

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

9:00 AM  
**2:00-000000**

**Chapter**

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

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

Meeting ID: 161 739 7519

Password: 495983

Meeting URL: <https://cacb.zoomgov.com/j/1617397519>

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

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

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

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

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

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

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**Chapter**

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.

**NOTE:** For purposes of the deadline to notify opposing counsel/parties of an intent to contest tentative rulings (1/2 the time between the time of posting and the hearing time), all Tentative Rulings except for Calendar Nos. 23–26 on the 2:00 p.m. calendar (*In re Dedication & Everlasting Love to Animals*) were first posted shortly before:

4:36 p.m. on 5/16/25.

The *In re Dedication & Everlasting Love to Animals* tentative rulings were posted at the time noted on the automatic time stamp below.

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
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10:00 AM

**2:24-15685 Guadalupe Becerra**

**Chapter 13**

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

WELLS FARGO BANK, N.A.  
vs  
DEBTOR

Docket 63

**Tentative Ruling:**

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the matter(s) addressed here 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

Although not raised in the motion papers, the tentative ruling is to grant the motion under 11 U.S.C. 362(c)(3) and (j) on the grounds that as of the date of this hearing there is no automatic stay because (a) Debtor's prior case (#2:23-bk-15595-NB) was dismissed (on 6/10/24) within one year before this case was filed (on 7/18/24), (b) that dismissal was not under 11 U.S.C.

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**CONT...**

**Guadalupe Becerra**

**Chapter 13**

707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to Debtor *in personam* and as to property of Debtor. See *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

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

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

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**CONT...**

**Guadalupe Becerra**

**Chapter 13**

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):**

Guadalupe Becerra

Represented By  
Kevin Tang

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Fanny Zhang Wan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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**2:24-17000 Jova Mancia**

**Chapter 13**

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

U.S. BANK TRUST NATIONAL ASSOC  
vs  
DEBTOR

Docket 40

**Tentative Ruling:**

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the matter(s) addressed here 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

Deny the request to waive the 14-day stay provided by FRBP 4001(a)

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**CONT... Jova Mancia**

**Chapter 13**

(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):**

Jova Mancia

Represented By  
Raymond Perez

**Movant(s):**

US Bank Trust National Association,

Represented By  
Kirsten Martinez

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:25-13029 Cynthia Ann Brown**

**Chapter 13**

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

BIG PANDA INVESTMENT LLC  
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 matter(s) addressed here 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

Although not raised in the motion papers, the tentative ruling is to grant the motion under 11 U.S.C. 362(c)(3) and (j) on the grounds that as of the date of this hearing there is no automatic stay because (a) Debtor's prior case (#2:24-bk-17194-SK) was dismissed (on 9/24/24) within one year before this case was filed (on 4/14/25), (b) that dismissal was not under 11 U.S.C.



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**CONT... Cynthia Ann Brown**

**Chapter 13**

707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to Debtor *in personam* and as to property of Debtor. See *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

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

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

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**CONT...**

**Cynthia Ann Brown**

**Chapter 13**

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

Retroactive relief

Grant the request for retroactive annulment of the stay. See *In re Nat'l Enviro. Waste Corp.*, 129 F.3d 1052, 1054-56 (9th Cir. 1997); *In re Fjeldsted*, 293 B.R. 12 (9th Cir. BAP 2003); and see also *In re Merriman*, 616 B.R. 381, 389-90 & n. 6 and 391-95 (9th Cir. BAP 2020) (retroactive relief is permissible, and Fjeldsted factors should not be applied mechanically); *In re Williams*, 323 B.R. 691, 697-702 (9th Cir. BAP 2005) (various issues involving annulment, and application of *Fjeldsted*), *aff'd*, 204 Fed.Appx. 582 (9th Cir. 2006), *overruled on other issues*, *In re Perl*, 811 F.3d 1120 (9th Cir. 2016) (scope of automatic stay).

Relief notwithstanding future bankruptcy cases

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

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

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

Note: Per the Posted Procedures of Judge Bason (available at [www.cacb.uscourts.gov](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 delay, hinder, or 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

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**CONT...** Cynthia Ann Brown  
sufficient evidence and notice.

**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>
--------------------------

**Debtor(s):**

Cynthia Ann Brown

Pro Se

**Movant(s):**

Big Panda Investment LLC

Represented By  
Shun C Chen

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

10:00 AM

**2:24-18036 Vera Tretoshka Kearns**

**Chapter 13**

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

SCHOOLSFIRST FEDERAL CREDIT UNION  
vs  
DEBTOR

Docket 29

**Tentative Ruling:**

Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the matter(s) addressed here 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

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

**United States Bankruptcy Court  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

10:00 AM

**CONT...** Vera Tretoshka Kearns  
(3).

**Chapter 13**

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):**

Vera Tretoshka Kearns

Represented By  
H. Jasmine Papian

**Movant(s):**

SchoolsFirst Federal Credit Union

Represented By  
Paul V Reza

**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

**2:25-11450 Paula W Sanchez**

**Chapter 7**

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

NISSAN MOTOR ACCEPTANCE COMPANY  
vs  
DEBTOR

Docket 10

**Tentative Ruling:**

Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the matter(s) addressed here 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).

Effective date of relief

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

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

10:00 AM

**CONT...**      **Paula W Sanchez**  
(3).

**Chapter 7**

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):**

Paula W Sanchez

Represented By  
William W Tiffany

**Movant(s):**

Nissan Motor Acceptance Company

Represented By  
Kirsten Martinez

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

10:00 AM

**2:25-11877 Jasmine Nacole Crawford**

**Chapter 7**

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

WELLS FARGO BANK, NA.  
vs  
DEBTOR

Docket 8

**Tentative Ruling:**

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the matter(s) addressed here 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

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



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**CONT...**      **Jasmine Nacole Crawford**  
(3).

**Chapter 7**

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):**

Jasmine Nacole Crawford

Represented By  
Paul C Nguyen

**Movant(s):**

Wells Fargo Bank, N.A., dba Wells

Represented By  
Kirsten Martinez

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

10:00 AM

**2:25-12199 Miguel Angel Alvarez**

**Chapter 7**

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

TOYOTA LEASE TRUST  
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 matter(s) addressed here 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).

Effective date of relief

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

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**CONT...** Miguel Angel Alvarez  
(3).

**Chapter 7**

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):**

Miguel Angel Alvarez

Represented By  
Juan Castillo-Onofre

**Movant(s):**

Toyota Lease Trust as serviced by

Represented By  
Kirsten Martinez

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

10:00 AM

**2:25-13659 Loan Thi Thai**

**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 9

**Tentative Ruling:**

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

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

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

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

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**CONT...**

**Loan Thi Thai**

**Chapter 13**

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

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

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

**Debtor(s):**

Loan Thi Thai

Represented By  
Tyson Takeuchi

**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, May 20, 2025**

**Hearing Room 1545**

10:00 AM

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

**Chapter 13**

**#9.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/7/25, 2/25/25, 4/8/25

DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS  
DEBTOR

Docket 114

**\*\*\* VACATED \*\*\* REASON: Continued to 7/8/25 at 10:00 a.m. per  
stipulation (dkt. 138) and order thereon**

**Tentative Ruling:**

<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

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

10:00 AM

**2:25-13048 RD William Whittington**

**Chapter 7**

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

HFC ACCEPTANCE, LLC  
vs  
DEBTOR

Docket 29

**Tentative Ruling:**

Appearances required. The tentative ruling is that the parties should address the adequacy of service and if this Court is persuaded that service was proper, and subject to any timely opposition from Debtor, the Chapter 7 Trustee or other party in interest pursuant to this Court's order shortening time (dkt. 31, the "OST"), the tentative ruling is to grant the motion for relief from the automatic stay (dkt. 29, the "R/S Motion") in part and deny in part as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the matter(s) addressed here 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; but this Court has reviewed the proof of service, dkt. 33, per the OST and anticipates addressing service with the parties at the hearing).

Termination

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
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10:00 AM

**CONT...**

**RD William Whittington**

**Chapter 7**

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).

Relief notwithstanding *future* bankruptcy cases

Because the allegations and evidence of unauthorized transfers of leased vehicles is comparable to the unauthorized transfers of interests in real property referenced in 11 U.S.C. 362(d)(4), and because of the allegations and evidence that the filing of the bankruptcy petition in this case was part of a scheme to hinder, delay, or defraud creditors just as in section 362(d)(4), and subject (again) to any timely opposition per the OST, the tentative ruling is to 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.

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



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**CONT... RD William Whittington**

**Chapter 7**

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):**

RD William Whittington

Represented By  
Matthew D. Resnik

**Movant(s):**

HFC Acceptance, LLC d/b/a

Represented By  
Brian J. Hembd

**Trustee(s):**

John P Pringle (TR)

Pro Se

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

11:00 AM

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

**Chapter 7**

**#1.00** Hrg re: Trustee's final report and account;  
Application for fees and expenses  
[Howard M Ehrenberg, Chapter 7 Trustee]

Docket 153

**Tentative Ruling:**

Approve the final report and allow \$31,452.02 in fees and \$52.05 in expenses, for a total award of \$31,504.07, and authorize and direct payment of the full amounts allowed. 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):**

Samini Cohen Spanos LLP

Represented By  
Robert P Goe

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Daniel A Lev  
Steve Burnell

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

**Tuesday, May 20, 2025**

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11:00 AM

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

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, May 20, 2025**

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11:00 AM

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

**Chapter 7**

**#2.00** Hrg re: First And Final Fee Application of The  
Chapter 7 trustee's general bankruptcy counsel  
[Greenspoon Marder LLP]

Docket 144

**Tentative Ruling:**

Allow \$72,567.50 in fees and \$371.77 in expenses, for a total award of \$72,939.27, and authorize and direct payment of the full amounts allowed. 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: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

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

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):**

Samini Cohen Spanos LLP

Represented By  
Robert P Goe

**Movant(s):**

Greenspoon Marder LLP

Represented By  
Steve Burnell

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

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

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Daniel A Lev  
Steve Burnell

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

11:00 AM

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

**Chapter 7**

**#3.00** Hrg re: First And Final Fee Application Of The Chapter 7  
Trustees Prior General Bankruptcy Counsel, SulmeyerKupetz,  
A Professional Corporation

Docket 141

**Tentative Ruling:**

Allow \$83,036.00 in fees and \$647.37 in expenses, for a total award of \$83,683.37, and authorize and direct payment of the full amounts allowed. 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: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

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

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):**

Samini Cohen Spanos LLP

Represented By  
Robert P Goe

**Movant(s):**

SulmeyerKupetz

Represented By  
Steve Burnell

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

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

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Daniel A Lev  
Steve Burnell

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

11:00 AM

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

**Chapter 7**

**#4.00** Hrg re: First and Final Application for Compensation and Reimbursement of Expenses of Grobstein Teeple LLP as Accountants for the Chapter 7 Trustee

Docket 146

**Tentative Ruling:**

Allow \$25,811.00 in fees and \$437.36 in expenses, for a total award of \$26,248.36, and authorize and direct payment of the full amounts allowed. 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: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

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

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):**

Samini Cohen Spanos LLP

Represented By  
Robert P Goe

**Movant(s):**

Grobstein Teeple LLP

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By



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

**Chapter 7**

Daniel A Lev  
Steve Burnell

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

11:00 AM

**2:25-12001 Pacific Art Publishing LLC**

**Chapter 7**

**#5.00 Status conference re: Chapter 7 Involuntary Petition**

Docket 1

**Tentative Ruling:**

Appearances required by counsel for the petitioning creditor and for the alleged debtor. The tentative ruling is to order mandatory mediation, with a **deadline of 6/3/25** to lodge proposed mediation order(s) on the mandatory local form, and meanwhile to continue this Status Conference to 6/17/25 at 11:00 a.m. (with no written status report required). This Court anticipates that the Status Conference might be continued again, with no appearances required, unless the docket reveals matters that this Court needs to address.

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: Involuntary petition (dkt. 1); Answer (dkt. 7).

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

**Debtor(s):**

Pacific Art Publishing LLC

Represented By  
Charles E Brumfield

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

11:00 AM

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

**Chapter 7**

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

**#6.00**      Hrg re: Plaintiff's Motion to Dismiss Adversary Proceeding With Prejudice  
Pursuant to Rule 7041 of Federal Rules of Bankruptcy Procedure

Docket      34

**Tentative Ruling:**

Please see the tentative ruling for calendar no. 7 (5/20/25 at 11:00 a.m.).

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

**Debtor(s):**

Marisol Osorio Barajas

Represented By  
Christopher J Lauria

**Defendant(s):**

Marisol Osorio Barajas

Represented By  
Christopher J Lauria

**Movant(s):**

Hovanes Margarian

Represented By  
Hovanes Margarian

**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, May 20, 2025**

**Hearing Room 1545**

11:00 AM

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

**Chapter 7**

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

**#7.00**      Cont'd 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)  
fr. 4/8/25

Docket      1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

(A) Grant the motion to dismiss the adversary proceeding (Adv. No. 2:24-ap-01180-NB, adv. dkt. 34); (B) direct Plaintiff/Movant to lodge a proposed order - a notice of lodgment was filed (adv. dkt. 35) but this Court's records do **not** reflect that an order was actually lodged; and (C) conclude this Status Conference (no continuances).

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.

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)).

Key documents reviewed (in addition to motion papers): [N/A no opposition on file.]

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

Appearances required. The parties have filed a stipulation (adv. dkt. 30) to

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Central District of California  
Los Angeles  
Neil Bason, Presiding  
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11:00 AM

**CONT... Marisol Osorio Barajas**

**Chapter 7**

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

**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, May 20, 2025**

**Hearing Room 1545**

11:00 AM

**2:22-13500 Moussa Moradieh Kashani**

**Chapter 7**

Adv#: 2:23-01425 Armon Funding, LLC et al v. Kashani

**#8.00** Cont'd hrg re: Plaintiff's Motion For Summary Judgment  
fr. 12/10/24, 1/28/25

Docket 34

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Please see the tentative ruling for the status conference (Calendar No. 9,  
5/20/25 at 11:00 a.m.).

