

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

Tuesday, July 9, 2024

Hearing Room 1545

9:00 AM
2:00-00000

Chapter

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

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

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 532 7784

Password: 782024

Meeting URL: <https://cacb.zoomgov.com/j/1605327784>

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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Tuesday, July 9, 2024

Hearing Room 1545

10:00 AM

2:23-15432 Hermine Khachatryan

Chapter 13

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

TOYOTA LEASE TRUST
vs
DEBTOR

Docket 26

Tentative Ruling:

Grant as set forth below.

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

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, 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... Hermine Khachatryan
(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.

Party Information

Debtor(s):

Hermine Khachatryan

Represented By
Sevan Gorginian

Movant(s):

Toyota Lease Trust as serviced by

Represented By
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:24-13815 Eric Ladrae Brown, Jr.

Chapter 7

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

KW WESTMORELAND TIC, LLC
vs
DEBTOR

Docket 14

Tentative Ruling:

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

Appearances required.

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

Key documents reviewed (in addition to motion papers): amended proof of service (dkt. 17); reply (dkt. 18) to un-filed opposition.

Analysis

The tentative ruling is (1) that the motion is timely and was properly served, (2) that Debtor's postpetition non-payment of rent is sufficient "cause" for relief from the automatic stay under 11 U.S.C. 362(d)(1), and alternatively (3) the motion must be granted under 11 U.S.C. 362(d)(2) because Debtor's only legal interest in the subject property is as a tenant, so he lacks any "equity" in the subject property, and this is not a reorganization case, so the property cannot be necessary to any "effective reorganization." In addition,

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CONT... **Eric Ladrae Brown, Jr.**

Chapter 7

the tentative ruling is that it is appropriate to waive the 14-day stay of Rule 4001(a)(3) (Fed. R. Bankr. P.) because (a) unlawful detainer proceedings are legally intended to be expedited proceedings, (b) based on the evidence in the motion papers Debtor has lived at the subject property for many months without paying rent, and (c) all rights that existed as of the bankruptcy petition date are reserved for both parties because granting immediate relief from the automatic stay will simply let the parties proceed with their unlawful detainer litigation.

The automatic stay applies

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

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

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

Co-debtor stay

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

Party Information

Debtor(s):

Eric Ladrae Brown Jr.

Pro Se

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CONT... Eric Ladrae Brown, Jr.

Chapter 7

Movant(s):

KW Westmoreland TIC, LLC

Represented By
Agop Gary Arakelian

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
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2:23-12320 Tina Louise Jefferson

Chapter 13

#3.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 3/5/24, 4/9/24, 5/21/24

U.S. BANK NATIONAL ASSOCIATION
vs
DEBTOR

Docket 34

Tentative Ruling:

Tentative Ruling for 7/9/24:

Appearances required.

At the hearing on 5/21/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 5/21/24:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 36, and 4/8/24 stipulation to continue hearing and order thereon, dkt. 37 & 39).

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

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CONT... Tina Louise Jefferson

Chapter 13

Party Information

Debtor(s):

Tina Louise Jefferson

Represented By
David Lozano

Movant(s):

U.S. Bank National Association, as

Represented By
Fanny Zhang Wan
Dane W Exnowski
Sean C Ferry

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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10:00 AM

2:23-10642 Joann Nwaosuagwu

Chapter 13

#4.00 Cont'd hrg re: Motion for relief from stay [UD]
fr. 6/4/24

EQUITY RESIDENTIAL MANAGEMENT, LLC
vs
DBTOR

Docket 43

Tentative Ruling:

Tentative Ruling for 7/9/24:

Appearances required.

At the hearing on 6/4/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 6/4/24:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 45).

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

Party Information

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CONT... Joann Nwaosuagwu

Chapter 13

Debtor(s):

Joann Nwaosuagwu

Represented By
D Justin Harelik

Movant(s):

Equity Residential Management,

Represented By
David S Hagen

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:24-11679 Susan Jan Foley

Chapter 13

#5.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/11/24

FRANK KYRIAKOS, BILL A. POULOS,
ALEX DOURBETAS
vs
DEBTOR

Docket 29

Tentative Ruling:

Tentative Ruling for 7/9/24:

Appearances required.

At the hearing on 6/11/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 6/11/24:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's belated response, dkt. 35).

