

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

Wednesday, May 20, 2026

Hearing Room 1545

9:00 AM

2:00-000000

Chapter

- #0.00** Hearings in Judge Bason's courtroom (1545) are simultaneously:
- (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices),
 - (2) via ZoomGov video, and
 - (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: 165 363 4080

Password: 878536

Meeting URL: <https://cacb.zoomgov.com/j/1653634080>

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.

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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10:00 AM

2:26-12044 James Harvey Irby

Chapter 13

#1.00 Motion Debtors Motion for Order Authorizing (1) Transfer of Title to Debtors Residence into Revocable Living Trust, (2) Obtaining Reverse Mortgage Loan, and (3) Use of Proceeds Pursuant to Probate Court Order and Settlement Agreement

Docket 23

Tentative Ruling:

Grant, including annulment of the automatic stay (under 11 U.S.C. 362(d)) to the extent required, based on offers of proof regarding (a) whether the emails listed on the proof of service went through and (b) whether there was consent to service via email, and (c) subject to any opposition at the hearing.

Appearances required.

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

Key documents reviewed: Motion (dkt. 23); interim Orders (dkt. 32, 36); Notice and Declarations re service (dkt. 37, 38, 99); (no opposition on file as of the preparation of this tentative ruling).

Party Information

Debtor(s):

James Harvey Irby

Represented By
Peter M Lively

Movant(s):

James Harvey Irby

Represented By
Peter M Lively

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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CONT... James Harvey Irby

Chapter 13

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

2:26-10067 Alpine Corporation

Chapter 11

#2.00 Cont'd hrg re: Motion for Order Approving Financing as Unsecured
Credit Allowable as an Administrative Expense
fr. 4/21/26, 5/12/26

Docket 241

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 6,
5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

Alpine Corporation

Represented By
Michael S Kogan

Movant(s):

Alpine Corporation

Represented By
Michael S Kogan

**United States Bankruptcy Court
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10:00 AM

2:26-10067 Alpine Corporation

Chapter 11

#3.00 Cont'd hrg re: Emergency Motion for Authority to Use (A) Cash Collateral on an Interim Basis Pending Final Hearing; and (B) Grant Replacement Liens fr. 1/9/26, 01/20/26, 01/26/26, 2/3/26, 2/10/26, 2/24/26, 3/10/26, 3/24/26, 4/7/26, 4/21/26, 5/12/26

Docket 15

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 6, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

Alpine Corporation

Represented By
Michael S Kogan

Movant(s):

Alpine Corporation

Represented By
Michael S Kogan

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10:00 AM

2:26-10067 Alpine Corporation

Chapter 11

Adv#: 2:26-01042 Alpine Corporation v. Israel Discount Bank of New York

#4.00 Cont'd Status Conference re: Complaint for: (1) Declaratory Relief;
(2) Injunctive Relief; (3) Amount of IDB Claim; (4) Offset
Against IDB Claim; and (5) Subordination
fr. 5/12/26

Docket 1

Tentative Ruling:

Appearances required.

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

(1) Current issues

(a) Debtor's Motion for Section 105 Injunction (adv. dkt. 5), Opposition filed by Israel Discount Bank ("Bank") (adv. dkt. 12), Stipulation (adv. dkt. 15) to Continue Hearing and Order Thereon (adv. dkt. 20), Bank's Supplemental Opposition (adv. dkt. 24), Plaintiff/Debtor's Reply (adv. dkt. 25)

This hearing on Debtor's Motion for a Section 105 Injunction (adv. dkt. 5) was initially scheduled for May 12, 2026 at 1:00 p.m., but was continued to today pursuant to the request of the parties. When requesting that continuance, the parties represented that they were diligently attempting to resolve their disputes, and asked that this Court not post any tentative rulings in connection with the prior May 12 hearing, to avoid any potential disruption of settlement discussions.

Accordingly, to avoid interfering with any continuing settlement discussions, there is no tentative ruling. The parties should be prepared to address the issues set forth in their papers.

(2) Standard requirements

The following are Judge Bason's standard requirements for status

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CONT... Alpine Corporation

Chapter 11

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1038 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

The tentative ruling is that it would be premature to direct the parties to attend formal mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 3/3/26. The tentative ruling is that it would be premature to set litigation deadlines in view of the stipulation (adv. dkt. 17) and order thereon (adv. dkt. 19) extending Bank's deadline to respond to the Complaint. The tentative ruling is to maintain the previously ordered date for the continued status conference, as set forth below.