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

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

**Debtor(s):**

Moussa Moradieh Kashani

Represented By  
Sandford L. Frey  
Robyn B Sokol

**Defendant(s):**

Moussa Moradieh Kashani

Pro Se

**Movant(s):**

Michael Fenig

Represented By  
Andrew Mase  
Matthew H. Aguirre

Philana Chen

Represented By  
Andrew Mase  
Matthew H. Aguirre

Elimor Goldwicht

Represented By  
Andrew Mase  
Matthew H. Aguirre

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

11:00 AM

**CONT... Moussa Moradieh Kashani**

**Chapter 7**

Rafael Ryzman

Represented By  
Andrew Mase  
Matthew H. Aguirre

Elie Ryzman

Represented By  
Andrew Mase  
Matthew H. Aguirre

RNGF Investments #1, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

Benson Capital Partners, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

The Ryzman Family Partnership

Represented By  
Andrew Mase  
Matthew H. Aguirre

Armon Funding, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

The Ryzman Foundation, Inc.

Represented By  
Andrew Mase  
Matthew H. Aguirre

**Plaintiff(s):**

Elie Ryzman

Represented By  
Andrew Mase  
Matthew H. Aguirre

Armon Funding, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

The Ryzman Family Partnership

Represented By  
Andrew Mase  
Matthew H. Aguirre

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

**Tuesday, May 20, 2025**

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11:00 AM

**CONT... Moussa Moradieh Kashani**

**Chapter 7**

Benson Capital Partners, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

RNGF Investments #1, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

The Ryzman Foundation, Inc.

Represented By  
Andrew Mase  
Matthew H. Aguirre

Rafael Ryzman

Represented By  
Andrew Mase  
Matthew H. Aguirre

Elimor Goldwicht

Represented By  
Andrew Mase  
Matthew H. Aguirre

Philana Chen

Represented By  
Andrew Mase  
Matthew H. Aguirre

Michael Fenig

Represented By  
Andrew Mase  
Matthew H. Aguirre

**Trustee(s):**

John P Pringle (TR)

Represented By  
Toan B Chung



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

11:00 AM

**2:22-13500 Moussa Moradieh Kashani**

**Chapter 7**

Adv#: 2:23-01425 Armon Funding, LLC et al v. Kashani

**#9.00** Cont'd Status Conference re: Complaint to  
Determine Dischargeability of Debt  
fr. 11/28/23, 01/23/24, 04/09/24, 5/14/24, 7/16/24,  
8/6/24, 9/10/24, 12/10/24, 1/28/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Continue as set forth below. Appearances are not required on 5/20/25.

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

(1) Current issues

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

(a) Order granting MSJ in part and continuing hearing as to damages (adv. dkt. 54); Plaintiff's Status Report (adv. dkt. 58)

At the hearing on 1/28/25, this Court granted Plaintiffs' MSJ as to nondischargeability under 11 U.S.C. 523(a)(2)(B) and, alternatively, 523(a)(2)(A), but continued this matter to today for purposes of determining the dollar amount, if any, of Plaintiff's damages. This Court contemplated that damages probably would be determined either by a sale of the Beverly Property to an unrelated third party or, alternatively, proceedings in the State Court.

Plaintiff's unilateral status report (adv. dkt. 58) states that the subject property is "being extensively repaired and rehabilitated, which is anticipated to take another 21-25 months to complete, before Plaintiffs will be in a position to market it for sale" (*id.*, p. 4), and Plaintiff requests a continuance of 12 months. The tentative ruling is that a shorter continuance is appropriate,

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as set forth below, because of the possibility that issues could arise that would be most efficiently handled at a status conference. But, if the docket does not reflect any matters that appear to need this Court's involvement, this Court anticipates that future status conferences will be continued again. Therefore, the parties should check the posted tentative rulings prior to each status conference to see if the tentative ruling is to continue the matter or, alternatively, to require appearances.

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.

**(2) Standard requirements**

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

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

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited. See *generally* Scheduling Order (adv. dkt. 21).

**(b) Mediation**

The tentative ruling is not to order mandatory mediation at this time.

**(c) Deadlines**

This adversary proceeding has been pending since 9/18/23. The current deadlines/dates are as set forth in this Court's scheduling orders (adv. dkt. 21 & 27), except as modified/supplemented below.

Joint Status Report: 9/9/25

Continued status conference: 9/23/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: [Probably mooted, unless the dollar amount of damages is not established by the sale of the property]

Pretrial conference: [Probably mooted]

Deliver trial exhibits to other parties and chambers, including direct

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testimony by declaration unless excused: [Probably mooted]

Trial commencement: [Probably mooted]

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

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

**Debtor(s):**

Moussa Moradieh Kashani

Represented By  
Sandford L. Frey  
Robyn B Sokol

**Defendant(s):**

Moussa Moradieh Kashani

Pro Se

**Plaintiff(s):**

Armon Funding, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

The Ryzman Family Partnership

Represented By  
Andrew Mase  
Matthew H. Aguirre

Benson Capital Partners, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

RNGF Investments #1, LLC

Represented By  
Andrew Mase  
Matthew H. Aguirre

The Ryzman Foundation, Inc.

Represented By  
Andrew Mase  
Matthew H. Aguirre

Rafael Ryzman

Represented By  
Andrew Mase  
Matthew H. Aguirre

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Elimor Goldwicht

Represented By  
Andrew Mase  
Matthew H. Aguirre

Philana Chen

Represented By  
Andrew Mase  
Matthew H. Aguirre

Michael Fenig

Represented By  
Andrew Mase  
Matthew H. Aguirre

Elie Ryzman

Represented By  
Andrew Mase  
Matthew H. Aguirre

**Trustee(s):**

John P Pringle (TR)

Represented By  
Toan B Chung

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

**Chapter 7**

**#10.00** Cont'd hrg re: To determine whether to issue order to show cause regarding alleged violation of the discharge injunction  
fr. 2/25/25, 4/8/25

Docket 127

**\*\*\* VACATED \*\*\* REASON: Continued to 7/15/25 at 11:00 a.m. per stipulation (dkt. 140) and order thereon.**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Howard Chorng Jeng Wu

Represented By  
Eric Bensamochan

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

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**2:24-17786 Marisela Montejo**

**Chapter 7**

**#11.00** Cont'd hrg re: Motion in individual chapter 11 case  
for order authorizing use of cash collateral  
fr. 12/10/24, 12/17/24, 2/11/25, 3/18/25

Docket 74

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Deny Debtor's motion for use of cash collateral as moot and superseded by Trustee's request for authority to use cash collateral (dkt. 130), which this Court orally granted at a hearing on 5/6/25 at 11:00 a.m. 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.

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

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

**Debtor(s):**

Marisela Montejo

Represented By  
Eric Bensamochan

**Movant(s):**

Marisela Montejo

Represented By  
Eric Bensamochan

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**Chapter 7**

**Trustee(s):**

Sam S Leslie (TR)

Represented By

Eric P Israel

John N Tedford IV

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

**Chapter 7**

**#12.00** Cont'd hrg re: Motion to Avoid Lien Personal Property Lien  
with Quantum3 Group LLC as agent for Aqua Finance Inc.  
fr. 04/08/25

Docket 28

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Deny the motion for the reasons set forth below. 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): Creditor's Opposition (dkt. 32–33, the "Opp."), Notice of hearing (dkt. 34), Debtor's Reply (dkt. 36).

**(1) Facts**

The following facts are not disputed. On 1/30/19 (prior to the petition date), Debtors executed a "Retail Installment Contract & Security Agreement" (dkt. 32, Ex. 1, the "Agreement") with Cielo Construction Company ("Cielo Construction"). The Agreement contains a provision under which Cielo Construction assigned all its rights therein to Aqua Finance, Inc. ("Creditor"). See Agreement (dkt. 32, PDF p. 3). Under the Agreement, Creditor loaned Debtors \$70,000.00 to finance a "kitchen refresh – no cabinets" and a "master bath & guest bath." See Agreement (under heading "Description of Goods or Services Purchased") (dkt. 32, Ex. 1 (PDF p. 2)). The Agreement provides:

You grant us a security interest in any goods you purchased ("Collateral") as well as all accessions to and proceeds of those



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goods. *Our security interest secures your performance of all obligations under this Contract* and any extensions, renewals or modifications of it. On our request, you will take any reasonable action to preserve the Collateral or our security interest in it. [Agreement para. b. (dkt. 32, PDF p. 3) (emphasis added).]

On 6/12/19 (prior to the petition date), Creditor recorded a financing statement with respect to the Agreement. Dkt. 32, PDF p. 4. The financing statement describes the collateral as "home improvement" and "kitchen/bath." Dkt. 32, PDF p. 4. On 3/19/24 (also prior to the petition date), Creditor recorded a fixture filing continuation statement. Dkt. 32, PDF pp. 6–9.

Debtors claim an exemption of \$3,000.00 in "household goods, furnishings and appliances" pursuant to Cal. Civ. Proc. Code 704.020. Schedule C (dkt. 15) ¶ 2 (PDF p. 15).

Debtors now move to avoid Creditor's security interest under 11 U.S.C. 522(f), on the ground that it is a "nonpossessory, nonpurchase-money" security interest that impairs their \$3,000.00 exemption in household goods, furnishings, and appliances. Creditor contends that avoidance under 11 U.S.C. 522(f) is not available to Debtors, because (A) the lien is a purchase-money lien and alternatively, (B) the lien is also a fixture lien attaching to the real property in which the improvements were installed, not just a lien on "household furnishings, household goods," and the other personal property identified in section 522(f)(1)(B)(i). See Opp. (dkt. 32) p. 2:25–3:26. Debtors' rejoinder is that "a primary portion of the debt was used for services [*i.e.*, remodeling Debtor's kitchen and bathroom] and therefore is not secured against the vague collateral language in the UCC Financing Statement." Reply (dkt. 36) p. 2:1–6 (emphasis added).

(2) Legal standard

Title 11 U.S.C. 522(f)(1) provides in relevant part:

- (1) Notwithstanding any waiver of exemptions but subject to paragraph (3), the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is –
  - (A) a judicial lien, other than a judicial lien that secures a debt of a kind that is specified in section 523(a)(5); or

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(B) a nonpossessory, ***nonpurchase-money*** security interest in any –

- (i) ***household furnishings, household goods***, wearing apparel, ***appliances***, books, animals, crops, musical instruments, or jewelry that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor;
- (ii) implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor; or
- (iii) professionally prescribed health aids for the debtor or a dependent of the debtor. [11 U.S.C. 522(f)(1) (emphasis added).]

**(3) Merits**

The tentative ruling is that Debtors are not entitled to avoid Creditor's security interest under 11 U.S.C. 522(f). Debtors do not dispute that Creditor holds a purchase money security interest in at least some portion of the home improvements that Creditor financed. See Opp. (dkt. 36) p. 1:19–21, 2:4–6, & 2:11–13 ("[T]he dispute is about what collateral is pledged, the value of that pledged collateral and what part of Creditor's claim is a PMSI lien and which is not.... Debtors dispute that it was entirely a PMSI lien but [was] instead a nonpossessory, non-purchase-money security interest in household good[s], furnishing that are held for their personal and family's use.... Debtors concede the Creditor's claim is secured but dispute the dollar amount that it is secured versus the dollar amount that should be avoided under Section 522(f)."). (Emphasis added.)

Debtors assert that a portion of Creditor's claim is attributable to the labor that was required to install the improvements at the property, and that this aspect of the claim does not qualify as a purchase money security interest. But Debtors cite no legal authority in support of this theory, either under California law or under section 522(f).

Analogous authority suggests that for purposes of section 522(f), a purchase money security interest applies to obligations attributable to both the physical home improvements and the labor required to install those improvements. In *In re Cukierman*, 265 F.3d 846 (9th Cir. 2001), the Court of Appeals for the Ninth Circuit determined that all obligations of a debtor under an unrejected nonresidential real property lease were entitled to

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administrative priority under 11 U.S.C. 365(d)(3). *Cukierman* involved a lease that had been structured both to facilitate a debtor's use of the leased premises and as a vehicle for that debtor to repay unrelated obligations. *Cukierman*, 265 F.3d 846, 850. The *Cukierman* court held that for purposes of establishing the amount of the 365(d)(3) administrative priority claim, it was not appropriate to distinguish between the payment amount attributable to the use of the premises versus the payment amount attributable to satisfaction of the unrelated obligation. *Cukierman*, 265 F.3d 846, 851. Making such a distinction, the court reasoned, would likely create disputes that would frustrate the purpose of section 365(d)(3). *Cukierman*, 265 F.3d 846, 851.

The tentative ruling is that *Cukierman*'s reasoning is equally applicable to the issue here. That is, it is not appropriate for this Court to attempt to distinguish between the the amount of the purchase money security interest attributable to the cost of the physical home improvements versus the amount attributable to the cost of the labor to install those home improvements. The tentative ruling is that by analogy to *Cukierman*, making such distinctions would frustrate the implementation of section 522(f) (assuming without deciding that California law would not treat the whole debt as a purchase-money security interest).

In addition and in the alternative, the tentative ruling is that even if Debtors had made a showing that the security interest is not a purchase money security interest under California law and section 522(f) (no such showing has been made), Debtors would still not be entitled to relief under 11 U.S.C. 522(f), because Creditor's security interest apparently attached to toilets, sinks, and the like that became fixtures, and therefore are not the type of personal property that come within section 522(f)(1)(B)(i) - "household furnishings, household goods, wearing apparel, appliances," etc. This Court notes that both parties fail to specify what exact goods and services were involved, but the tentative ruling is that it is Debtors' burden to establish avoidability under section 522(f) so the lack of detail cuts against Debtors.

**(4) Conclusion**

Based upon the foregoing, the tentative ruling is to deny Debtors' lien avoidance motion (dkt. 28).

