes that Defendants expressed their interest in this matter being ordered to formal mediation as of the filing of the latest status report (adv. dkt. 133) on 3/25/25. But, in view of (x) Judge Klein's orders granting Plaintiff/Trustee's motion for summary judgment (adv. dkt. 112) and denying Defendant's cross-motion for summary judgment (adv. dkt. 113), (y) the pending appeals of those orders, and (z) Plaintiff/Trustee's stated desire for this Court not to order the parties to mediation at this time, it appears that mediation likely would be a waste of time and money.

(c) Deadlines

This adversary proceeding has been pending since 6/6/23.

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

**Joint Status Report: 7/1/25**

**Continued status conference: 7/15/25 at 2:00 p.m.**

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

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Kenneth Klein

Represented By  
Simon Aron

Shoshana Shrifa Klein

Represented By  
Simon Aron

Kenneth Kolev Klein

Pro Se

**Plaintiff(s):**

Bradley D. Sharp

Represented By  
Jeffrey W Dulberg  
Jeffrey P Nolan



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**CONT... Leslie Klein**

**Chapter 11**

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:23-01169 Berger v. Klein

- #12.00** Status conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C. section 523(a)(2)(A), U.S.C. section 523(a)(4), & 11 U.S.C. section 523(a)(6); & for denial of discharge pursuant to 11 U.S.C. section 727(a)(2)(A); 11 U.S.C. section 727(a)(2)(B); 11 U.S.C. section 727(a)(3); 11 U.S.C. section 727(a)(4); 11 U.S.C. section 727(a)(5)

Docket 1

**Tentative Ruling:**

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 99) and order this matter to mediation as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 99) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

**(2) Standard requirements**

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

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**CONT...**

**Leslie Klein**

**Chapter 11**

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 99, p. 4)

(b) Mediation

Both parties have indicated that they want this matter sent to mediation (adv. dkt. 99, p. 3), so the tentative ruling is to set a **deadline of 4/22/25** 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 6/9/23.

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

**Joint Status Report: 7/1/25**

**Continued status conference: 7/15/25 at 2:00 p.m.**

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

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Leslie Klein

Represented By  
Eric J Olson

**Plaintiff(s):**

David Berger

Represented By  
Baruch C Cohen

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**CONT... Leslie Klein**

**Chapter 11**

**Trustee(s):**

Bradley D. Sharp (TR)

**Represented By**

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:24-01140 Sharp, Chapter 11 Trustee v. Klein et al

**#13.00** Status conference re: Complaint for quiet title and avoidance of unrecorded interests in real property located at 322 N. June St., Los Angeles California

Docket 1

**Tentative Ruling:**

Continue as set forth below based on this Court's review of Plaintiff/Trustee's latest status report (adv. dkt. 89). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed Plaintiff/Trustee's latest status report (adv. dkt. 89) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

**(2) Standard requirements**

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

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

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 23, p. 5)

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**Leslie Klein**

**Chapter 11**

(b) Mediation

[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 5/23/24.

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

**Joint Status Report: 7/1/25**

**Continued status conference: 7/15/25 at 2:00 p.m.**

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

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Leslie Klein

Represented By  
Eric J Olson

The Second Amended Klein Living

Represented By  
Eric J Olson

The Marital Deduction Trust of

Represented By  
Eric J Olson

Barbara Klein

Represented By  
Eric J Olson

The Survivor's Trust of Leslie Klein

Represented By  
Eric J Olson

Kenneth Klein

Represented By  
Simon Aron

**Plaintiff(s):**

Bradley D. Sharp, Chapter 11

Represented By  
John W Lucas  
Jeffrey W Dulberg

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**Chapter 11**

Jeffrey P Nolan

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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**2:23-10990 Leslie Klein**

**Chapter 11**

Adv#: 2:25-01020 Sharp v. Life Capital Group, LLC et al

- #14.00** Status conference re: Complaint (1) Constructive fraudulent transfer; (2) Constructive fraudulent transfer; (3) Recovery of constructive fraudulent transfers; (4) Accounting; (5) Breach of contract; (6) Injunction; (7) Avoidance of preference- Rechnitz; (8) Recovery of preference-Rechnitz; (9) Avoidance of preference-Y.Rechnitz; (10) Recovery of preference-Y. Rechnitz; (11) Avoidance of preference - Manela; (12) Recovery of preference - Manela

Docket 1

**Tentative Ruling:**

Continue as set forth below, with a caution to the parties that failure to file joint and/or unilateral status reports in future may result in the imposition of sanctions or other adverse consequences. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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

**(1) Current issues**

This Court has reviewed the documents and records filed in this adversary proceeding and has no issues to raise *sua sponte* at this time, beyond the admonishment stated above about the parties about their failure to comply with this Court's order (adv. dkt. 31) directing them to file a status report in advance of this status conference.

**(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



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CONT... Leslie Klein  
conference.)

**Chapter 11**

(a) Venue/jurisdiction/authority

The tentative ruling is that venue is proper and this Court has jurisdiction. But Defendants have previously indicated that they do not consent to this Court's authority to enter a final order or judgment (adv. dkt. 25, p. 9), so the tentative ruling is that this Court must issue proposed findings of fact and conclusions of law unless an exception applies, such as for dispositive motions that do not require factual findings (e.g., motions to dismiss and/or motions for summary judgment). See *In re AWTR Liquidation, Inc.*, 547 B.R. 831 (Bankr. C.D. Cal. 2016).

(b) Mediation

[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 1/23/25.

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

Joinder of parties/amendment of pleadings-deadline: TBD

Discovery cutoff (for completion of discovery): TBD

Expert(s) - deadline for reports: TBD

Expert(s) - discovery cutoff (if different from above): TBD

Dispositive motions to be heard no later than: TBD

Joint Status Report: N/A

Continued status conference: **5/6/25 at 1:00 p.m., concurrent with the hearings on Defendants' motion to compel arbitration**

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

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**Chapter 11**

**Party Information**

**Debtor(s):**

Leslie Klein

Pro Se

**Defendant(s):**

Life Capital Group, LLC

Represented By  
Michael G D'Alba

Shlomo Y. Rechnitz

Represented By  
Matthew A Lesnick

Yisroel Zev Rechnitz

Represented By  
Matthew A Lesnick

Chaim Manela

Represented By  
Matthew D. Resnik

Jonathan Polter

Represented By  
Michael G D'Alba

Security Life Of Denver Life

Pro Se

**Plaintiff(s):**

Bradley D. Sharp

Represented By  
John W Lucas  
Jeffrey W Dulberg

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
Jeffrey W Dulberg  
Jeffrey N Pomerantz  
John W Lucas  
Jeffrey P Nolan  
Pachulski Stang Ziehl & Jones LLP