Joint Status Report: 6/30/26

Continued status conference: 7/14/26 at 1:00 p.m.

Party Information

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CONT... Alpine Corporation

Chapter 11

Debtor(s):

Alpine Corporation

Represented By
Michael S Kogan

Defendant(s):

Israel Discount Bank of New York

Represented By
Christopher Crowell
Michael J Gomez
Gerrick Warrington

Plaintiff(s):

Alpine Corporation

Represented By
Michael S Kogan

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Chapter 11

Adv#: 2:26-01042 Alpine Corporation v. Israel Discount Bank of New York

#5.00 Cont'd hrg re: Motion for Preliminary Injunction against
Israel Discount Bank of New York
fr. 4/21/26, 5/12/26

Docket 5

Tentative Ruling:

Please see the tentative ruling for the status conference in the adversary proceeding (Calendar No. 4, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

Alpine Corporation

Represented By
Michael S Kogan

Defendant(s):

Israel Discount Bank of New York

Represented By
Christopher Crowell

Movant(s):

Alpine Corporation

Represented By
Michael S Kogan

Plaintiff(s):

Alpine Corporation

Represented By
Michael S Kogan

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10:00 AM

2:26-10067 Alpine Corporation

Chapter 11

#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 1/9/26, 01/20/26, 01/26/26, 2/3/26, 2/10/26,
2/24/26, 3/10/26, 3/24/26, 4/7/26, 4/21/26, 5/12/26

Docket 1

Tentative Ruling:

Tentative Ruling for 5/20/26:

Appearances required.

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

(1) Current issues

(a) Cash Collateral Motion (dkt. 15); Rule 4001 Statements (dkt. 16 & 77); Declaration (dkt. 17); Statement of Creditor Israel Discount Bank of New York ("Bank") (dkt. 31); Notice of Continued Hearing (dkt. 41); Memorialization of (mostly adopted) Tentative Rulings (dkt. 51); Interim Cash Collateral Orders (dkt. 64, 122, 149, 206, 233, 261); Bank's Supplements and Status Reports (dkt. 66, 100, 123, 132, 135, 175, 200, 207, 242, 298); Debtor's Supplements (dkt. 121, 128, 131, 176, 203, 238); Bank's Supplemental Opposition (dkt. 276); Debtor's Supplemental Reply (dkt. 297, amending dkt. 291); Bank's Status Report (dkt. 298)

This continued hearing on Debtor's Cash Collateral Motion was initially scheduled for May 12, 2026 at 1:00 p.m., but was continued to today pursuant to the request of the parties. When requesting that continuance, the parties represented that they were diligently attempting to resolve their disputes, and asked that this Court not post any tentative rulings in connection with the prior May 12 hearing, to avoid any potential disruption of settlement discussions.

Accordingly, to avoid interfering with any continuing settlement discussions, there is no tentative ruling. The parties should be prepared to

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Chapter 11

address the issues set forth in their papers.

(b) Debtor's Financing Motion (dkt. 241) and Rule 4001 Statement (dkt. 244), Notice (dkt. 243), Opposition filed by Israel Discount Bank (dkt. 249), Debtor's Reply (dkt. 291)

For the same reasons set forth in part "(1)(a)," above, there is no tentative ruling, and the parties should be prepared to address the issues set forth in their papers.

(c) Status Conference and Motion for Preliminary Injunction in Adv. No. 2:26-ap-01042-NB

Please see the tentative ruling for the status conference in the adversary proceeding (Calendar No. 4, 5/20/26 at 10:00 a.m.).

(2) Dates/procedures. This case was filed on 1/5/26.

(a) Bar date: TBD (DO NOT SERVE notice yet - *court will prepare an order after the claims bar date has been set*).

(b) Procedures Order: dkt. 7 (served slightly late, but sufficient to give adequate notice, dkt. 42).