Proposed order(s): Unless otherwise ordered, Creditor is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7

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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):**

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

**Chapter 7**

**#13.00** Cont'd hrg re: Debtor's Motion to vacate  
or revoke the automatic discharge  
fr. 4/8/25, 5/6/25

Docket 40

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Appearances required.

At the hearing on 5/6/25 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 5/6/25:**

Appearances required.

At the hearing on 4/8/25 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 4/8/25:**

Conditionally grant the motion, subject to (x) Debtor addressing the feasibility

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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 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

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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 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 whcih 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



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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.

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



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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**

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**#14.00** Cont'd hrg re: Motion to Convert Case From Chapter 7 to 13  
fr. 3/18/25, 4/8/25, 5/6/25

Docket 33

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Appearances required.

At the hearing on 5/6/25 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 5/6/25:**

Appearances required.

At the hearing on 4/8/25 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 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

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**CONT... Daisy Noemi Benitez**

**Chapter 7**

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

**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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**2:24-14529 Katja Van Herle**

**Chapter 11**

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

Docket 1

**Tentative Ruling:**

Continue this Status Conference as set forth below, in view of Debtor's Status report (dkt. 155). 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.")

**(1) Current issues**

This Court has no issues to raise *sua sponte*.

**(2) Dates/procedures.** This case was filed on 6/7/24.

(a) Bar date: 2/7/25 (dkt. 135; timely served, dkt. 139).

(b) Procedures Order: dkt. 149 (timely served, dkt. 154).

(c) Plan/Disclosure Statement: TBD (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 7/8/25 at 1:00 p.m. No written status report is required.

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

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

Katja Van Herle

Represented By

Brian L. Davidoff

Keith Patrick Banner

Ira Steinberg

Cole F. Nicholas

Greenberg Glusker Fields Claman &

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**CONT... Katja Van Herle**

**Chapter 11**

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**2:25-12772 Yihe Forbes LLC**

**Chapter 11**

**#2.00** Hrg re: Application to Employ Richard T. Baum  
as Attorney for Debtor-in-Possession

Docket 19

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 3,  
5/20/25 at 1:00 p.m.).

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

Yihe Forbes LLC

Represented By  
Richard T Baum

**Movant(s):**

Yihe Forbes LLC

Represented By  
Richard T Baum

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**2:25-12772 Yihe Forbes LLC**

**Chapter 11**

**#3.00** Cont'd hrg re: Status Conference re: Chapter 11 Case  
fr. 05/06/25

Docket 1

**Tentative Ruling:**

Appearances required by counsel for Debtor and by Debtor's principal.

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 to employ Richard T. Baum as bankruptcy counsel (dkt. 19, "Employment Application"), Supplemental Baum declaration (dkt. 21), Objection of U.S. Trustee (dkt. 22), Notice of hearing (dkt. 25), Supplemental Baum declaration (dkt. 44)

The tentative ruling is to deny the Employment Application for the following reasons.

A debtor in possession may employ bankruptcy counsel, provided counsel "do[es] not hold or represent an interest adverse to the estate, and [is] disinterested ...." 11 U.S.C. 372(a). To serve as debtor's counsel, "counsel must be free of all conflicting interests that might impair the impartiality and neutral judgment that they are expected to exercise ... [and] the presence of an actual conflict of interest renders counsel ineligible and constitutes grounds for disqualification from further service." *See In re Sonicblue, Inc.*, 2007 Bankr. LEXIS 1057, at \*29-30 (Bankr. N.D. Cal. Mar. 26, 2007).

As the U.S. Trustee highlights (dkt. 22, pp. 2:27-3:3) the retainer agreement filed in support of the Employment Application reflects that Mr. Baum currently represents "Yihe Forbes, LLC; Yihe Cambridge Holdings Pty, Ltd; Yihe California Pty Ltd; [and] Ken Yike" (dkt. 19, Ex. 2, p. 1 (PDF p. 16)), all of whom Mr. Baum confirms are related entities (dkt. 44, p. 2:1-10). In

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response, Mr. Baum states that "other than the initial examination of tax returns and determination of venue, [he has] performed no services for Yihe California or Yihe Cambridge ... [and] does not believe there is a conflict of interest that bars his employment." Dkt. 44, p. 2:20-23. But the tentative ruling is that this is insufficient for each of the following alternative reasons.

(i) Inadequate initial disclosures

Mr. Baum does not address why he failed to prominently disclose his representation of related parties and/or insiders in the Employment Application. Not only is that required by the Code and Rules (see 11 U.S.C. 327 and Rule 2014, Fed. R. Bankr. P.), and standard practice, but it is highlighted in the posted "Procedures of Judge Bason" (the "Procedures") (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)). Inadequate disclosure is, by itself, grounds for denial of employment. See, e.g., *In re Park-Helena Corp.*, 63 F.3d 877 (9th Cir. 1995).

The disclosure requirements are even more rigorous when the source of a retainer is unknown or turns out to be a third party. Mr. Baum's supplemental declaration (dkt. 44, p. 2:11-20) discloses that Yihe Cambridge funded an \$80,214.00 retainer, which raises additional and serious ethical concerns, and which requires declarations providing comprehensive disclosures addressing the ethical issues as provided in the Procedures. See Cal. Rule of Prof'l Conduct 1.8.6; *In re 9469 Beverly Crest, LLC* (Case No. 2:19-bk-20000-NB, dkt.44).

(ii) Inadequate analysis in employment application

An attorney with Mr. Baum's level of experience and who regularly practices in Chapter 11 should know that simultaneous representation of related parties almost invariably gives rise to conflicts of interest. At the very least, such issues must be fully analyzed rather than summarily dismissed.

For example, it is exceptionally rare for a debtor's principal or sole stockholder (such as Mr. Yihe) not to have received some distributions in the months and years prior to the bankruptcy petition - whether in the form of salary, dividends, repayment of purported loans to the entity, or some other form of distribution - and the dollar amounts, characterization, timing, and other aspects of such distributions usually require at least some level of scrutiny. How can an attorney who represents both persons scrutinize and question one of them on behalf of the other?



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**Yihe Forbes LLC**

**Chapter 11**

Another example is that obligations of one person might be paid by its affiliate - which, it turns out, happened here with Mr. Baum's own retainer (as noted above). This type of affiliate transaction gives rise to at least potential conflicts that must be carefully analyzed.

(iii) Inadequate response to UST's objection

Mr. Baum's supplemental declaration (dkt. 44) states that he has performed no services for Yihe California or Yihe Cambridge, but he has not provided evidence that (x) they have released him from his agreement to represent them, or that he has been able to terminate that agreement unilaterally, (y) they have provided waivers of conflicts that might have arisen from his knowledge gained through his attorney-client relationship with them, and (z) he and they have done whatever else they might need to do in order for Mr. Baum to qualify for employment (e.g., refunds of attorney fees?). Moreover, Mr. Baum says nothing about whether he has terminated or will terminate his representation of Mr. Yihe, and obtain a conflict waiver from him.

Nor is Mr. Baum's declaration accompanied by a reply brief that analyzes whether, even if he were to go through the motions of belatedly doing the foregoing things, any of this would retroactively cure his prior noncompliance, or prospectively be consistent with his obligation to be "disinterested" and free of all interests that might impede his independent judgment and zealous representation of Debtor as a debtor in possession acting as a trustee for the benefit of creditors. The tentative ruling is that the lack of any such analysis is a waiver and forfeiture of any grounds to overcome the UST's objection.

(iv) Conclusion as to Baum employment

For all of the foregoing reasons, the tentative ruling is that Mr. Baum is disqualified from representing Debtor. Debtor is directed to address what arrangements Debtor will make to obtain new bankruptcy counsel.

Note: The Employment Application refers to employment of Mr. Baum "and any personnel who become affiliated with him (after approval by the court) ...." Dkt. 19, p. 7:25-26. For future reference (i.e., in future cases, or in this case if this Court is persuaded to depart from the foregoing tentative ruling), this Court presumes that

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this allusion to court approval means that Mr. Baum will not have any attorneys work on this case who are not "[r]egular associate[s]" within the meaning of Rule 9001(a)(10) (Fed. R. Bankr. P.), and whose resumes have been provided prior to any employment, unless and until (x) full disclosure using Local Form F 2014-1 and (y) supplemental approval by this Court. To be clear, this means that special attention must be paid to potential and actual conflicts arising from attorneys who work on a temporary basis, and might work for other firms and/or for themselves.

(b) Missing proof of service of Procedures Order

This Court's order setting principal status conference and setting various procedures (the "Procedures Order," dkt. 2) required Debtor to serve that order on all parties in interest and file a proof of service at least 14 days before the principal status conference. As of the preparation of this tentative ruling, no proof of service has been filed.

This Court notes that Debtor moved to continue the principal status conference (dkt. 5), and served the order (dkt. 8) granting that request (dkt. 9), but that is not the same thing as serving the Procedures Order itself, which contains more information/notice than the date of the principal status conference.

The tentative ruling is to set a **deadline of 5/22/25** for Debtor to file and serve a Notice, with a copy of the Procedures Order attached as an exhibit, informing all parties in interest that "Debtor failed to serve the Procedures Order on all parties in interest as directed by the Bankruptcy Court, which may have prejudiced some parties. The Bankruptcy Court has directed Debtor to serve this Notice, with a copy of the Procedures Order, on all parties in interest, both to inform all parties of the procedures in the Procedures Order and so that any party who was prejudiced by the lack of earlier service has an opportunity to seek any appropriate relief."

In addition, Debtor is cautioned that failure to comply with this Court's orders may result in adverse consequences.

(c) Budget motion

Debtor's status report (dkt. 26, p 3, para. 2) incorrectly states that the Procedures do not require a budget motion. In fact, the Procedures require a budget motion, unless that requirement is excused by this Court.

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**Yihe Forbes LLC**

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Notwithstanding the foregoing, the tentative ruling is to excuse the requirement for Debtor to file a budget motion because Debtor does not appear to be operating a business but instead owns four contiguous parcels of waterfront real property in Chelsea, Massachusetts that are subject to a State-Court receivership. See dkt. 19, p. 5:12-20.

Debtor's counsel is cautioned not to misstate this Court's Procedures in future.

(d) Compliance

Debtor's status report (dkt. 26, p. 2) states that Debtor has not complied with all applicable disclosure and compliance guidelines. Debtor is directed to address what, if any, compliance issues remain outstanding as of the date of this hearing.

(e) Application to employ real estate professional (dkt. 36-38)

This matter is not on for hearing today because Debtor filed the application pursuant to LBR 9013-1(o), which is colloquially referred to as "scream or die." Nevertheless, the tentative ruling is to set this application for **hearing on 6/3/25 at 1:00 p.m.** (concurrent with the motion of the City of Chelsea, Massachusetts for relief from the automatic stay etc., dkt. 40-43), with a **5/22/25 deadline** to file a proof of service of notice to all creditors via U.S. mail of that hearing, and with a **5/27/25 deadline** for Debtor to file a supplemental brief and/or declaration(s) addressing the following issues:

(i) Proposed compensation, and lack of information about professional's qualifications

Debtor proposes to pay Hilco Real Estate LLC ("Hilco") 5% of the gross sales proceeds (none of which appears to be contemplated to be shared with any buyer's broker) plus up to \$25,000.00 in expenses charged to the estate. See Empl. App. (dkt. 36), Ex. 2 (Real Estate Consulting and Advisory Services Agreement), p. 2 (sections 4 & 6) & p. 9 (Ex. B). That seems expensive, relative to real estate agents' proposed fees typically presented to this Court. The application is devoid of any description of the unique challenges presented in marketing and selling the property that might warrant special fees, or any declaration and resume establishing Hilco's skills and experience relevant to selling what appears to be delapidated, recently burned, and dangerous former industrial property in a different State

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hundreds of miles away, with a rising high water line, changed zoning, and other restrictions and challenges.

What efforts, if any, has Debtor undertaken to determine Hilco's skills and experience, and whether the proposed compensation is reasonable and comparable to what is charged by other real estate professionals for similar engagements?

(ii) Calculation of commission

The application states that the "gross sale proceeds" shall mean the aggregate cash and noncash consideration received by the Debtor in consideration for the property and that the value of any noncash consideration shall be determined by mutual agreement between Hilco and Debtor. Dkt. 36, p. 2:19-22. The tentative ruling is that any purported determination as to the value of any noncash consideration must be subject to notice, an opportunity for parties in interest to object, and this Court's review for reasonableness and/or, if necessary or appropriate, this Court's valuation after an evidentiary hearing.

(iii) Hilco's limited "indemnification" of Debtor (Hilco only liable for "gross" negligence), and termination of Hilco only for "gross" negligence

The tentative ruling is that Hilco has not shown any reason why it should be effectively excused from its own negligence by requiring Debtor to absorb any damages arising from such negligence (because Hilco would only have to indemnify Debtor for damages arising from its "grossly negligent" acts or omissions). See Empl. App. (dkt. 36), Ex. 2, p. 3, section 8(a) (at PDF p. 22). This Court questions why it is appropriate even to seek such a limitation on liability, especially without prominently disclosing it and providing authority for it in the employment application.

In addition, this Court notes that Debtor purportedly can only terminate the agreement for Hilco's "gross" negligence, not ordinary negligence. See *id.*, p. 6, section 10 (at PDF p. 25). Again, this Court questions why it is appropriate even to seek approval of such a provision, especially without prominent disclosure and analysis.

(iv) Lack of adequate conflicts check

Despite providing a declaration that roughly tracks Rule 2014 (Fed. R. Bankr. P.), Hilco's principal apparently only checked for conflicts with (A)

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Debtor's managing member and (B) Yihe USA Holdings Limited. See App. (dkt. 36) p. 6:21-23, p. 7:1-5, & p. 9 (Sch. I). This appears to be totally inadequate.

(v) Dual agency

The proposed agreement with Hilco contemplates that it might represent a buyer, as well as Debtor. See App. (dkt. 36) p. 24, section 9(n) (PDF p. 36). The standard employment terms set forth in the Procedures prohibit dual agency.