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

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CONT... Susan Jan Foley

Chapter 13

Party Information

Debtor(s):

Susan Jan Foley

Represented By
Aaron Lipton

Movant(s):

Frank Kyriakos, Bill A. Poulos, Alex

Represented By
Reilly D Wilkinson

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:23-18381 Clara Guiorgina Perez Reyes

Chapter 13

#6.00 **[CASE DISMISSED ON 6/26/24]**

Cont'd hrg re: Motion for relief from stay [RP]
fr. 4/30/24, 5/14/24, 6/25/24

MHC DATE PALM, LLC
dba DATE PALM COUNTRY CLUB
vs
DEBTOR

Docket 52

Tentative Ruling:

Tentative Ruling for 7/9/24:

Appearances required **unless** this case remains dismissed.

Analysis (if case remains dismissed)

At the hearing on 6/25/24 this Court was persuaded to continue this matter to today. Meanwhile, however, Debtor did not comply with the conditions ordered by this Court for continuing her confirmation hearing (see Trustee decl., dkt. 79), so this case has been dismissed (without prejudice to seeking to vacate the dismissal, if Debtor reaches a stipulation with the Trustee (or other sufficient cause). Dismissal vacates the automatic stay, so unless the dismissal is vacated this matter is moot (unless the dismissal is vacated). See 11 U.S.C. 349(b)(3) & 362(c).

Analysis (if dismissal is vacated)

At the hearing on 6/25/24 this Court orally ordered that this matter would be continued to this date. This Court ordered the parties to meet and confer about (1) Debtor's proposed sale of the mobile home (which, it turns out, she filed on the same day as the 6/25/24 hearing, see dkt. 80 Ex. A), (2) a distribution from the sale proceeds of sufficient funds to enable Debtor to move (e.g., a security deposit for a lease of an apartment or house), and alternatively (3) arrangements for Debtor to move her mobile home to a new location. This Court also ruled that if Movant was not provided with an

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CONT... Clara Guiorgina Perez Reyes

Chapter 13

agreement for sale of the mobile home to a new owner that is acceptable to Movant, by a deadline of 7/2/24, then Movant can (a) file a declaration explaining why its rejection of the proposed purchaser is reasonable and (b) lodge a proposed order terminating the automatic stay. This Court also set a deadline of 7/8/24 at noon for Movant to file and serve a Status Report. If the dismissal of this case is vacated, this Court anticipates addressing the foregoing issues.

Note: This Court was not persuaded by Debtor's oral objections to Movant's claim (which, as previously explained by this Court, are only tangentially relevant to whether to grant or deny Movant's request to terminate the automatic stay). See Order (dkt. 77) p. 2:22-26. This Court has now reviewed Debtor's written objection (dkt. 81) and remains unpersuaded that there are any disputes about the dollar amount of Movant's claim that would have any effect on whether or not to grant relief from the automatic stay. In the record before this Court, Movant is owed more than the anticipated net proceeds of sale, and those anticipated net proceeds are less than the \$25,000.00 cap for which Debtor argues on Movant's claim.

Again, however, none of this will be relevant, and the motion will be moot, unless the dismissal of this bankruptcy case is vacated.

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 6/25/24:

Appearances required.

At the hearing on 4/30/24 this Court was persuaded to continue this matter to 5/14/24 (Order, dkt. 64), and on 5/14/24 this Court was persuaded to continue this matter again, to today. See Order (dkt. 77).

This Court has reviewed the declarations filed by Movant verifying that (i) it served Debtor with its proof of claim (thereby providing her with a breakdown of its claim), (ii) it was contacted by Debtor about a possible dispute as to the dollar amount, and (iii) it attempted without success to follow up with Debtor about that issue and also about any potential purchasers for the mobile home who might occupy the space formerly leased by Debtor.

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CONT... Clara Guiorgina Perez Reyes

Chapter 13

See Declarations (dkt. 74-76). As of the preparation of this tentative ruling, Debtor has not filed any status report or equivalent document (and the deadline of 6/18/24 has expired).

There is no tentative ruling but the parties should be prepared to address

- (a) whether Debtor was prejudiced by Movant's failure for approximately one month to lodge a proposed order (modified and issued by this Court, dkt. 77), or whether there was no prejudice because that order simply memorialized this Court's oral rulings at the hearing on 5/14/24;
- (b) whether Movant properly served the declarations on Debtor - the proofs of service attached to those declarations assert service via U.S. mail and email but fail to list either a mailing address or an email address; and
- (c) whether this Court should terminate the automatic stay, in view of Debtor's apparent failure to abide by the 6/18/24 deadline set by this Court, or to arrange a sale of the mobile home, or to show other progress.