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

(d) Continued status conference: 6/2/26 at 1:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Alpine Corporation

Represented By
Michael S Kogan

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2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#7.00 Hrg re: First Day Motion For Entry Of Interim And Final Orders: (i) Continuation Of Prepetition Insurance Coverage; (ii) Payment Of Prepetition Obligations Related To Insurance Coverages; And (iii) Renew, Amend Or Enter Into New Insurance Coverage In The Ordinary Course Of Business

Docket 21

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs

Movant(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs
Marcus G Tiggs
Marcus G Tiggs

**United States Bankruptcy Court
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10:00 AM

2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#8.00 Hrg re: First Day Motion For Entry of Interim and Final Orders
(I) Authorizing Use of Cash Collateral (II) Granting Related Relief

Docket 22

Tentative Ruling:

Subject to any opposition at or before the hearing, grant the cash collateral motion on an interim basis, subject to the conditions set forth below, with a final hearing and associated deadlines as set forth in the tentative ruling for the status conference (Calendar No. 13, 5/20/26 at 10:00 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.

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

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

(1) Written order

(a) Form. Use local form

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

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

(2) Minimum adequate protection

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

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

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

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

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

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

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date. For example, if prepetition liens extended to inventory and accounts receivable but not equipment then postpetition liens are likewise limited (unless otherwise expressly provided by order of this Court). In addition, postpetition liens shall not extend to any avoidance actions or the proceeds thereof, any claim or recoveries under 11 U.S.C. 506(c), any "carveout" under 11 U.S.C. 552, or any claim or recoveries under 11 U.S.C. 724(a).

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Chapter 11

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

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

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

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

(4) Automatic disapproval of insufficiently disclosed provisions

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

(5) Disputes

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

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the matters 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.

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CONT... THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs

Movant(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs
Marcus G Tiggs
Marcus G Tiggs

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2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#9.00 Hrg re: First Day Motion For Entry Of Interim And Final Orders (i) Authorizing Continued Use Of Existing Cash Management System, (ii) Authorizing Continued Use Of Existing Bank Accounts And Use Of Existing Business Forms, (iii) Authorizing Continued Acceptance And Processing Of Tithes And Donations Through Existing Electronic Merchant And Donation Payment Platforms, and (IV) Granting Related Relief

Docket 20

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs

Movant(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs
Marcus G Tiggs
Marcus G Tiggs

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2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#10.00 Hrg re: First Day Motion For Entry Of Interim And Final Orders: (i) Prohibiting Utility Providers From Altering, Refusing, Or Discontinuing Service; (ii) Determining Adequate Assurance Of Payment For Future Utility Services; (iii) Establishing Procedures For Resolving Requests For Additional Adequate Assurance; (iv) Authorizing, The Debtor To Pay Utility Obligations That Become Due In The Ordinary Course Postpetition Pending Entry Of A Final Order; and (V) Granting Related Relief

Docket 19

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs

Movant(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs
Marcus G Tiggs
Marcus G Tiggs

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2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#11.00 Hrg re: Motion For Interim And Final Orders Authorizing (i) Payment For Employees Prepetition Accrued Wages; (ii) Maintenance Of Existing Personnel Policies In The Ordinary Course Of Business; (iii) Make Payments For Which Payroll Deductions Were Made; and (IV) Related Relief

Docket 18

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs

Movant(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs
Marcus G Tiggs
Marcus G Tiggs

**United States Bankruptcy Court
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2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#12.00 Hrg re: Motion For Interim and Final Orders Authorizing (i) Payment For Unpaid Pre-Petition Independent Contractor Services, (ii) Continued Retention And Payment Of Independent Contractors In The Ordinary Course Of Business Postpetition, (II) Related Relief

Docket 17

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13, 5/20/26 at 10:00 a.m.).

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs

Movant(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs
Marcus G Tiggs
Marcus G Tiggs

**United States Bankruptcy Court
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2:26-14431 THE TRUETT MEMORIAL SOUTHERN BAPTIST

Chapter 11

#13.00 Status Conference re: Chapter 11 Case

Docket 0

Tentative Ruling:

Appearances required.

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

(1) Current issues

(a) Notice, and necessity to provide limited relief "to avoid immediate and irreparable harm"

(i) The tentative ruling is that, although there was only very limited notice, that notice is sufficient under the circumstances

The following matters ("First Day Motions") are on for hearing today on an expedited basis, pursuant to this Court's order shortening time (dkt. 27, the "OST"). This Court has reviewed the notice of hearings (dkt. 34) and declaration of Debtor's proposed bankruptcy counsel regarding notice (dkt. 35).