(f) Turnover Motion (dkt. 32 & 33) and Motion for relief from stay (dkt. 40-44)

Although these matters are not on for hearing today, the tentative ruling is that, on the one hand, the State Court has jurisdiction to address whether it believes the automatic stay applies and therefore whether or not to suspend the proceedings before it (and that this Bankruptcy Court will endeavor not to disrupt those proceedings more than necessary and appropriate). On the other hand, the tentative ruling is that the State Court's determination as to whether or not the automatic stay applies has no binding affect on this Bankruptcy Court, which is charged by Congress with making the ultimate determination on this issue (subject to any appellate review). *In re Gruntz*, 202 F.3d 1074, 1078 (9th Cir. 2000).

This Congressional policy choice enables the State Court to address emergency matters and manage its own docket, while also enabling this Bankruptcy Court to manage this bankruptcy case. In all future matters, the parties before this Court should keep the State Court apprised, and should endeavor to facilitate comity between the courts.

(2) Dates/procedures. This case was filed on 4/3/25.

(a) Bar date: 7/30/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Procedures Order: dkt. 2 (no proof of service on file)

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

(d) Continued status conference: 6/3/25 at 1:00 p.m., concurrent with other matters. No written status report is required.

<b>Party Information</b>
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**Chapter 11**

**Debtor(s):**

Yihe Forbes LLC

Represented By  
Richard T Baum

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**2:25-13052 Raymond Martin Camarillo**

**Chapter 11**

**#4.00** Hrg re: Motion for order determining  
value of collateral  
[NewRez LLC]

Docket 22

**\*\*\* VACATED \*\*\* REASON: Order approving stip to cont'd to June 24,  
2025 at 1:00 p.m. [dkt. 36]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Raymond Martin Camarillo

Represented By  
Onyinye N Anyama

**Movant(s):**

Raymond Martin Camarillo

Represented By  
Onyinye N Anyama  
Onyinye N Anyama  
Onyinye N Anyama

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**2:25-13052 Raymond Martin Camarillo**

**Chapter 11**

**#5.00** 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) Amended Bankruptcy Schedules I & J (dkt. 34)**

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." Dkt. 28, p. 3, line 8a. Instead of including rental income in Bankruptcy Schedule I, line 8h, and related expenses in various entries in Bankruptcy Schedule J (as Debtor has done), Debtor should follow the instructions by attaching a separate statement for each rental property and including the combined net income from both rental properties on line 8a of Bankruptcy Schedule I.

The tentative ruling is to set a **deadline of 5/27/25** for Debtor to file amended Bankruptcy Schedules I & J.

**(b) Budget motion (dkt. 35)**

Debtor's budget motion attaches Bankruptcy Schedules I & J (dkt. 34) but, for the reasons stated above, the tentative ruling is to set a **deadline of 5/27/25** for Debtor to file an amended budget motion that attaches revised Bankruptcy Schedules I & J, with a hearing on 6/23/25 at 1:00 p.m., concurrent with the hearing on Debtor's continued motion to value (dkt. 22, 31 & 36).

**(2) Dates/procedures.** This case was filed on 4/14/25.



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**Raymond Martin Camarillo**

**Chapter 11**

- (a) Bar date: 8/18/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 6 (timely served, dkt. 9)
- (c) Plan/Disclosure Statement: file by 9/9/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 6/3/25 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):**

Raymond Martin Camarillo

Represented By  
Onyinye N Anyama

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**2:25-12672 National Development Fund, LLC**

**Chapter 11**

**#6.00** Hrg re: Motion for Authority to Obtain Credit Under Section 364(b), Rule 4001(c) or (d) Debtors Motion For (1) Authority to Obtain Credit Secured by a First Priority Security Interest in Estate Property Pursuant to Dip Financing from Commercial Funding, LLC, (2) Approval of Dip Financing Agreement, (3) Good Faith Determination, And (4) Waiver of Stay

Docket 15

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 7, 5/20/25 at 1:00 p.m.).

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

National Development Fund, LLC

Represented By  
Jeremy Faith

**Movant(s):**

National Development Fund, LLC

Represented By  
Jeremy Faith

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**2:25-12672 National Development Fund, LLC**

**Chapter 11**

**#6.10** Hrg re: Motion for (A) Relief From The Automatic Stay Under 11 U.S.C. § 362 (REAL PROPERTY), and (B) Relief From Turnover Under 11 U.S.C. § 543 By Prepetition Receiver or Other Custodian

ERIC P. BEATTY  
vs  
DEBTOR

Docket 24

**Tentative Ruling:**

Grant as set forth below. 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)) 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. 31), Receiver's reply (dkt. 34)

Analysis:

(1) Background

On July 14, 2021, the City of Fontana issued a notice and order to repair or abate conditions afflicting property owned by Mr. Shareece Wright at 15835 Boyle Ave., Fontana, CA (the "Nuisance Property") based on, among

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**National Development Fund, LLC**

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other things, unpermitted construction, fire and electrical hazards, blocked egress routes that could make escape or entry impossible for occupants or first responders, an unsafe septic system, rodent harborage, mold, and attractive nuisance. See Fontana Notice & Order (Ex. A to R/S Motion MPAs, dkt. 25, at PDF pp. 129-41). Eventually Eric P. Beaty was appointed as a State Court receiver for the Nuisance Property ("Receiver").

On 9/21/23 the State Court enjoined Wright from "[t]ransferring or encumbering any interests in the Nuisances Property." Enforce Order p. 8:14 (Ex. 1 to Opp., dkt. 31, at Bates p. 25). Notwithstanding that order, on 4/15/24 Debtor recorded a purported grant deed from Wright to it (the "Springing Grant Deed") (Ex. 3 to Opp, at Bates p. 31); but Wright and Debtor apparently take the position that this transfer did not violate the Enforce Order because the Springing Grant Deed was dated over a year earlier (12/2/22). Debtor and Wright purportedly agreed to the transfer at that time, but also agreed that the Springing Grant Deed "would only be recorded if Wright defaulted under the terms of the [subsequently expunged] deed of trust to [an entity known as] CL." R/S Motion MPAs (dkt. 25) p. 10:21-22; Sale Order p. 4:4 (Ex. 2 to Opp., dkt. 31, at Bates p. 29).

In any event, on 12/9/24 the State Court issued an order approving and confirming Receiver's sale of the Nuisance Property (the "Sale Order," Ex. 2 to Opp., dkt. 31, at Bates pp. 26-27). The Sale Order expunges the "CL" deed of trust (as noted above). It also notes that Debtor "claims to have an interest in the property" pursuant to the Springing Grant Deed, but that order does not avoid or expunge that grant deed (presumably because it was not necessary for the State Court to determine whether the Springing Grant Deed was or was not valid, because either way the State Court was authorizing Receiver to sell the Nuisance Property). See Sale Order p. 2:11-13 & p. 4:4 (Ex. 2 to Opp., dkt. 31) (Bates pp. 27 & 29).

**(2) Receiver's arguments**

Receiver argues that the automatic stay does not apply pursuant to 11 U.S.C. 362(b)(4) because he is continuing enforcement of "police and regulatory powers" of a government (the City of Fontana). See R/S MPAs (dkt. 25) pp. 14:4-16:20. Alternatively, Receiver's R/S Motion seeks relief from the automatic stay for "cause" under 11 U.S.C. 362(d)(1). See R/S Motion (dkt. 24) pp. 3-4.

Receiver also argues (R/S Motion MPAs, dkt. 25, p. 10:21-26) that title

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to the Nuisance Property was never transferred to Debtor by the Springing Grant Deed, because a grant of conditional title is ineffective under California Civil Code section 1056. That statute provides:

[A] grant [of title] cannot be delivered to the grantee conditionally. Delivery to him, or to his agent as such, is necessarily absolute, and the instrument takes effect thereupon, discharged of any condition on which the delivery was made. [California Civil Code section 1056 (emphasis added).]

Receiver also argues that the "alleged transfer" is "suspect because there was no consideration provided to Wright by the Debtor." R/S Moton (dkt. 25) p. 10 n. 9. The lack of consideration is confirmed by the Springing Grant Deed itself, which lists a \$-0- transfer tax based on the purported full value less liens and encumbrances (the "Springing Grant Deed") (Ex. 3 to Opp., at Bates p. 31).

Receiver points out that, although Debtor proposes to obtain DIP financing so as to be able to pay for demolition of structures on the Nuisance Property, the City of Fontana is not under any obligation to grant permits to Debtor or its agents to conduct such demolition, and there are reasons to expect that the City would decline to grant such permits. In other words, Receiver asserts that there is no viable alternative to Receiver continuing to stay in charge of the process.

Receiver also seeks to be excused from turnover under 11 U.S.C. 543(d)(1) based on the history of mismanagement of the Nuisance Property and the alleged lack of funds with which Debtor could reorganize its affairs. See R/S Motion MPAs, dkt. 25, pp. 16:23-19:9.

**(3) Debtor's arguments**

Debtor argues that there has been no judicial determination that the grant deed transferring it title to the Nuisance Property was ineffective or that Debtor has no interest in the Nuisance Property (Opp., dkt. 31, p. 5:21-24) and that 11 U.S.C. 362(b)(4) does not apply (*i.e.*, that Receiver is no longer carrying out a government's police or regulatory acts) because the primary purpose of the Nuisance litigation at this stage is to sell the Nuisance Property, and the only remaining step in rehabilitating the Nuisance Property is demolishing structures which Debtor is just as capable of carrying out as the Receiver is, provided its pending DIP finance motion is approved. *Id.*, pp. 6:1-8:2.

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Debtor also argues that Receiver has not presented any argument in support of his request for relief under 11 U.S.C. 362(d)(1) and that no "cause" exists to grant relief from stay at this time. *Id.* pp. 4:12-5:25.

Debtor objects to Receiver being excused from turnover under 11 U.S.C. 543(d) because Debtor, allegedly, is solvent and believes the value of the Nuisance Property is significantly higher than the \$500,000 sale price contemplated by the Receiver, and therefore that sale would be detrimental to creditors and Debtor. Opp., dkt. 31, p. 8:5-24. Debtor argues that its pending DIP finance motion demonstrates that it can successfully rehabilitate Nuisance Property and reorganize its affairs. *Id.*, pp. 9:10-10:10.

**(4) Discussion**

**(a) Summary nature of proceedings**

In determining whether or not to grant relief from the automatic stay, this Court is mindful of the fact that these proceedings are summary in nature. See, e.g., *In re Veal*, 450 B.R. 897, 914 (9th Cir. BAP 2011) (citing authorities). This summary nature is necessary and appropriate because, if parties were required to litigate the issues to a final judgment after a complete trial in this bankruptcy forum, the lift-stay proceedings would have to duplicate much or all of the underlying State Court proceedings.

That would be a "Catch 22": parties seeking or opposing relief from the automatic stay, in order to litigate issues in State Court, would have to first litigate them in the Bankruptcy Court. At that point there would no longer be any reason to go back to the State Court. There would also be expense, delay, a risk of inconsistent judgments, a lack of comity, and other adverse consequences.

In any event, regardless of all the strong policy reasons why these proceedings are summary in nature, that is the law. Accordingly, the following discussion includes tentative findings of fact and conclusions of law based on the record presently before this Bankruptcy Court, unimpeded by the fact that there has been no trial or the type of discovery and pretrial proceedings that would be necessary in other contexts.

**(b) Section 362(b)(4) applies**

Section 362(b)(4) excepts from the automatic stay any actions and proceedings to enforce the police or regulatory powers of a governmental unit. 11 U.S.C. 362(b)(4). To determine whether an action is excepted from

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the automatic stay as a police or regulatory power action or something different, such as a collection action, courts have developed two tests to judge the government's actions: the pecuniary purpose test and the public policy test. *Collier on Bankruptcy*, ¶ 362.05 (16th ed. 2025) (citing *In re Berg*, 230 F.3d 1165 (9th Cir. 2000)). "Satisfaction of either test will suffice to exempt the action from the reach of the automatic stay." *City & County of San Francisco v. PG&E Corp.*, 433 F.3d 1115, 1124 (9th Cir. 2006).

Under the pecuniary purpose test, "the court determines whether the government action relates primarily to the protection of the government's pecuniary interest in the debtor's property or to matters of public safety and welfare." *In re Berg*, 230 F.3d 1165, 1167. "If the government action is pursued solely to advance a pecuniary interest of the governmental unit, the stay will be imposed." *Id.* "If the suit primarily seeks to protect the public safety and welfare, the automatic stay does not apply." *City & County of San Francisco*, 433 F.3d 1115, 1124.

Under the public policy test, courts must determine whether the government action effectuates public policy or adjudicates private rights. *In re Berg*, 230 F.3d 1165, 1167. The former is excepted from the automatic stay while the latter is not.

The tentative ruling is that section 362(b)(4) applies under both the pecuniary purpose test and the public policy test. There is no evidence that Receiver is acting for a pecuniary purpose instead of an overriding concern about public safety and welfare. Any pecuniary recovery is simply a byproduct of the receivership.

In addition, Receiver is not involved in any adjudication of private rights. The entire action in which Receiver has been appointed is one of effectuating public policies of abating nuisances at the Nuisance Property, either by Receiver or by a new owner who will pick up where Receiver leaves off.

The tentative ruling is that the evidence in support of these factual findings is overwhelming. For example, State Court charged the Receiver with rehabilitating the Nuisance Property after determining that the "building violations and nuisance conditions on the Nuisance Property [were] so extensive and of such a nature that the health and safety of the residents, neighbors, and the public is substantially endangered." Ex. 1 to Opp. (dkt. 31) at Bates pp. 18-19. On this record it appears that the Nuisance litigation's primary purpose, indeed its overriding purpose, is to protect the safety and

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welfare of the public.

Debtor concedes that the rehabilitation process is not complete because several structures still need to be demolished (Opp. p. 7:24-25) but argues that this Court should permit Debtor to oversee the demolition rather than Receiver, or perhaps that even if Receiver were to oversee the demolition Debtor should still control the sale process. The tentative ruling is to reject these arguments for the following reasons.