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 RULINGS OMITTED]

Party Information

Debtor(s):

Clara Guiorgina Perez Reyes

Pro Se

Movant(s):

MHC Date Palm, L.L.C.

Represented By
John H Pentecost

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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Central District of California
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CONT... Clara Guiorgina Perez Reyes

Chapter 13

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10:00 AM

2:23-12206 Marshee Renee Webb

Chapter 13

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

WINDWARD AFFORDABLE HOMES LLC
vs
DEBTOR

Docket 55

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address the issues set forth below.

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

Key documents reviewed (in addition to motion papers): Opposition filed by Vanderbilt Mortgage and Finance, Inc. ("Vanderbilt Finance") (dkt. 59); response filed by Debtor (dkt. 60).

Vanderbilt Finance states that it intends to protect its interest in Debtor's mobile home "by tendering the full amount necessary to cure [Debtor's] default under the subject Lease to Movant" (Opposition (dkt. 59) p. 3:21–22). The parties should be prepared to address the status of any negotiations with respect to this issue.

Party Information

Debtor(s):

Marshee Renee Webb

Represented By
A. Rita Kostopoulos

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CONT... Marshee Renee Webb

Chapter 13

Movant(s):

Windward Affordable Homes LLC

Represented By
Larissa L Lazarus

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

11:00 AM

2:23-16072 Jhonalyn Jhoiey Ramirez

Chapter 7

Adv#: 2:23-01497 Cassaforte Limited v. Ramirez Duarte

#1.00 Hrg re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 18

Tentative Ruling:

Grant.

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

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

Party Information

Debtor(s):

Jhonalyn Jhoiey Ramirez

Represented By
Peter M Lively

Defendant(s):

Jhonalyn Jhoiey Ramirez Duarte

Pro Se

Plaintiff(s):

Cassaforte Limited

Represented By

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CONT... Jhonalyn Jhoiey Ramirez

Chapter 7

Leonard Salvatore Spinelli
Mark B Chassman

Trustee(s):

David M Goodrich (TR)

Pro Se

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11:00 AM

2:22-13069 George Gordon Strong, III

Chapter 7

Adv#: 2:23-01359 Michael Horner and Thomas Horner as Co-Trustees of v. Strong, III

#2.00 Hrg re: Motion for Leave to File First Amended Complaint
for Determination of Nondischargeability of Debt
Pursuant to 11 U.S.C. § 523

Docket 24

Tentative Ruling:

Grant Plaintiff's Motion for Leave to Amend, advance the 7/16/24 status conference to the date of this hearing, and set a continued status conference, all as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Plaintiffs' motion for leave to file first amended complaint (adv. dkt. 24, the "Motion for Leave"), Notice (adv. dkt. 25), Defendant/Debtor's Opposition (adv. dkt. 30) and request for judicial notice (adv. dkt. 31, the "RJN"), Plaintiffs' Reply (adv. dkt. 32)

(i) Background

On 6/1/22, Defendant/Debtor filed a voluntary chapter 13 petition. Bankr. dkt. 1. On 5/9/24, this Court entered orders denying confirmation of Defendant/Debtor's chapter 13 plan (bankr. dkt. 192) and converting Defendant/Debtor's bankruptcy case-in-chief to chapter 7 (bankr. dkt. 193). On 6/28/24, this Court issued a Memorandum Decision (bankr. dkt. 216) setting forth the reasons for the entry of those orders.

Meanwhile, many months before (on 7/17/23), Plaintiffs filed the instant dischargeability complaint, which asserts claims under 11 U.S.C. 523(a)(4) (on the grounds of defalcation while acting in a fiduciary capacity

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George Gordon Strong, III

Chapter 7

and embezzlement) and 523(a)(6) (willful and malicious injury). On 10/19/23, this Court dismissed Plaintiffs' section 523(a)(6) claim without leave to amend, because that section is not applicable in chapter 13 cases. See Order (adv. dkt. 15, the "10/19/23 Dismissal Order") at PDF p. 8.

Note: Plaintiffs' section 523(a)(4) embezzlement claim was also dismissed without leave to amend; provided, however, that Plaintiffs were authorized to amend their 523(a)(4) embezzlement claim if Defendant/Debtor's appeal of the underlying state court judgment resulted in a modification to that judgment with respect to issues pertaining to embezzlement. 10/19/23 Dismissal Order (adv. dkt. 15) at p. 2:4–7.