The OST set a deadline for "RECEIPT" of "Expedited Service" (defined as service via overnight mail, personal delivery, Notice of Electronic Filing ("NEF"), or other methods of electronic service compliant with Rule 5(b)(2)(E) (Fed. R. Civ. P., made applicable by Rules 7005 and 9014(b)(3) (Fed. R. Bankr. P.)) by 5/15/26 at 5:00 p.m. However, as a result of clerical error, the text listing the parties to be served via Expedited Service incorrectly stated "Parties to be Served via First Class U.S. Mail" (that text should have read "Parties to be served via Expedited Service" - i.e., overnight mail, personal delivery, or, with consent, email or facsimile).

Debtor served the First Day Motions via first-class mail upon parties in interest on 5/14/26 (see dkt. 35). The result is that parties in interest received very little notice of this hearing.

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Nonetheless, the tentative ruling, subject to any opposition at the hearing, or any future request for reconsideration by any entity that alleges a lack of sufficient notice and opportunity to be heard, is that Debtor has served the persons who are required to be served and has provided sufficient notice under the circumstances. See Rule 4001(a)(2), (b)(2), (c)(2), *and* Rule 6003(a) (Fed. R. Bankr. P.). In addition, the tentative ruling is that Debtor has provided sufficient evidence that the requested relief, to the limited extent provided below, is needed "to avoid immediate and irreparable harm" within the meaning of those rules.

(ii) Alternatively, even if notice was inadequate, limited relief can be granted so as to provide adequate protection of interests in the bankruptcy estate

Even if one or more persons who were required to receive notice cannot appear at this hearing due to the lateness of notice, the tentative ruling is that sufficient notice has been provided for this Court to act, pursuant to 11 U.S.C. 102(1)(B)(ii). There is insufficient time before the acts authorized below must be taken. *Id.*

Alternatively, even if sufficient notice has not been provided, the tentative ruling is that this Court has, to a very limited extent, the ability to grant some relief so as to preserve Debtor's going concern value for the benefit of all parties in interest. The source of that very limited authority is as follows.

This Court is authorized and required, on request of (A) "an entity that has an interest" in property of the estate, "at any time" and "with or without a hearing," (B) to "prohibit or condition" the use of any property of the bankruptcy estate on whatever terms are necessary to provide "adequate protection" of any interest in such property. 11 U.S.C. 363(e) (emphasis added). The tentative ruling is that these provisions are applicable for two reasons.

First, the tentative ruling is that Debtor qualifies as an entity that has an interest in property of the estate. Debtor has an interest not only "wearing its hat" as a debtor but also, "wearing its hat" as a debtor in possession acting as a trustee for the benefit of all parties in interest, in the *res* that is the bankruptcy estate.

Second, the tentative ruling is that Debtor is requesting that this Court "prohibit or condition" the "use" of property of the estate so as to provide

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"adequate protection" because a "use" of cash includes not only the choice to pay an employee, for example (or pay other expenses of the "first day" motions), but also the choice not to pay that employee (or other first day motion expenses) and instead use that cash to earn interest in a bank account. Prohibiting the latter use, and imposing the condition that payments be made to preserve the status quo including preservation of Debtor's going concern value (e.g., by paying employees so that they do not quit), is a form of adequate protection of all creditors that is appropriate in the emergency circumstances presented (as are the other uses of property of the estate that are tentatively authorized below).

(iii) Most relief will be granted only on an interim basis, with supplemental papers required from Debtor and a further opportunity for any opposition and reply

The tentative rulings set forth below provide that certain of the motions will be granted only on an interim basis. For each such motion, the tentative ruling is to set final hearings on **6/9/26 at 1:00 p.m.**, with a **deadline of 5/21/26** for Debtor to file a proof of service of notice of those final hearings, a **deadline of 5/27/26** for Debtor to file any optional supplemental papers (but only if Debtor considers supplemental papers to be necessary; to be clear, supplemental papers are not required), a **deadline of 6/3/26** for any opposition papers, and a **deadline of 6/5/26** for Debtor's reply papers.

(b) Motion to Continue Prepetition Insurance Coverage (dkt. 21)

Debtor's liability insurance provider, Brotherhood Mutual ("Insurer"), is not listed as an entity that was served on either the notice (dkt. 34) of these First Day Hearings or the declaration regarding service (dkt. 35). But the tentative ruling is to excuse the lack of service on the insurer because (i) so far as this Court can discern, it will not be prejudiced at all by the relief being sought, and instead will simply continue to receive the same payments it would have received outside of bankruptcy, and (ii) if for some reason it objects, it can refuse to accept the payment, or take other steps to preserve the status quo, and raise any objections at the final hearing.