(i) The demolition and sale are part and parcel of the police and regulatory function

The tentative ruling is that demolition, sale preparation, and the marketing and conduct of the sale are part and parcel of abating a public nuisance. Invariably those things involve public safety and health concerns, such as having to take care to demolish structures consistent with environmental concerns (e.g., asbestos), and avoiding injuries to workers and passers by. They also involve making judgment calls about how much abatement is necessary and appropriate so as to balance health and safety concerns with, e.g., the need to obtain a new owner expeditiously so that full remediation can be accomplished.

In practical terms, demolition involves noise, dust, the potential for driving rodents to disburse, disabling electrical systems, taking other precautions against starting a fire or an unplanned building collapse, clearing away debris that could be dangerous or a haven for rodents, etc. Similar health and safety judgment calls are inherent in deciding whether to clear away all debris or only some, whether to excavate dirt that might be contaminated with human waste from a septic system, etc.

(ii) Alternatively, Debtor has not cited any authority for carving out part of Receiver's functions

Even if it were possible, theoretically, to carve out some aspects of what Receiver is doing (the demolition and/or sale process), there is no authority of which this Court is aware to divide proceedings that are overwhelmingly police and regulatory in nature into slivers and then analyze each sliver separately. The tentative ruling is that such an approach would not only be impossible in most if not all situations (for the reasons stated in the immediately preceding paragraphs) but would embroil the parties and bankruptcy courts in expensive, time consuming, and wasteful litigation in a



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fruitless attempt to allocate each aspect of any proceeding between the police and regulatory function and arguably different functions.

(iii) Alternatively, any discretion that this Court theoretically might have to carve out portions of the State Court proceedings should be restrained, so as to minimize interference with those proceedings

Alternatively, even supposing for the sake of discussion that this Bankruptcy Court had the authority to carve out portions of the receivership proceedings, and that carving out slivers of those proceedings were possible, the tentative ruling is that this Court should not exercise its discretion in a way that would supplant the State Court's judgment, by effectively removing the Receiver before his work is complete.

All of the foregoing reasons are particularly pertinent on this record, given the urgent need to eliminate existing health and safety risks, and the absence of any estimate by Debtor of how long it could take for Debtor to receive the contemplated DIP financing, obtain demolition permits (assuming for the sake of argument that this were possible), demolish the structures, prepare the property for sale, market the property, and conduct the sale process. The tentative ruling is that Debtor's proposal is too little, too late.

(c) Alternatively, "cause" exists under 11 U.S.C. 362(d)(1)

The Bankruptcy Court "shall grant relief from the stay" upon a showing of "cause." 11 U.S.C. 362(d)(1). What constitutes "cause" for purposes of section 362(d)(1) "has no clear definition and is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir.1990).

The tentative ruling is that "cause" exists to terminate the automatic stay in this case for each of several alternative reasons. First, even if all of the health and safety concerns discussed in connection with section 362(b)(4) did not establish that the automatic stay is inapplicable (which they do), those same health and safety concerns would establish "cause" to grant relief from the automatic stay.

Second, "cause" for relief is established by the long history of lack of development and lack of sale prospects from Debtor or Debtor's predecessor in interest, Mr. Wright, both pre- and post-receivership, including the lengthy period during which Debtor allegedly had received title to the Nuisance Property from Mr. Wright, pursuant to the Springing Grant Deed (but had not

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yet recorded that grant deed). In addition, notwithstanding that alleged transfer of title, and the alleged loan to Mr. Wright which was tied to the Springing Grant Deed, and notwithstanding Debtor's long involvement with the Nuisance Property, there is no evidence that any of those (alleged) loan proceeds were effectively used to remediate or abate the many health and safety concerns at the Nuisance Property. How could this Court trust that Debtor would be willing and able to do now what it failed to do for a very long time before?

Third, the tentative ruling is that there is additional "cause" for relief based on the fact that Debtor appears to be colluding with Wright and CL (the beneficiary of the expunged deed of trust pursuant to a purported loan) to evade the State Court's orders. Although Debtor is correct that the State Court has not made any actual determination regarding what Receiver calls the "suspect" nature of the Springing Grant Deed, and although the tentative ruling is that the authority cited by Receiver does not establish that the Springing Grant Deed (if it is genuine) was ineffective to transfer title at some point, the tentative ruling is that it is appropriate for this Court, as part of the summary nature of these proceedings on the R/S Motion, to make a factual finding that collusion to evade the State Court's orders is more likely than not.

There is substantial evidence to support such a finding. It is suspicious that the grant deed from Wright to Debtor was purportedly supposed to be recorded only after a default in repaying CL, and was then recorded only after the State Court had barred all transfers and encumbrances. It is also suspicious that, despite an alleged loan from CL, which is closely tied to the purported transfer of title to Debtor, there is no evidence as to the disposition of any proceeds of that loan, and especially that there is no evidence that any such proceeds were used to remediate or abate the health and safety problems. All of this supports Receiver's allegation that Debtor's involvement with the Nuisance Property is suspicious, and supports a finding that, for purposes of the R/S Motion, there is evidence of collusion to evade the State Court's orders, and this is "cause" for relief.

Fourth, the record before this Court suggests that there is no equity in the Nuisance Property. True, Debtor contends the Nuisance Property has significant equity which can be used to pay creditors in full, but Debtor purportedly received the Nuisance Property with no transfer tax pursuant to the representation in the Springing Grant Deed that the property was worth nothing after liens and encumbrances. See Ex. 3 to Opp., dkt. 31, at Bates p.

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31.

In addition, typically the best evidence of value is what unrelated third parties are willing to pay after marketing and sale efforts. Therefore, the tentative ruling is that Receiver's proposed sale of the Nuisance Property is far better evidence of value than Debtor's allegations and its broker's opinion of value, all of which (again) contradicts the Springing Grant Deed through which Debtor claims to have title, and Receiver's evidence about limitations on the development potential for the Nuisance Property.

Fifth and finally, the lack of any realizable equity in the Nuisance Property is reinforced by the fact that no creditors have stepped forward to oppose the R/S Motion and to seek appointment of a trustee to sell the Nuisance Property, or comparable relief. This is additional "cause" to defer to the State Court process for selling that property, by granting the R/S Motion.

(d) Relief under 11 U.S.C. 543(d)(1) (excusing turnover) is appropriate

Generally, a custodian in possession, including a receiver, is required to deliver all assets within his custody and control to the trustee or the debtor-in-possession following commencement of the case. 11 U.S.C. 543(a). Section 543(d)(1) authorizes this Bankruptcy Court to "excuse compliance with subsections (a), (b), or (c) ... if the interests of creditors and, if the debtor is not insolvent, of equity security holders would be better served by permitting a custodian to continue in possession, custody, or control of such property." 11 U.S.C. 543(d)(1).

For the reasons set forth above, the tentative ruling is that removing Receiver from control over the Nuisance Property and its sale would only pose a danger to public health and safety - risking liability (not to mention public welfare) - and increase the costs and delays in the receivership proceedings, all in exchange for no realistic benefits to the bankruptcy estate. Therefore, the tentative ruling is that the interests of creditors would be better served by permitting the Receiver to retain control over the Nuisance Property.

(e) Conclusion

The tentative ruling is that section 362(b)(4) applies and, alternatively, "cause" exists to terminate the automatic stay under section 362(d)(1). The tentative ruling is also to excuse Receiver from turning over control of the Nuisance Property under section 543(d)(1).

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(5) Additional relief

(a) Effective date of relief

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

(3).

(b) Co-debtor stay

Any co-debtor stay (which theoretically could apply in the event of any conversion of this case to chapter 13, per 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):**

National Development Fund, LLC

Represented By  
Jeremy Faith

**Movant(s):**

Eric P. Beatty

Represented By  
Gregory K Jones

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**2:25-12672 National Development Fund, LLC**

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**#7.00** Cont'd Status conference re: Chapter 11 case  
fr. 5/6/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Deny the financing motion (calendar no. 6), grant the motion for relief from the automatic stay (calendar no. 6.1), and either dismiss or convert this case at this status conference or, alternatively, issue an order to show cause why this case should not be dismissed or converted and continue this status conference, all as set forth below. Appearances required solely as to the status conference, and solely by counsel for Debtor and by Debtor's principal, Brandon Rosenberg, unless a party in interest follows the procedures for contesting the tentative rulings for calendars no. 6 and 6.1 (5/20/25 at 1:00 p.m.), in which event all parties to those matters must appear. See "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) (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) Failure of Debtor's principal, Brandon Rosenberg, to appear at status conference on 5/6/25**

This Court previously issued a written order (dkt. 5, the "Procedures Order"), served on Debtor and its counsel of record (dkt. 10), directing Debtor's principal to attend the status conference on 5/6/25. See Procedures Order (dkt. 10) p. 1:22-23 & n. 1. That requirement was reiterated in the tentative ruling posted prior to that status conference, reproduced below ("Appearances required by counsel for Debtor **and by Debtor's principal.**") (emphasis added). Despite this Court's order and reminder, Debtor's

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principal failed to appear, and did not offer any excuse for failing to do so (which he could have done via video or other means, at no cost, pursuant to this Court's posted procedures).

At the conclusion of the hearing on 5/6/25 this Court orally ordered Debtor's principal, Brandon Rosenberg, to appear at this continued status conference. Mr. Rosenberg is reminded that this is not a request - it is an order - and failure to appear may result in sanctions and/or other adverse consequences.

(b) DIP Finance Motion (dkt. 15-19), Opposition of State-Court Receiver ("Receiver") (dkt. 30), Debtor's reply (dkt. 35)

Unless (i) the proper procedures are followed to contest the tentative ruling to grant the motion for relief from the automatic stay (dkt. 24 & 25, the "R/S Motion") and (ii) this Court is persuaded to depart from that tentative ruling, there would appear to be no point in granting the DIP Finance Motion. In addition, it appears appropriate to deny the DIP Finance Motion for the same reasons that support granting the R/S Motion.

(c) Motion for relief from the automatic stay and from turnover (dkt. 24 & 25, "R/S Motion"), Opposition of Debtor (dkt. 31), Notice of amended hearing time (dkt. 32, 33), Receiver's reply (dkt. 34)

Grant the R/S Motion as set forth in the tentative ruling for Calendar No. 6.1 on today's calendar (5/20/25 at 1:00 p.m.).

(d) Dismiss this case

If this Court is persuaded to stick with its tentative rulings to grant the R/S Motion and deny the DIP Finance Motion, the tentative ruling is to dismiss this case on the Court's own motion pursuant to 11 U.S.C. 105(a), 1112, and the Procedures Order (dkt. 5, 9), because it does not appear that Debtor has anything to reorganize.

Alternatively, if there is some reason not to dismiss this case, and if this Court does not convert this case to chapter 7 at this hearing, the tentative ruling is to continue the status conference as set forth below and issue an Order to Show Cause ("OSC") why this case should not be dismissed or converted.

Proposed orders: Unless otherwise ordered, Receiver is directed to

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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 3/31/25.

(a) Bar date: N/A (but *if* this case is not dismissed or converted then the tentative ruling is to set a bar date of 7/15/25, with directions NOT TO SERVE any notice of the bar date yet - this Court will prepare an order after the status conference).

(b) Procedures Order: dkt. 5 (timely served, dkt. 9)

(c) Plan/Disclosure Statement: N/A (but *if* this case is not dismissed or converted then the tentative ruling is to set a deadline of 6/30/25 to file a proposed Plan and proposed Disclosure Statement, with directions NOT TO SERVE those documents, except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: The tentative ruling is to take this matter off calendar (no further status conference). Alternatively, *if* this Court is persuaded not to dismiss or convert this case at this hearing, the tentative ruling is to continue the status conference to 6/24/25 at 1:00 p.m., with a *brief* status report due 6/10/25.

**Tentative Ruling for 5/6/25:**

Appearances required by counsel for Debtor and by Debtor's principal.

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) Scheduling

The tentative ruling is that, as a matter of calendar management, it is appropriate to reschedule the motion of the receiver for relief from the automatic stay (dkt. 25) from 2:00 p.m. to 1:00 p.m. on 5/20/25, to be



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concurrent with Debtor's financing motion (dkt. 15). The tentative ruling is to set a **deadline of 5/8/25** for the receiver to serve notice of the new hearing time via U.S. mail and file a proof of service.

**(b) Tardy status report**

This Court's order setting this principal status conference (dkt. 5 "Procedures Order") required Debtor to file a case status report on Local Form F 2081-1.1.C11.STATUS.RPT, serve it on all parties in interest, and file a proof of service at least 14 days before this status conference, but it was not filed and served until 4/23/25 (*i.e.* 1 day late). Debtor and Debtor's counsel are cautioned that failure to comply with deadlines set by this Court in future may result in adverse consequences.

**(c) Budget motion**

Debtor's status report incorrectly states that the "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), the "Posted Procedures") do not require a budget motion. Status report (dkt. 12) at paragraph B.2. (p. 3). In fact, the Posted Procedures require a budget motion, unless that requirement is excused by this Court. Debtor represents that it does not hold or generate any cash, so the tentative ruling is to excuse the requirement to file a budget motion with a caution to counsel not to misstate this Court's Posted Procedures in future.

**(2) Dates/procedures.** This case was filed on 3/31/25.

**(a) Bar date:** 6/15/25 (DO NOT SERVE notice yet - *court will prepare an order after the status conference*).

**(b) Procedures Order:** dkt. 5 (timely served, dkt. 9)

**(c) Plan/Disclosure Statement:** file by 6/30/25 (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. No written status report required.

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

National Development Fund, LLC

Represented By  
Jeremy Faith



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**2:24-19238 Karla Enid Ramirez**

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**#8.00** 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 87

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 10, 5/20/25 at 1:00 p.m.).