Prior to a status conference held on 4/9/24, this Court issued the following tentative ruling, which became this Court's actual ruling at the conclusion of the hearing:

Upon entry of the order converting this case from chapter 13 to chapter 7, a new time period for filing dischargeability actions under 11 U.S.C. 523 will commence. See Rules 1019(2) and 4007 (Fed. R. Bankr. P.) and *F & M Marquette Nat. Bank v. Richards*, 780 F.2d 24, 25 (8th Cir. 1985).

Certain debts that are dischargeable in chapter 13 are **not** dischargeable in chapter 7 – including, for example, debts for "willful and malicious injury" under 11 U.S.C. 523(a)(6). *Compare* 11 U.S.C. 1328(a)(2). In other words, certain claims may be asserted in dischargeability actions filed against chapter 7 debtors that are not available in dischargeability actions filed against chapter 13 debtors. See, e.g., *In re Toste*, No. ADV 12-02333, 2014 WL 3908139, at *2 (9th Cir. BAP Aug. 12, 2014) ("Section 1328(a) incorporates specific sub-parts of section 523(a); as relevant here, it does not incorporate section 523(a)(6) willful and malicious injury claims. Instead, section 1328(a)(4) makes only the sub-group of civil awards based on willful or malicious personal injury or wrongful death claims nondischargeable in a chapter 13 case. Section 1328(a)(4), thus, makes some, but not all section 523(a)(6) type claims for relief nondischargeable in the typical chapter 13 case.") (cleaned up).

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Chapter 7

This Court is not aware of any authority mandating whether Plaintiffs elect to pursue any post-conversion nondischargeability claims by (i) amending their complaint in this Adversary Proceeding or (ii) commencing a new adversary proceeding. Accordingly, this Court defers to Plaintiffs to elect how they choose to proceed. [4/9/24 Adopted Tentative Ruling.]

Plaintiffs filed the instant Motion for Leave (adv. dkt. 24) on 6/7/24, which Defendant/Debtor opposes (adv. dkt. 30–31). Plaintiffs represent that Defendant/Debtor refused to consent to Plaintiffs' request for amendment. Motion for Leave (adv. dkt. 24) at 4:15–16. Plaintiffs' proposed First Amended Complaint (the "Proposed FAC") seeks to (A) re-allege Plaintiffs' 523(a)(6) claim and (B) add a new claim under 523(a)(19). (The Proposed FAC does *not* seek to revive Plaintiffs' 523(a)(4) embezzlement claim.)

(ii) Analysis

The tentative ruling is that as a result of the procedural posture of this action, Plaintiffs are not entitled to amend the complaint as-of-right. Therefore, Plaintiffs may amend the complaint "only with the opposing party's written consent or the court's leave," and the "court should freely give leave when justice so requires." Rule 15(a)(2) (Fed. R. Civ. P.) (made applicable by Rule 7015, Fed. R. Bankr. P.).

As to Plaintiffs' request to re-allege their section 523(a)(6) claim, Defendant/Debtor argues that leave to amend should not be permitted because the 19/19/23 Dismissal Order (adv. dkt. 15) provided that dismissal of the 523(a)(6) was without leave to amend. As to Plaintiffs' request to add a new 523(a)(19) claim, Defendant/Debtor argues that leave should be denied because (A) the findings made by the State Court do not support a 523(a)(19) claim (Opposition (adv. dkt. 30) p. 4:10–26)) and (B) the absence of findings made by the State Court regarding any violation of federal or state securities laws purportedly deprives this Bankruptcy Court of jurisdiction to make a determination as to whether Defendant/Debtor violated securities laws (Opposition (adv. dkt. 30) p. 5:3–15).

The tentative ruling is that both these arguments overlook the fact that, for the reasons explained at the 4/9/24 Status Conference, Plaintiffs could, if they wished, simply file a new dischargeability complaint containing their proposed new claims under sections 523(a)(6) and (a)(19). This Court is

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obligated to construe the Federal Rules of Bankruptcy Procedure so as to "secure the just, speedy, and inexpensive determination of every case and proceeding." Rule 1 (Fed. R. Bankr. P.). Denying the Motion for Leave – and thereby requiring Plaintiffs to commence a brand new dischargeability action that contained the same claims for relief set forth in the Proposed FAC – would not be consistent with that directive. Therefore, the tentative ruling is to overrule Defendant/Debtor's opposition and grant the Motion for Leave, without expressing any opinion whether the section 523(a)(19) claim is or is not within the jurisdiction of this Court (that issue can be addressed at a later time, upon the filing of appropriate papers presenting that issue).