Subject to any opposition at or before the hearing, the tentative ruling is to grant the motion on an interim basis and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above, with express directions to Debtor to serve the insurer with notice of the final

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hearing and a copy of this tentative ruling.

(c) Cash Collateral Motion (dkt. 22)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Cash Collateral Motion on an interim basis as set forth in Calendar No. 8 (5/20/26 at 10:00 a.m.) and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above.

(d) Cash Management Motion (dkt. 20)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Cash Management Motion on an interim basis and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above.

The United States Trustee and other parties in interest are invited to address any other issues posed by the Cash Management Motion (dkt. 20).

(e) Utilities Motion (dkt. 19)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Utilities Motion on an interim basis and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above.

(f) Prepetition Wages Motion (dkt. 18)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Prepetition Wages Motion on a final basis. The reasons include those stated in the Prepetition Wages Motion and the additional reasons set forth below regarding payment of independent contractors.

(g) Motion to Pay Prepetition Amounts Owed to Independent Contractors (dkt. 17)

(i) Legal standards

The starting point, as always, is the language of the statute. Under the Bankruptcy Code, creditors must cease any attempts to collect on prepetition claims (11 U.S.C. 362(a)) and distributions generally are made under a confirmed plan and not before, except when the Code expressly authorizes some interim distributions. Examples of such interim distributions include professionals' fees (11 U.S.C. 331), "adequate protection" payments (11 U.S.C. 331, 361, 362(d), and 363(e)), and in connection with pre-confirmation

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property sales (11 U.S.C. 363(b) & (f)).

Of course, unauthorized postpetition distributions generally can be avoided. 11 U.S.C. 549. But the Code provides that postpetition transfers cannot be avoided if they are "authorized under this title or by the court." 11 U.S.C. 549(a)(1)(B) (emphasis added). The emphasized language implies that, even when interim payments are not expressly authorized by a specific section of the Code this Court might have some discretion to authorize payment of prepetition claims as part of, e.g., authorizing the use of cash collateral or authorizing transactions out of the ordinary course of business. See 11 U.S.C. 363(b) & (c).

The question is what circumstances are sufficient for a postpetition transfer to be authorized "by the court" (despite not being expressly authorized by provisions of the Code other than 11 U.S.C. 549(a)(1)(B)). That issue has been addressed by the Court of Appeals for the Ninth Circuit, as well as other authorities.

In one case the Ninth Circuit noted that the "Necessity of Payment Rule was created for and has been applied only to railroad cases," and, in rejecting the use of that doctrine to justify payment of prepetition vendors' claims, it declined to extend the doctrine and "tamper with the statutory priority scheme" in the absence of "compelling reasons." *In re B&W Enterprises, Inc.*, 713 F.2d 534, 535, 537 (9th Cir. 1983) (emphasis added). That decision did not elaborate on what might constitute "compelling reasons."

Four years later - in rejecting an argument that a DIP lender with a cross-collateralization clause could not possibly have acted in good faith under 11 U.S.C. 364(e), because cross-collateralization assertedly would violate a fundamental bankruptcy tenet of equal treatment for claims of equal priority - the Ninth Circuit noted a countervailing fundamental tenet of "rehabilitation of debtors," and noted that "[c]ases have permitted unequal treatment of pre-petition debts when necessary for rehabilitation, [including] in such contexts as (i) pre-petition wages to key employees; (ii) hospital malpractice premiums incurred prior to filing; (iii) debts to providers of unique and irreplaceable supplies; and (iv) peripheral benefits under labor contracts." *In re Adams Apple, Inc.*, 829 F.2d 1484, 1490 (9th Cir. 1987) (citations omitted). The Ninth Circuit noted that Congress had shown "a willingness to subordinate the interests of pre-petition [secured] creditors to the goal of rehabilitation" by providing for subordination of prepetition secured claims to

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postpetition financing in section 364(d). *Id.*

Of course, *Adams Apple* did not actually hold that cross-collateralization or payment of prepetition wages or other prepetition claims is necessarily permissible - only that the lender did not act in bad faith by relying on an order approving cross-collateralization. See *id.* at 1489 & n. 6 (emphasizing narrowness of holding). But *Adams Apple* does shed some light on what *B&W Enterprises* meant by "compelling reasons."