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

Karla Enid Ramirez

Represented By  
Onyinye N Anyama

**Movant(s):**

Karla Enid Ramirez

Represented By  
Onyinye N Anyama

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**2:24-19238 Karla Enid Ramirez**

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**#9.00** Cont'd hrg re: Motion for order determining value  
of collateral [11 U.S.C. section 506(a) FRBP 3012)  
fr. 04/22/25

Docket 60

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 10,  
5/20/25 at 1:00 p.m.).

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

Karla Enid Ramirez

Represented By  
Onyinye N Anyama

**Movant(s):**

Karla Enid Ramirez

Represented By  
Onyinye N Anyama

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

1:00 PM

**2:24-19238 Karla Enid Ramirez**

**Chapter 11**

**#10.00** Cont'd status conference re: Chapter 11 case  
fr. 4/8/25

Docket 41

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

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 Bankruptcy Schedules I & J (dkt. 86)

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." Dkt. 86, p. 6, line 8a. Instead of (x) including rental income in Bankruptcy Schedule I, line 8h, (y) related expenses in various entries in Bankruptcy Schedule J, and (z) also attaching income/expense projections (as Debtor has done), Debtor should instead (i) include only the net income from the rental property in Bankruptcy Schedule, line 8(a), (ii) omit expenses related to the rental property on Schedule J, and (iii) attach a *separate* statement of income and expenses for *each* business or rental property.

Because Debtor has attached a separate statement of projected income & expenses in this case, which appears to be roughly the equivalent of the foregoing, the tentative ruling is not to require Debtor to file amended Bankruptcy Schedules I & J at this time. But Debtor's counsel is directed to follow the instructions in future.

(b) Budget Motion (dkt. 87)

Debtor's budget motion includes proposed adequate protection

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**Karla Enid Ramirez**

**Chapter 11**

payments to one lienholder, and a lack of adequate protection payments to other lienholders, that are contingent upon this Court granting the concurrently filed Valuation Motion. The tentative ruling is temporarily to grant the proposed budget on an interim basis and continue this matter to be contemporaneous with the continued status conference (see Part (2)(d) below) to allow time for this Court to rule on the Valuation Motion.

(c) Motion to Value Brookshire Avenue Property (dkt. 60, "Valuation Motion"), Opposition of U.S. Bank ("US Bank") (dkt. 90), no reply on file

US Bank highlights that this Court previously determined, in another case, that valuation of real property should be made as of the petition date. See *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2012). But US Bank requests that this Court remain open to other valuation dates, and it is also (appropriately) attempting to preserve its rights on this issue in the event of any appeal.

This Court emphasizes, both the US Bank and to Debtor, that all rights are reserved and that any legal and factual issues regarding valuation are far from settled. As to the legal issues, this Court notes that *Gutierrez* (x) was decided based on the specific factual and legal context of that case (e.g., avoidance of a junior lien on a "principal residence"), (y) was only a tentative ruling, after reviewing inconsistent authorities and various policy considerations that cut different ways (and, although this Court stands by the reasoning in that tentative ruling as being thorough and careful, *Gutierrez* itself acknowledges that this Court might be persuaded by additional arguments, or by different facts and circumstances), and (z) recognized that section 506(a)(1) provides that value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of the property being valued, and the Code has no clear directive regarding the appropriate date of valuation in any specific context.

The lack of clear authority regarding the appropriate date for valuation leads this Court to the conclusion that if this Court is going to render a decision on valuation then (i) the parties probably will be required to brief the issue more extensively, (ii) the parties probably will be required to present evidence of the value of the property (and other calculations, such as the dollar amount of senior encumbrances), both as of the petition date and as of the date of any confirmation hearing, so that any appellate court would have evidence to support either date in the event it were to disagree with the date

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**Chapter 11**

that this Court ultimately determines to be appropriate. This Court also notes that, although the factual and legal issues are intellectually interesting to bankruptcy lawyers and judges, it would be time consuming and expensive to litigate those things, and therefore the tentative ruling is to order the parties to mandatory mediation before setting any briefing schedule and/or an evidentiary hearing.

The tentative ruling is to set a **deadline of 6/3/25** 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 this Court will choose among them, or issue its own order.)

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the matter(s) addressed here 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 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: 8/5/25 at 1:00 p.m. *Brief* written status report due 7/22/25.

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

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

**Debtor(s):**

Karla Enid Ramirez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
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**2:24-16240 Archive IT!**

**Chapter 11**

**#11.00** Status conference re: Post confirmation  
fr. 8/27/24, 10/22/24, 11/19/24, 1/28/25,  
3/18/25, 5/27/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Continue the status conference as set forth below, subject to being taken off calendar if this Court enters an order closing this case on an interim basis before the continued status conference. Appearances are not required on 5/20/25. (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 Debtor's latest status report (dkt. 96) and has no issues to raise *sua sponte* at this time.

**(2) Dates/deadlines.** This subchapter V case was filed on 8/5/24 and Debtor obtained an order confirming its amended plan on 2/4/25. Dkt. 69. The tentative ruling is to continue the status conference to 9/23/25 at 1:00 p.m., to go off calendar if this case is closed on an interim basis, as requested by Debtor (dkt. 97).

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

<b>Party Information</b>
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**CONT... Archive IT!**

**Chapter 11**

**Debtor(s):**

Archive IT!

Represented By  
Michael Jay Berger

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

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**2:25-11972 10186 OLIVIA TERRACE LLC**

**Chapter 11**

**#12.00** Cont'd Status conference re: Chapter 11 case  
fr. 4/22/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

**Appearances required** by counsel for Debtor.

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

(1) Current issues

(a) Service of order setting principal status conference

This Court's adopted tentative ruling for 4/22/25 (copied below) directed Debtor to "file and serve a Notice, with a copy of the Procedures Order attached as an exhibit, informing all parties in interest that 'Debtor failed to serve the Procedures Order on all parties in interest as directed by the Bankruptcy Court, which may have prejudiced some parties. The Bankruptcy Court has directed Debtor to serve this Notice, with a copy of the Procedures Order, on all parties in interest, both to inform all parties of the procedures in the Procedures Order and so that any party who was prejudiced by the lack of earlier service has an opportunity to seek any appropriate relief.'"

On 4/23/25, Debtor's counsel filed and served a declaration confirming service of the Procedures Order (dkt. 28) and a separate notice of the continued status conference (dkt. 30), but neither filing includes the language quoted above. Why not? Should this Court impose sanctions for the repeated failure of Debtor's Counsel's to comply with orders of this Court?

(b) Application to employ Law Office of Yoon O. Ham (dkt. 31, "Employment Application"), Opposition of U.S. Trustee (dkt. 32)



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**10186 OLIVIA TERRACE LLC**

**Chapter 11**

This matter is not on for calendar today because Debtor filed the Employment Application pursuant to Local Bankruptcy Rule ("LBR") 9013-1(o), which is colloquially referred to as "scream or die" notice.

But this Court notes that on 5/2/25 the U.S. Trustee filed an opposition to the Employment Application (dkt. 32) and, as of the preparation of this tentative ruling, Debtor has not complied with LBR 9013-1(o)(4), which provides that:

[i]f a timely response and request for hearing is filed and served, within 14 days from the date of service of the response ... the moving party **must** schedule and give not less than 14 days notice of a hearing to those responding ... [i]f Movant fails to obtain a hearing date, the court *may deny the motion without prejudice, without further notice or hearing.* [LBR 9013-1(o)(4) (emphasis added)].

Additionally, the U.S. Trustee's opposition highlights that Mr. Ham has an actual conflict of interest because he currently represents Debtor's managing member in his individual capacity in State Court litigation and is not disinterested within the meaning of 11 U.S.C. 101(14)(E). Opp (dkt. 32), pp. 3:27-4:4.

Finally, Debtor and Mr. Ham have not complied with the posted "Procedures of Judge Bason" (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) which require all professionals to file local form F 2014-1.STMT.DISINTEREST.PROF (statement of disinterestedness) in connection with an application to employ a professional.

For each of the alternative reasons set forth above, the tentative ruling is to deny the Employment Application. Debtor is directed to address what arrangements Debtor will make to obtain new bankruptcy counsel.

Proposed order(s): Unless otherwise ordered, the U.S. 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.

(c) Future of this case

This case has been pending for two months and the docket does not reflect any meaningful progress towards restructuring Debtor's debts or

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**Chapter 11**

moving this case forward. The tentative ruling is to issue an Order to Show Cause ("OSC") directing Debtor to appear at a hearing, contemporaneous with the next status conference, to address why this Court should not remove Debtor as debtor-in-possession and expand the powers of the Subchapter V Trustee, or dismiss or convert this case pursuant to 11 U.S.C. 105(a), 1112, 1183(b)(5), 1185, and the Procedures Order (dkt. 3, 28).

(2) Dates/procedures. This Subchapter V case was filed on 3/12/25.

- (a) Bar date: 5/21/25 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. 10).
- (b) Procedures Order: dkt. 3 (not timely served, but eventually served which gives notice of matters therein, dkt. 28)
- (c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (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]**

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

10186 OLIVIA TERRACE LLC

Represented By  
Yoon O Ham

**Trustee(s):**

Moriah Douglas Flahaut (TR)

Pro Se

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

**Chapter 11**

**#13.00** Cont'd Status conference re: Chapter 11 case  
fr. 2/11/25, 2/25/25, 4/8/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

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) Future of this case

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") assert a second-position security interest against Debtor's primary real property asset, which is located at 2275 Century Hill, Los Angeles, CA 90067 (the "Property"). R/S Motion (dkt. 47) pp. 7 & 11–12; Cash Collateral Opp. (dkt. 48) PDF pp. 5–63. On 4/9/25, upon Creditors' motion, this Court terminated the automatic stay with respect to the Property, to enable Creditors to pursue their state-law remedies against the Property (including foreclosure). R/S Order (dkt. 63).

On 5/8/25, this Court authorized Debtor to employ special litigation counsel to challenge the validity of Creditors' security interest. Dkt. 72.

Debtor is directed to address (A) the status of Creditors' attempts to foreclose upon the Property, (B) the status of special litigation counsel's attempts to challenge the validity of Creditors' security interest, and (C) whether there are compelling reasons for this case to remain in chapter 11.

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

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

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**CONT...**

**KB3 2275 Century LLC**

**Chapter 11**

(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: 7/8/25 at 1:00 p.m. *Brief* written status report due by 6/24/25.

**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)).

(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

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

**Chapter 11**

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>
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**Debtor(s):**

KB3 2275 Century LLC

Represented By  
Onyinye N Anyama  
Sedoo Manu

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

**Chapter 11**

**#14.00** Cont'd status conference re: Chapter 11 case  
fr. 3/4/25, 3/18/25, 4/8/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Continue as set forth below. Appearances are not required on 5/20/25.

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

**(1) Current issues**

(a) Applications to employ Callahan & Blaine, APLC as special litigation counsel (dkt. 52, "Callahan & Blaine Employment Application") and Patrick J. D'Arcy, APC (dkt. 53, the "D'Arcy Employment Application," together the "Employment Applications"), no oppositons on file

These matters are not on for hearing today because Debtor elected to proceed under Local Bankruptcy Rule ("LBR") 9013-1(o) which is colloquially referred to as "scream or die."

But the Employment Applications do not address why the proposed hourly compensation arrangements should be authorized pursuant to 11 U.S.C. 328 rather than 11 U.S.C. 330, so the tentative ruling is to set a **deadline of 5/27/25** for Debtor to file supplemental declarations and/or briefs for each application addressing the appropriateness of locking in compensation under section 328 (and thereby possibly preventing review of fees for reasonableness) or, alternatively, to file supplements to the employment applications stating that proposed counsel will seek compensation under section 330, and in either event directing Debtor contemporaneously to lodge proposed orders on the employment applications. This Court anticipates reviewing any filed declarations, briefs, or supplements and then taking the matter under submission.

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**Kingsman Real Estate Corporation**

**Chapter 11**

Additionally, the tentative ruling to disapprove the purported waiver of conflicts (D'Arcy Employment Application, dkt. 53, PDF p. 19) as against the bankruptcy estate and its creditors (any waiver applies only as against Debtor itself, not as debtor in possession).

(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: file by 6/10/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 6/24/25 at 1:00 p.m. *Brief* written status report due by 6/10/25.

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

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

Kingsman Real Estate Corporation

Represented By  
Frank J Alvarado

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

**Chapter 11**

**#15.00 [Case Dismissed on 5/1/25]**

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, 4/8/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Take this status conference off calendar (with no continuance), in view of the dismissal of this case on 5/1/25 (dkt. 154) and the absence of any request for post-dismissal relief (except for the Subchapter V Trustee's request to be discharged from further duties (dkt. 157, last sentence), which, if it needs to be memorialized, can be memorialized in a written order lodged by him, without the need to continue this status conference). Appearances are not required on 5/20/25. (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.

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

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

1629 Reeves, LLC, a Michigan

Represented By  
John P Kreis



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

**Chapter 11**

**Trustee(s):**

Moriah Douglas Flahaut (TR)

Pro Se

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

**Chapter 11**

**#16.00** 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, 4/8/25

Docket 37

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Please see the tentative ruling for the status conference (Calendar No. 17, 5/20/25 at 1:00 p.m.).

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

<b>Party Information</b>
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**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  
David L. Neale  
Todd A. Frealy

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

**Chapter 11**

**#17.00** Cont'd Status conference re: Chapter 11 case  
fr. 2/21/25, 3/4/25, 3/18/25, 4/8/25, 4/22/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Authorize the use of cash collateral on a final basis and continue the status conference, all as set forth below. Appearances are not required on 5/20/25. (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) Cash collateral motion (dkt. 37–39, 58–59, 113, & 134), First, second, and third interim cash collateral orders (dkt. 65, 94, & 136), no opposition on file

Authorize the use of cash collateral on a final basis in accordance with the revised budget filed by the Chapter 11 Trustee ("Trustee") on 4/8/25 (dkt. 134, Ex.1), on the same terms and conditions as set forth in the third interim cash collateral order (dkt. 136) issued on 4/10/25.