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

(b) Status conference set for 7/16/24 at 11:00 a.m.

At a status conference held on 6/11/24, this Court set a continued status conference for 7/16/24 at 11:00 a.m. (no written status report was required). See Scheduling Order (adv. dkt. 28). The tentative ruling is to advance the 7/16/24 status conference to the date of this hearing (consistent with the usual practice of this presiding judge to hold status conferences concurrent with any other proceedings).

(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 at the prior status conferences and in connection with this Court's ruling on Defendant's Motion to Dismiss (adv. dkt. 15) and in the parties' prior status report (adv. dkt. 18, p. 4), except with respect to section 523(a)(19) as noted above.

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(b) Mediation

The tentative ruling is that it would be premature to refer this matter to mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 7/17/23.
The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 28) except as modified/supplemented below.

Joint Status Report: 8/13/24.

Continued status conference: 8/27/24 at 11:00 a.m.

Party Information

Debtor(s):

George Gordon Strong III

Represented By
Alan W Forsley

Defendant(s):

George Gordon Strong III

Represented By
Alan W Forsley

Plaintiff(s):

Michael Horner and Thomas Horner

Represented By
Byron Z Moldo
Sonia Singh

Trustee(s):

John J Menchaca (TR)

Pro Se

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11:00 AM

2:23-14096 Everardo Rubio

Chapter 7

Adv#: 2:24-01088 MILLER v. RUBIO et al

#3.00 Hrg re: Defendant Maria Anne Rubio's
Motion to Set Aside Default for mistake,
inadvertence, and excusable neglect

Docket 16

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 5,
7/9/24 at 11:00 a.m.).

Party Information

Debtor(s):

Everardo Rubio

Represented By
Maureen J Shanahan
Michael L Kosloff

Defendant(s):

MARIA ANNE RUBIO

Represented By
David H Chung

CARY TIPPENS

Pro Se

MARIA GARCIA

Pro Se

RUBY IZQUIERDO

Pro Se

JIM TIPPENS

Pro Se

Plaintiff(s):

ELISSA D MILLER

Represented By
Toan B Chung

Trustee(s):

Elissa Miller (TR)

Represented By
Toan B Chung

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Chapter 7

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2:23-14096 Everardo Rubio

Chapter 7

Adv#: 2:24-01088 MILLER v. RUBIO et al

#4.00 Cont'd hrg re: Trustee's motion for default judgment against Maria Anne Rubio, Jim Tippens, Cary Tippens, Maria Garcia, and Ruby Izquierdo fr. 6/11/24

Docket 11

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 5, 7/9/24 at 11:00 a.m.).

Party Information

Debtor(s):

Everardo Rubio

Represented By
Maureen J Shanahan
Michael L Kosloff

Defendant(s):

MARIA ANNE RUBIO

Pro Se

CARY TIPPENS

Pro Se

MARIA GARCIA

Pro Se

RUBY IZQUIERDO

Pro Se

JIM TIPPENS

Pro Se

Plaintiff(s):

ELISSA D MILLER

Represented By
Toan B Chung

Trustee(s):

Elissa Miller (TR)

Represented By
Toan B Chung

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Chapter 7

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2:23-14096 Everardo Rubio

Chapter 7

Adv#: 2:24-01088 MILLER v. RUBIO et al

#5.00 Cont'd status conference re: Complaint for turnover and accounting of estate's property fr. 6/4/24, 6/11/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Continue as set forth below to provide the parties an opportunity to attend mediation. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Motion of Chapter 7 Trustee ("Trustee") for default judgment (adv. dkt. 11), opposition (adv. dkt. 15), Trustee's reply (adv. dkt. 22); Defendant Anne Maria Rubio's motion to set aside default (adv. dkt. 16), Trustee's opposition (adv. dkt. 30); Ms. Rubio's reply (adv. dkt. 34); Order assigning matter to mediation (adv. dkt. 31), proof of service (adv. dkt. 32)

On 6/25/24, this Court entered an order (adv. dkt. 31) referring this adversary proceeding to mediation. The tentative ruling is to continue the status conference and the hearings on Trustee's motion for default judgment and Defendant Anne Mario Rubio's motion to set aside her default as set forth in part "(2)(c)," below, to provide the parties the opportunity to attend mediation.

(2) Standard requirements

The following are Judge Bason's standard requirements for status

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

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

(b) Mediation
An order referring this adversary proceeding to mediation was entered on 6/25/24 (adv. dkt. 31).