The tentative ruling is that the principal differences between (A) the lack of "compelling reasons" to support paying vendors' prepetition claims in *B&W Enterprises* and (B) the circumstances that often warrant paying employees' prepetition claims as noted in *Adams Apple*, include the following. In general, vendors have a strong incentive to make future profits by continuing to sell to a DIP even if they will not be paid immediately or fully on account of prepetition claims. Vendors often sell to multiple purchasers of their products, which gives them some income even if they have to wait on any payments from a debtor. In addition, most vendors are replaceable - perhaps not without difficulty, but often far more readily than employees.

However, the tentative ruling is that the foregoing considerations do not necessarily apply to vendors who provide services to non-profit institutions such as Debtor, and that replacing such vendors could be far more difficult than replacing a vendor who supplies, for example, generic widgets. Vendors who provide services to non-profit institutions often do so at a discounted rate and can therefore be difficult to replace.

The tentative ruling is that under the reasoning of *Adams Apple*, "compelling reasons" could exist to support the payment of prepetition claims. *Adams Apple* recognized that under some circumstances, it could be necessary to pay hospital malpractice premiums incurred prior to filing; debts to providers of unique and irreplaceable supplies; and peripheral benefits under labor contracts. See *Adams Apple*, 829 F.2d 1484, 1490 (citing authorities). In each instance, the preponderance of the evidence can show (x) necessity (*i.e.*, that there are no good alternatives to the payments), (y) likely benefits to all creditors if the payments are made, and (z) that the priority scheme of the Code is likely to be honored.

In addition, *Adams Apple's* citation of section 364(d) is instructive. That section requires proof of the same three things. It requires (x) true necessity: that the trustee is "unable" to obtain the necessary financing without priming existing debt (11 U.S.C. 364(d)(1)(A)), (y) likely benefits to

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creditors (otherwise the court would not approve the financing), and (z) protection of the Code's priority scheme, not in the form of absolute assurance but in the form of proof by the debtor of "adequate" protection of the primed debt. 11 U.S.C. 364(d)(1)(B) & (d)(2).

The tentative ruling is that the foregoing analysis is further supported by *dicta* from the Supreme Court in *Czyzewski v. Jevic Holding Corp.*, 137 S.Ct. 973 (2017). *Jevic* noted, in the course of rejecting a "structured dismissal" that violated the Code's priority scheme, that it is difficult if not impossible to be confident that those priorities will be honored until the nature and extent of the bankruptcy estate and claims against it are fully resolved. *Id.* at 985. This supports the general rule that payments on account of prepetition claims are disfavored. But *Jevic* distinguished "'first day' wage orders," "'critical vendor' orders," and other potentially "priority-violating distributions" because such orders generally serve Code-related objectives such as enabling "a successful reorganization" that would "make even disfavored creditors better off." *Id.* (citations and internal quotation marks omitted, emphasis added).

Of course this is only *dicta* in *Jevic*. But it accords with the foregoing interpretation of Ninth Circuit authority.

(ii) Application of legal standards

The tentative ruling is that "compelling reasons" exist for Debtor to pay the aggregate amount of \$666.30 to its eight independent contractors on account of their prepetition claims. This Court agrees with Debtor that these independent contractors "contribute to the seamless operations of the Church and its related ministries, including but not limited to funerals, weddings, and weekly food pantry services," and further agrees that although it might be theoretically possible for Debtor to replace the independent contractors, doing so "would prove to be time-consuming and difficult, and most likely more costly." Motion to Pay Independent Contractors (dkt. 17) p. 11:13–19.

For all of the foregoing reasons, and subject to any opposition at or before the hearing, the tentative ruling is to grant on a final basis the Motion to Pay Prepetition Amounts Owed to Independent Contractors (dkt. 17).

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)). The

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proposed order on the Motion to Pay Prepetition Amounts Owed to Independent Contractors (dkt. 17) should attach the relevant portion of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Dates/procedures. This case was filed on 5/5/26.

- (a) Bar date: TBD (DO NOT SERVE notice yet - court will prepare an order after the bar date has been established at the upcoming Principal Status Conference).
- (b) Procedures Order: dkt. 6 (timely served, dkt. 10).
- (c) Plan/Disclosure Statement: TBD (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 6/2/26 at 1:00 p.m., as previously ordered (this will be the Principal Status Conference). Status Report due by 5/19/26 (see Procedures Order (dkt. 6)).

Party Information

Debtor(s):

THE TRUETT MEMORIAL

Represented By
Marcus G Tiggs