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)

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**CONT...**

**Cinema Management Group, LLC**

**Chapter 11**

(b) Procedures Order: dkt. 60 (timely served, dkt. 64)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 6/17/25 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  
Central District of California  
Los Angeles  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

1:00 PM

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

**Chapter 11**

**#18.00** Cont'd hrg re: Motion To Extend The Time To Object To  
Proof Of Claim 55 Filed By The California Department  
Of Resources Recycling And Recovery  
fr. 4/8/25

Docket 248

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Please see the tentative ruling for the status conference (Calendar No. 20,  
5/20/25 at 1:00 p.m.).

**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.).

<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**

**#19.00** 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, 4/8/25

Docket 237

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Please see the tentative ruling for the status conference (Calendar No. 20,  
5/20/25 at 1:00 p.m.).

**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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**CONT...**

**Boisson Inc.**

**Chapter 11**

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

**Chapter 11**

**#20.00** 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,  
4/8/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

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), Order granting motion in part (dkt. 264)

There is no tentative ruling. The parties are directed to appear to address the status of this motion.

(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), Order granting motion in part (dkt. 263)

There is no tentative ruling. The parties are directed to appear to address the status of this motion.

**(2) Dates/deadlines**

This subchapter V case was filed on 4/4/24, and this Court confirmed a



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**Chapter 11**

plan on 8/29/24 (dkt. 185). The tentative ruling is to continue this status conference to 7/8/25 at 1:00 p.m. No written status report is required.

**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 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

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**Boisson Inc.**

**Chapter 11**

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 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,

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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.

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

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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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**2:23-10990 Leslie Klein**

**Chapter 11**

**#21.00** Cont'd 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  
fr. 04/08/25

Docket 969

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Overrule Respondents' opposition in substantial part, except as set forth below, and continue this matter to 6/17/25 at 1:00 p.m. with (x) a **deadline of 5/27/25** for Trustee's counsel to file a supplemental declaration with evidence establishing that its hourly rates are reasonable within the community, (y) a **deadline of 6/3/25** for Respondents to respond and/or present their own evidence, and (z) a **deadline of 6/10/25** for Trustee's counsel to reply, all as set forth below. Appearances are not required on 5/20/25. (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.

Key documents reviewed (in addition to motion papers): Dulberg Declaration (dkt. 1030), Opposition of Leslie Klein & Associates, Inc., EKLK Foundation, and Daniel A. Crawford, Esq. ("Respondents") (dkt. 1039), Lucas Declaration (dkt. 1053).

Analysis:

(a) Background

On 4/28/25 this Court issued its Memorandum Decision (dkt. 1033) setting forth the reasons for granting the Stay Violation Motion, subject to

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**Leslie Klein**

**Chapter 11**

further proceedings to establish the appropriate dollar amount of sanctions. See *also* Orders (dkt. 1026, 1034). The Memorandum Decision found and concluded that Respondents violated the automatic stay because there was no objectively reasonable basis for concluding that their conduct might not violate 11 U.S.C. 362(a). See dkt. 1033, pp. 11:6-12:15.

(b) Sanctions are appropriate under 11 U.S.C. 105(a)

Respondents contend that sanctions cannot be imposed on them because they were not subject to the jurisdiction of this Court at the time of their operative conduct. Opp. (dkt. 1039) pp. 3:6-4:7. Respondents do not cite any authority for this argument. In addition, this Court has already determined that sanctions are appropriate under section 105(a), and as argued by Trustee in his reply (dkt. 1053, pp. 4:18-5:24) there is authority that the automatic stay applies to all persons worldwide.

(c) Evidentiary objections

Respondents argue that the Dulberg declaration is inadmissible because it lacks foundation and is hearsay. Opp (dkt. 1039), pp. 4:10-5:2. Trustee's reply (dkt. 1053) includes a declaration from Mr. Lucas addressing these arguments and providing further foundation and grounds for applying the "business records" exception to the hearsay rule. The tentative ruling is that Trustee has the better position pursuant to Rules 602 and 803(6) (Fed. R. Evid.).

(d) Sanctions Award

To determine what fee should be awarded, this Court must first determine the "lodestar," which is (x) the number of hours reasonably expended to bring an end to Respondents' stay violation, multiplied by (y) a reasonable hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983); *Jordan v. Multnomah Cnty.*, 815 F.2d 1258, 1262 (9th Cir. 1987).

(i) Reasonable hours

Trustee's counsel seeks an award of fees for 34.40 hours of work billed between 3/12/25 and 4/8/25 (dkt. 1030, Ex. K, PDF pp. 5-7, "First Timesheet") and an additional 13.60 hours of work billed between 4/8/25 - 5/5/25 (dkt. 1053, Ex. L, PDF pp. 12-13, "Second Timesheet"), for a total of 48 hours (34.40 + 13.60 = 48 hours). Trustee's counsel reserve the right to

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**Leslie Klein**

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seek additional compensation as this dispute proceeds.

First, Respondents object to the amount of time the Firm spent drafting what they characterize as a routine, uncomplicated, 14-page motion that includes the same background summary included in prior motions. Opp. (dkt. 1039), pp. 5:6-8, 16-27, 7:20-25, 8:1-14. Respondents assert that only 20 hours of work is reasonable in this case. *Id.* p. 8:15-17. Respondents also argue that (w) two timekeepers are not identified, (x) some tasks appear to be unrelated to the stay violation, (y) one entry on 3/20/25 should be disallowed as "paralegal work," and (z) certain entries billed on 4/1/25 appear, they assert, duplicative of other entries billed on 3/13/25 and 3/20/25.

The tentative ruling is to overrule in part and sustain in part Respondents' objections as follows:

(A) Hours spent in connection with Stay Violation Motion: Based on this Court's extensive experience with billing related to bankruptcy matters, the number of hours expended as reflected in the Dulberg Declaration (dkt. 1030, Ex. K) and the supplemental Lucas Declaration (dkt. 1053 Ex. L) appear reasonable, except as noted below.

*Note*: This Court observes what appears to be a minor typographical error: the entry for travel by Mr. Lucas (who is based in San Francisco) for 4/8/25 refers to travel "from Los Angeles to San Francisco for April 8 in person hearing," which implies that the hearing was in San Francisco, whereas in fact it was in Los Angeles. But this makes no difference to the number of hours billed (and the note for that billing entry, on PDF p. 13, states that the hourly rate was reduced 50% for non-working travel and that only 33% of the travel time was allocated to this matter, as distinguished from other matters for Trustee).

(B) Unidentified timekeepers: The tentative ruling is to overrule this objection because Mr. Lucas' declaration (dkt. 1053, p. 7:13-16) clarifies that those services were performed by qualified paralegals who regularly work on this bankruptcy case.

(C) Apparently unrelated billing entries: The tentative ruling is to sustain this objection and reduce the hours the Firm may seek reimbursement for by **0.6 hours** of Mr. Dulberg's time (dkt. 1030, at PDF p. 5, last two entries for 3/13/25) because Trustee's counsel has agreed to deduct the two entries. See Lucas Decl. (dkt. 1053) p. 8:1-6.



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(D) Paralegal work allegedly performed by Mr. Lucas: The tentative ruling is to overrule this objection because Mr. Lucas' declaration (dkt. 1053, p. 8:7-16) provides further detail about this entry and this Court agrees that it is necessary and routine for attorneys to do some work reviewing and assembling exhibits.

(E) Allegedly duplicative entries: The tentative ruling is to overrule this objection because Mr. Lucas' declaration (dkt. 1054, p. 8:17-23) adequately explains why those services were reasonable and not duplicative.

But this Court notes an item of apparent duplication to which Respondents did not object. The last entry in the First Timesheet (4/8/25 - "Prepare for motion to enforce automatic stay ..." (dkt. 1030 at PDF p. 7, for Mr. Lucas, 0.5 hours)) and the first entry in the Second Timesheet (also 4/8/25 - "Prepare for motion to enforce automatic stay ...") (dkt. 1053 at PDF p. 12, for Mr. Lucas, 0.5 hours) appear to be duplicative. Therefore, the tentative ruling is to reduce the requested fees by **0.5 hours** of Mr. Lucas' time.

(F) Conclusion as to reasonableness of hours expended: For the reasons set forth above, the tentative ruling is to reduce the time the Firm may be compensated for by **0.6 hours** of Mr. Dulberg's time and **0.5 hours** of Mr. Lucas' time. In other words, it was reasonable for the Firm to expend **46.9 hours** (48 hours - 0.6 - 0.5 = 46.9 hours) in connection with bringing about an end to Respondents stay violations and, now, seeking compensatory sanctions.

(2) Reasonableness of hourly rate

The reasonable value of attorney services is determined by looking to the prevailing rates of other attorneys in the community with like skill, experience, and reputation. *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210-11 (9th Cir. 1986).

Respondents argue that the professionals' hourly rates greatly exceed reasonable market rates and that \$600/hr would be more appropriate. Opp. (dkt. 1039), pp. 7:3-8 & 8:15-17. However, Respondents do not provide any support for a \$600.00/hour rate and Mr. Crawford concedes that he practices in California State Court (*id.*, pp. 7:26-8:4), not Bankruptcy Court.

Trustee's counsel counters that the Firm's hourly rates were already approved by Judge Sandra Klein (who previously presided over this case) in connection with its employment application (dkt. 177 & 330) and that its rates



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will be subject to future fee applications under 11 U.S.C. 327 and 330. Lucas Declaration (dkt. 1053), p. 7:17-27.

The tentative ruling is that, although this Court agrees that it would be unfair to collaterally attack the Firm's hourly rates for services billed to the estate after Judge Klein approved the Firm's employment, the fees at issue in this matter are for an award of sanctions under section 105(a) and this Court is required to determine whether the hourly rates are reasonable under the Lodestar method.

The tentative ruling is also that Trustee's counsel has not provided evidence demonstrating that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation, so this matter must be continued for it to do so. *See Skidmore v. Gilbert*, 2022 U.S. Dist. LEXIS 180114, at \*7-8 (N.D. Cal. Sept. 30, 2022) (The moving party bears the burden of establishing that their requested rates are reasonable). The tentative ruling is to continue this matter as set forth at the start of this tentative ruling for the parties to submit additional evidence on this issue.

**(e) Conclusion**

For the reasons set forth above, the tentative ruling is to overrule Respondents' opposition in substantial part, except that this Court is persuaded (i) to reduce the amount of compensable hours spent by the Firm in connection with this matter by 1.1 hours and (ii) to continue this matter for Trustee to file supplemental papers supporting its hourly rates under the foregoing authorities, Respondents to file any response, and Trustee to file his reply (by the deadlines set forth at the start of this tentative ruling).

The tentative ruling is that the only issue the parties are permitted to address in these supplemental papers is the reasonableness of the Firm's requested hourly rates.

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

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

Leslie Klein

Pro Se

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**Chapter 11**

**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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**Chapter 11**

**#22.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 4/8/25, 4/22/25, 05/01/25, 5/6/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Appearances required in connection with the status conference (calendar no. 22 on the 1:00 p.m. calendar on 5/20/25) and the proposed employment of a real estate agent (calendar no. 1 on the 2:00 p.m. calendar on 5/20/25).

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

(1) Current issues

(a) Trustee's motion for order enforcing the automatic stay and for sanctions (dkt. 969, "Stay Violation Motion"), related documents on file (dkt. 970-72, 972, 974-76), Responses of Life Capital Group, LLC (dkt. 992) and of Debtor, Leslie Klein & Associates, Inc. ("LKA"), EKLK Foundation ("EKLK"), and Daniel A. Crawford, Esq. (dkt. 997) (collectively, "Respondents"), Trustee's reply (dkt. 999), Memorandum Decision and order (dkt. 1033, 1034), Dulberg Declaration (dkt. 1030), Opposition of Respondents (dkt. 1039), Lucas Declaration (dkt. 1053)

Grant in part and continue in part, as set forth in the tentative ruling for this matter (Calendar No. 21, 5/20/25 at 1:00 p.m.). (Appearances are not required on this matter, as set forth in that tentative ruling.)

(b) Application to employ broker (dkt. 931, "Employment Application"), Opposition of Debtor and Barbara Klein (dkt. 944), Notice of hearing (dkt. 946), Reply (dkt. 1044)

The tentative ruling is that most of the arguments raised in opposition

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to the Employment Application are moot because Debtor and Ms. Klein have vacated the property. But Trustee is directed to address the argument that the estate will not be able to obtain title insurance as a result of the pending appeals, which this Court interprets to be an argument that authorizing a broker at this time would be premature.

Proposed orders: Unless otherwise ordered, Debtor 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: 6/3/25 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):**

Leslie Klein

Pro Se

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
Jeffrey W Dulberg  
Jeffrey N Pomerantz  
John W Lucas  
Jeffrey P Nolan

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

1:00 PM

**CONT... Leslie Klein**

**Chapter 11**

Pachulski Stang Ziehl & Jones LLP

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

1:00 PM

**2:25-13881 Dedication & Everlasting Love To Animals**

**Chapter 11**

**#23.00** Cont'd hrg re: Payroll Motion  
fr. 5/16/25

Docket 0

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 26,  
5/20/25 at 1:00 p.m.).

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

Dedication & Everlasting Love To

Represented By  
William R Hess

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

1:00 PM

**2:25-13881 Dedication & Everlasting Love To Animals**

**Chapter 11**

**#24.00** Cont'd hrg re: Critical Vendor Motion  
fr. 5/16/25

Docket 0

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 26,  
5/20/25 at 1:00 p.m.).

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

**Debtor(s):**

Dedication & Everlasting Love To

Represented By  
William R Hess

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

**Tuesday, May 20, 2025**

**Hearing Room 1545**

1:00 PM

**2:25-13881 Dedication & Everlasting Love To Animals**

**Chapter 11**

**#25.00** Cont'd hrg re: Turnover Motion  
fr. 5/16/25

Docket 0

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 26,  
5/20/25 at 1:00 p.m.).