(c) Deadlines
This adversary proceeding has been pending since 4/3/24.
The tentative ruling is (A) to set a continued status conference, and continued hearings on Trustee's motion for default judgment and Anne Mario Rubio's motion to set aside her default, for **8/27/24 at 11:00 a.m.**, with a written status report due **8/20/24** and (B) to decline to set any other litigation deadlines at this time.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Everardo Rubio

Represented By
Maureen J Shanahan
Michael L Kosloff

Defendant(s):

MARIA ANNE RUBIO

Pro Se

CARY TIPPENS

Pro Se

MARIA GARCIA

Pro Se

RUBY IZQUIERDO

Pro Se

JIM TIPPENS

Pro Se

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CONT... Everardo Rubio

Chapter 7

Plaintiff(s):

ELISSA D MILLER

Represented By
Toan B Chung

Trustee(s):

Elissa Miller (TR)

Represented By
Toan B Chung

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11:00 AM

2:23-12401 Annie Elizabeth Sanchez

Chapter 13

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

#6.00 Pretrial conference re: Complaint to determine debt to be nondischargeable under section 523(a)(2)(A) and 523(a)(4) fr. 12/5/23, 1/23/24, 3/5/24

Docket 1

***** VACATED *** REASON: Pretrial conf rescheduled to August 6, 2024 at 11:00 a.m. [dkt. 18]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annie Elizabeth Sanchez

Represented By
Misty A Perry Isaacson

Defendant(s):

Annie Elizabeth Sanchez

Represented By
Misty A Perry Isaacson

James Anthony Sanchez

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

James Anthony Sanchez

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Brett Seeley

Represented By
Matthew A Lesnick
Lisa Patel

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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CONT... Annie Elizabeth Sanchez

Chapter 13

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11:00 AM

2:23-12556 Richard B Scott

Chapter 7

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

#7.00 Cont'd status conference re: Complaint for denial of discharge pursuant to 11 U.S.C. section 727(a)(4)(A) fr. 10/17/23, 1/23/24, 4/2/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Continue this status conference to 7/16/24 at 11:00 a.m. to be concurrent with Plaintiff's motion to extend the discovery cutoff (adv. dkt. 22). See also Stat. Rpt. (adv. dkt. 24). Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Richard B Scott

Represented By
Stephen R Wade

Defendant(s):

Richard B Scott

Represented By
Stephen R Wade

Plaintiff(s):

JRM Construction West LLC

Represented By

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CONT... Richard B Scott

Chapter 7

Robert P Goe
Charity J Manee

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#8.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion to Disallow Claim by Acosta & Associates LLC as Scheduled by Debtor fr. 4/12/22, 5/31/22, 6/21/22, 7/8/22, 7/26/22, 8/23/22, 9/6/22, 12/20/22, 6/13/23, 9/19/23, 10/31/23, 1/09/24, 4/9/24

Docket 301

***** VACATED *** REASON: Order approving stipulation to resolve motion disallow claim entered on 5/30/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

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2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#9.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion for Summary Judgment on Motion to Disallow Proof of Claim No. 8-1 by Amicus Capital Group, LLC fr. 11/15/22, 12/20/22, 6/13/23, 9/19/23, 10/31/23, 1/09/24, 4/9/24

Docket 548

***** VACATED *** REASON: Claim objection resolved per stipulation (dkt. 806) and order thereon (dkt. 810)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

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2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#10.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion to Disallow to Proof of Claim No. 10-1 for Harold Wrobel for Lack of Supporting Documentation
fr. 4/12/22, 5/31/22, 6/21/22, 7/8/22, 7/26/22, 8/23/22, 9/6/22
12/20/22, 6/13/23, 9/19/23, 10/31/23, 1/09/24, 4/9/24

Docket 300

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 12, 7/9/24 at 11:00 a.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

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#11.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion to Disallow to Proof of Claim No. 8-1 for Amicus Capital Group, LLC for Lack of Supporting Documentation
fr. 4/12/22, 5/31/22, 6/21/22, 7/8/22, 7/26/22, 8/23/22, 9/6/22, 12/20/22, 6/13/23, 9/19/23, 10/31/23, 1/09/24, 4/9/24

Docket 299

***** VACATED *** REASON: Claim objection resolved per stipulation (dkt. 806) and order thereon (dkt. 810)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

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2:21-12517 Law Offices of Brian D. Witzer

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#12.00 Cont'd Status Conference re: Chapter 7 Case
fr. 3/31/21, 4/27/21, 5/11/21, 6/15/21, 6/29/21,
7/6/21, 07/20/21, 07/22/21, 8/17/21, 09/14/21,
9/22/21, 10/26/21, 11/16/21, 11/30/21, 1/18/22,
2/15/22, 2/24/22, 3/15/22, 3/29/22, 4/12/22,
5/10/22, 5/31/22, 6/14/22, 7/8/22, 7/26/22, 8/23/22,
9/6/22, 11/15/22, 12/20/22, 2/21/23, 4/25/23, 6/13/23,
7/19/23, 8/8/23, 9/19/23, 10/17/23, 11/14/23, 1/09/24,
2/6/24, 3/12/24, 4/9/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Sustain the Claim Objection; disallow Mr. Wrobel's claim in its entirety; and set a continued status conference as set forth below. Appearances are not required.

(1) Current issues

(a) Motion of creditor Pravati Credit Fund III LP ("Pravati") to Disallow Proof of Claim No. 10-1 of Harold Wrobel for Lack of Supporting Documents (dkt. 300 & 305, the "Claim Objection"), Debtor's opposition (dkt. 343), Pravati's reply (dkt. 346), Pravati's Status Report (dkt. 814), Debtor's unauthorized supplemental opposition (dkt. 815, the "Unauthorized Supplement")

The tentative ruling is to sustain the Claim Objection on multiple alternative grounds.

(i) Debtor lacks standing

The parties have not briefed the issue of standing. But this Court has an independent duty to raise that issue.

The claimant (Mr. Wrobel) did not file his own response to the Claim Objection. Only Debtor has responded.

In addition, not until Debtor's Unauthorized Supplement (dkt. 815, p. 2:7-14) did it assert that the determination of this matter "may have an

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Chapter 7

impact" on Debtor's principal (not on Debtor itself, but on its principal). Debtor's theory appears to be as follows.

In the separate bankruptcy case of Debtor's principal (Case No. 2:23-bk-14528-NB), Pravati has asserted that Mr. Wrobel's claim is part of a fraud, or otherwise evidence of nondischargeability. Debtor appears to be implying that, if Wrobel's claim against Debtor is disallowed, that will be additional evidence to support Pravati's theory that Debtor's principal lied to it to induce it to make its own loan, or orchestrated collusive claims, or otherwise engaged in wrongful conduct.

But there is no explanation how that affects Debtor itself. Moreover, this Court is not aware of any way it would affect Debtor.

This is a chapter 7 case; Debtor is no longer operating; and there is no evidence that this will be a surplus case. The usual rule is that a chapter 7 debtor in a hopelessly insolvent case lacks standing to be heard on claim allowance. See generally, e.g., *In re Fondiller*, 707 F.2d 441, 441 (9th Cir. 1983) (hopelessly insolvent debtor lacks standing to appeal orders affecting size of estate); *In re Baroni*, 643 B.R. 253, 285 (Bankr. CD Cal. 2022) (lack of standing to object to claims) (citing authorities).

In sum, Debtor apparently lacks standing. That is one basis on which it appears that this Court must sustain the Claim Objection.

(ii) Alternatively, Debtor has failed to provide sufficient evidence to overcome Pravati's prima facie showing in support of the Claim Objection

As a preliminary matter, this Court disagrees with Pravati's assertion that a lack of supporting documents is enough, by itself, to sustain a claim objection. True, that can establish a lack of *prima facie* validity of the claim. See Rule 3001(f) (Fed. R. Bankr. P.). But that is not enough. If a claim objection is filed then this Court "shall allow" the claim "except to the extent that" the claim objection establishes one of the statutory grounds for disallowance. See 11 U.S.C. 502(b)(1)-(9); *Travelers Cas. & Sur. Co. v. Pac. Gas*, 549 U.S. 443 (2007); *In re Campbell*, 336 B.R. 430 (9th Cir. BAP 2005); *In re Heath*, 331 B.R. 424 (9th Cir. BAP 2005).

That said, Pravati has in fact asserted at least one of the statutory grounds for disallowance. Specifically, Pravati points to evidence from Debtor itself that any loans were paid off: an email from Debtor's principal confirming that all previously incurred debts had been paid off (apparently as part of the efforts of Debtor and its principal to persuade Pravati to loan new funds). See

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11 U.S.C. 502(b)(1), *and see* Claim Obj. (dkt. 300) pp. 4:25-5:1 & n. 1, *and p.* 7:18-22 & Ex. 2 (at PDF pp. 17-18).