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

**Debtor(s):**

Dedication & Everlasting Love To

Represented By  
William R Hess



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

1:00 PM

**2:25-13881 Dedication & Everlasting Love To Animals**

**Chapter 11**

**#26.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 5/16/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Appearances required. There is no tentative ruling but the parties are directed to address the following issues.

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) Payroll; frozen bank accounts; and critical vendors (dkt. 8 & 19)

The Chapter 11 Trustee (the "Trustee") is directed to address these issues.

(2) Dates/procedures. This Chapter 11 case was filed on 5/9/25. On 5/16/25, this Court both (x) directed the United States Trustee to appoint a Chapter 11 Trustee (dkt. 20) and (y) approved the appointment of Todd Frealy as Trustee (dkt. 24).

(a) Bar date: TBD

(b) Procedures Order: dkt. 6 (not served)

(c) Plan/Disclosure Statement: filing deadline TBD

(d) Continued status conference: 6/17/25 at 1:00 p.m., as previously ordered. Status report due by 6/3/25.

**Tentative Ruling for 5/16/25:**

Appearances required. There is no tentative ruling but the parties are directed to address the following issues.

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**CONT... Dedication & Everlasting Love To Animals**

**Chapter 11**

**(1) Current issues**

**(a) Non-compliance with emergency procedures**

Why did Debtor seek relief under Local Bankruptcy Rule 9075-1(a) by making a telephonic request to shorten time - which is only available "[o]n an emergency motion requiring an order on less than 48 hours notice" (LBR 9075-1(a)(1) (emphasis added)) - and yet Debtor still has not filed any motions? This Court's order provisionally shortening time for notice (dkt. 8, "OST") required that any motion papers had to be filed by 7:00 p.m. on 5/14/25, and directed service and notice that were intended to assure due process for all parties in interest. Why has Debtor failed to comply, as of the preparation and posting of this tentative ruling?

**(b) Payroll, and frozen bank accounts**

When Debtor's counsel initially telephoned chambers, he represented to this Court's law clerk that the main reasons why emergency relief was required are that (a) payroll was due on 5/14/25, for approximately 30 employees who are owed approximately \$100,000.00, and (b) Debtor's bank account(s) had been frozen based on a levy by a judgment creditor. Presumably, either the employees have gone unpaid - which is very bad - or employees have been paid without authorization of this Court, either out of other assets of Debtor or possibly based on a loan or other arrangement that would require approval of this Court and/or other procedures - which could also be very bad.

What is the current situation regarding payroll and Debtor's bank accounts, and what procedures should this Court establish (if any), or what other relief (if any) should this Court grant, to address these issues?

**(c) Critical vendors**

Debtor's counsel supplemented his initial telephonic request by asserting that he needed an emergency hearing to address critical vendor issues. Again, no motion papers have been filed. Why not?

**(2) Dates/procedures. This chapter 11 case was filed on 5/9/25.**

**(a) Bar date: TBD**

**(b) Procedures Order: dkt. 6 (not served)**

**(c) Plan/Disclosure Statement: filing deadline TBD**

**(d) Continued status conference: 6/17/25 at 1:00 p.m., as previously**

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**CONT...**

**Dedication & Everlasting Love To Animals**

**Chapter 11**

ordered. Status report due by 6/3/25.

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>
--------------------------

**Debtor(s):**

Dedication & Everlasting Love To

Represented By  
William R Hess

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

2:00 PM

**2:23-10990 Leslie Klein**

**Chapter 11**

**#1.00** Hrg re: Trustee's Application to (A) Employ Coldwell Banker Realty as Real Estate Broker and (B) Enter Into Exclusive Listing Agreement fr. 5/27/25

Docket 931

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 22, 5/6/25 at **1:00 p.m.**).

<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

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

2:00 PM

**2:25-12672 National Development Fund, LLC**

**Chapter 11**

**#2.00** Hrg re: Motion for (A) Relief From The Automatic Stay Under 11 U.S.C. § 362 (REAL PROPERTY), and (B) Relief From Turnover Under 11 U.S.C. § 543 By Prepetition Receiver or Other Custodian

ERIC P. BEATTY  
vs  
DEBTOR

Docket 24

**\*\*\* VACATED \*\*\* REASON: This hearing is scheduled to be heard at a different time. See calendar #6.1 at 1:00 p.m.**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

National Development Fund, LLC

Represented By  
Jeremy Faith

**Movant(s):**

Eric P. Beatty

Represented By  
Gregory K Jones

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

2:00 PM

**2:22-11471 Cherry Man Industries, Inc.**

**Chapter 7**

Adv#: 2:24-01067 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

**#3.00** Cont'd Status Conference re: Complaint for: (1) Avoidance of Preferential Transfers [11 U.S.C. § 547]; (2) Avoidance of Actual Fraudulent Transfers [11 U.S.C. § 548(A)(1)(A)]; (3) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §548(A)(1)(B)]; (4) Recovery of Avoided Transfers [11 U.S.C. § 550]; and (5) Disallowance of Claims [11U.S.C. §502]  
fr. 06/04/24, 07/30/24, 08/27/24, 9/24/24, 12/17/24, 2/18/25, 3/18/25, 5/27/25

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 6/3/25 at 2:00 p.m. per order (dkt. 34)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cherry Man Industries, Inc.

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

**Defendant(s):**

AMERICAN EXPRESS

Represented By  
Sweeney Kelly

**Plaintiff(s):**

HAMID R. RAFATJOO IN HIS

Represented By  
David B Golubchik  
Robert Carrasco

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, May 20, 2025**

**Hearing Room 1545**

2:00 PM

**2:24-16899 Sherrie R Carr**

**Chapter 11**

**#4.00** Cont'd status conference re: Chapter 11 case  
fr. 9/24/24, 10/8/24, 10/22/24, 11/5/24, 12/3/24,  
12/17/24, 1/28/25, 3/18/25, 5/27/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Appearances required by counsel for Ms. Carr.

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) Unauthorized spending by Ms. Carr?

Ms. Carr's Monthly Operating Reports ("MORs") for February and March reflect approximately \$47,200.00 in payments for "Roof Repairs" that, so far as this Court recalls, have not been authorized and do not qualify as ordinary expenses. See Feb MOR (dkt. 150), pdf p. 11 (\$20,000.00) & March MOR (dkt. 156), pdf pp. 10 (\$4,000.00, \$1,200.00, \$2,000.00, \$10,000.00) & 11 (\$10,000.00). Counsel for Ms. Carr is directed to appear to address these expenses and if they were unauthorized why this Court should not issue an OSC directing her to appear at a future hearing to address why this Court should not remove Ms. Carr as a debtor in possession and appoint a chapter 11 trustee, or convert or dismiss her case, or other appropriate disposition.

(2) Dates/procedures. Ms. Carr's Subchapter V case was filed on 8/27/24 (2:24-bk-16899-NB) and Church's Subchapter V case was filed on 8/28/24 (2:24-bk-16940-NB). On 9/30/24 this Court entered an order authorizing joint administration of these cases. 2:24-bk-16899-NB, dkt. 40 & 2:24-bk-16940-NB, dkt. 31.

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**CONT...**

**Sherrie R Carr**

**Chapter 11**

- (a) Bar date for Ms. Carr's case: 11/5/24 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. 23).
- (b) Bar date for Church's case: 11/6/24 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. 18).
- (c) Procedures Order in Ms. Carr's case: dkt. 8 (timely served, dkt. 14)
- (d) Procedures Order in Church's case: dkt. 9 (timely served, dkt. 12)
- (e) Notice to worshipers: see Order (dkt. 69).
- (f) Individual and/or Joint Plan/Disclosure Statement: When these cases were pending under Subchapter V the Plans were due by 90 days after the petition date (per 11 U.S.C. 1189(b)). The tentative ruling is not to set any new deadline at this time.
- (g) Continued status conference: 6/17/25 at 2:00 p.m. *If* Debtors have not filed a motion for authority to obtain DIP financing in time to have that motion heard on 6/17/25 they are directed to file brief written status report(s) addressing the status of the loan described in their latest status reports by 6/3/25.

**[PRIOR TENTATIVE RULINGS OMITTED]**

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

**Debtor(s):**

Sherrie R Carr

Represented By  
John K Rounds

**Trustee(s):**

Susan K Seflin (TR)

Pro Se



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2:00 PM

**2:23-18208 Meir Siboni**

**Chapter 11**

**#5.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 6/4/24, 6/25/24, 7/9/24, 07/30/24, 8/6/24, 9/24/24,  
12/3/24, 12/10/24, 1/21/25, 2/11/25, 3/18/25, 5/27/25

Docket 109

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**  
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) Missing status report

This Court's adopted tentative ruling for 3/18/25 (copied below) set a deadline of 5/13/25 for Debtor to file a status report, but Debtor has not complied. Why not?

What is the current status of this case? Has Debtor provided sufficient information to the Examiner? Has the Examiner reached any conclusions?

(b) Monthly Operating Reports ("MORs")

Debtor's February and March MORs reflect significant monthly cash deficits. See Feb MOR (dkt. 241, p. 2) & March MOR (dkt. 250, p. 2). Debtor is directed to address the current status of this case, including (x) whether he anticipates further cash deficits in future that will detrimentally reduce the cash available to satisfy claims, and (y) whether this Court should set a deadline for Debtor to file a plan and disclosure statement at this time.

(c) Siboni v. Menlo et. al (Adv. No. 2:24-ap-01027-NB)

Continue to be contemporaneous with the continued status conference

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**CONT... Meir Siboni**

**Chapter 11**

(see Part (2)(d), below) based on this Court's review of the parties' latest status report. Adv. dkt. 34. The parties are directed to file a joint status report 14 days prior to the continued status conference.

(d) Menlo et al. v. Siboni (Adv. No. 2:24-ap-01083-NB)

Continue to be contemporaneous with the continued status conference (see Part (2)(d), below) based on this Court's review of the parties' latest status report. Adv. dkt. 19. The parties are directed to file a joint status report 14 days prior to the continued status conference.

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

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

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

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 7/15/25 at 2:00 p.m. *Brief* status report from Debtor due 7/1/25.

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

Continue the status conference as set forth below. Appearances are not required on 3/18/25. (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 joint status report from Debtor and Examiner (dkt. 236) which asks this Court to weigh in on whether a third party may be present during the Debtor's examination under oath. *Id.* pp. 2:14-3:5. The tentative ruling is that the third party should be permitted to attend the

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**CONT...**

**Meir Siboni**

**Chapter 11**

examination but not ask any questions as follows.

First, Debtor has not identified a potential violation of the attorney-client privilege or other reason why Debtor could reveal information to the Examiner but not to a third party. Nor has Debtor identified any reason why this particular testimony under oath should be private when testimony in open court would be public.

Second, Debtor concedes that the third party could seek its own Rule 2004 examination which would require Debtor and the third party to incur additional expense. Since the Examiner thinks that it would be helpful, it appears that the third party's attendance at the examination would likely make the process more efficient by helping the Examiner know what questions to ask based on the third parties' possible knowledge of facts and/or by potentially avoiding the need for a separate examination by the third party.

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

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

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

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

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 5/27/25 at 2:00 p.m. *Brief* status report from Debtor due 5/13/25.

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

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

Meir Siboni

Represented By  
Thomas B Ure

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

2:00 PM

**2:23-18208 Meir Siboni**

**Chapter 11**

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

**#6.00** Cont'd Status Conference re: Complaint to Determine Priority Extent of Liens, Declaratory Relief and Recovery of Assets of the Estate: (1) Quiet Title; (2) Quiet Title; (3) Quiet Title; (4) Declaratory Relief (5) Cancellation of Instrument; (6) Cancellation of Instrument; (7) Cancellation of Instrument; (8) Breach of Fiduciary Duty; (9) Breach of Fiduciary Duty; (10) Concealment fr. 4/2/24, 4/9/24, 4/11/24, 6/4/24, 7/30/24, 8/6/24, 10/22/24, 2/11/25, 4/22/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Please see the tentative ruling for the bankruptcy case in chief status conference (Calendar No. 5, 5/20/25 at 2:00 p.m.).

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

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

**Debtor(s):**

Meir Siboni

Represented By  
Thomas B Ure

**Defendant(s):**

Jonathan Menlo

Represented By  
Elsa M Horowitz

Frank Menlo

Represented By  
Paul P Young  
Kevin Ronk  
Nikko Salvatore Stevens

Menlo Trust U/T/L February 22,

Represented By

**United States Bankruptcy Court  
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**CONT...**

**Meir Siboni**

**Chapter 11**

Paul P Young  
Kevin Ronk  
Nikko Salvatore Stevens

Miracle Mile Properties, LP

Represented By  
Paul P Young  
Kevin Ronk  
Nikko Salvatore Stevens

DOES 1-10

Pro Se

**Plaintiff(s):**

Meir Siboni

Represented By  
Thomas B Ure

**United States Bankruptcy Court  
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**2:23-18208 Meir Siboni**

**Chapter 11**

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

**#7.00** Cont'd Status Conference re: Complaint to  
Determine Non-Dischargeability of Debt  
fr. 6/4/24, 7/30/24, 8/6/24, 10/22/24, 2/11/25,  
4/22/25

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 5/20/25:**

Please see the tentative ruling for the bankruptcy case in chief status  
conference (Calendar No. 5, 5/20/25 at 2:00 p.m.).

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

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

**Debtor(s):**

Meir Siboni

Represented By  
Thomas B Ure

**Defendant(s):**

Meir Siboni

Represented By  
Thomas B Ure

**Plaintiff(s):**

Franklin Menlo

Represented By  
Paul P Young  
Kevin Ronk  
Nikko Salvatore Stevens

Miracle Mile Properties, LP

Represented By  
Paul P Young  
Kevin Ronk  
Nikko Salvatore Stevens

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**CONT... Meir Siboni**

**Chapter 11**

Franklin Menlo Trustee of the Menlo

Represented By  
Paul P Young  
Kevin Ronk  
Nikko Salvatore Stevens