Note: Pravati asserts that the purported debts to Mr. Wrobel are "illusory if not fraudulent" and "collusive claims" to which Debtor agreed for unspecified nefarious purposes. Pravati Reply (dkt. 346) p. 4:16-17. This Court notes that Debtor's concession that it allegedly owes money to Mr. Wrobel - in fact, Debtor's eagerness to prove that it owes Mr. Wrobel millions of dollars - might not carry much weight in any evidentiary hearing or trial, because Debtor's principal apparently still has authority over Debtor (outside of matters controlled by the Chapter 7 Trustee), and this Court removed Debtor's principal as a debtor in possession during the chapter 11 phase of this bankruptcy case. Nevertheless, the remainder of this tentative ruling does not rely on any issues of the credibility of Debtor's principal.

In any event, in response to the Claim Objection, Debtor's opposition attaches documents purporting to show that some funds were advanced. First, that does not address whether such loans were paid off (in whole or in part). Mr. Wrobel's declaration attached to Debtor's opposition does not address that issue at all. See Wrobel Decl. (dkt. 343 at PDF p. 6). The tentative ruling is that this alone means that Debtor has not rebutted Pravati's *prima facie* showing that any purported loans were paid back.

Second, as Pravati objects, "[n]one of [the documents] were authenticated" Pravati Reply (dkt. 346) p. 10:4-5 (emphasis added). See Wrobel Decl. (dkt. 343 at PDF p. 6). The tentative ruling is that the lack of authentication, standing alone, means again that Debtor has not rebutted Pravati's *prima facie* showing.

Third, as Pravati objects, "[n]one of [the documents] were ... explained." Pravati Reply (dkt. 346) p. 10:4-5 (emphasis added). See Wrobel Decl. (dkt. 343 at PDF p. 6). The tentative ruling is to agree with Pravati because Mr. Wrobel's declaration only states that "supporting documentation" is attached and then he attaches a jumble of documents that appear to include:

- (A) loan documentation *from someone else* to Debtor (see Pravati Reply (dkt. 346) p. 10:1-2, citation omitted);
- (B) a "collection of unexplained deposit slips that appear to show [Mr.] Wrobel *receiving* funds rather than *transmitting* funds" (*id.*

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Chapter 7

- p. 9:27-28, citation omitted, emphasis added);
- (C) an *authorization* for a wire transfer with no evidence that such authorization was ever acted upon (*id.*, p. 9:25-26, citing evidence);
 - (D) three promissory notes showing loans not to Debtor but to its principal (*id.*, p. 9:22-24, citing evidence);
 - (E) a document that Debtor later refers to as a fourth "promissory note" (see Unauthorized Supp., dkt. 815, p. 1:21-22) but that in fact is entitled "term sheet" and that specifically states it will only become effective upon "execution and delivery" of additional documents, on "terms and conditions upon which Wrobel *might* enter into" (p. 1 of Ex. A to Debtor Opp., dkt. 343 at PDF p. 8, emphasis altered); and
 - (F) a wire transfer confirmation "showing \$300,000 wired to the attorneys for [an entity known as] LFR" (Pravati Reply, dkt. 346, p. 9:9, citation omitted) - *i.e.*, a transfer from Mr. Wrobel to a third party allegedly for the benefit of Debtor and Debtor's principal, none of which is explained in Debtor's opposition papers but which is later alleged in a declaration attached to Debtor's Unauthorized Supplement (dkt. 815, pp. 6:26-8:7 & n. 2 & Ex. B & C).

The tentative ruling is that the lack of explanation in Debtor's opposition papers (dkt. 343) is another independent reason why Debtor has not rebutted Pravati's *prima facie* objection. True, the last of the above-referenced documents (the evidence of a \$300,000.00 wire transfer to a third party) is explained in the Unauthorized Supplement; but the tentative ruling is to strike that document as an unauthorized sur-reply. Alternatively, the tentative ruling is to strike it as untimely: the Unauthorized Supplement was filed on 7/3/24 for a hearing on 7/9/24.

Fourth, even if the Unauthorized Supplement were to be permitted, Mr. Wrobel's supplemental declaration once again does not actually authenticate the documents. In addition, most if not all of the purported evidence is questionable on its face.

For example, the first alleged loan from Mr. Wrobel to Debtor, for \$50,000.00, is only evidenced by an account statement that appears to show such funds being disbursed to Mr. Wrobel, not to Debtor. See Unauthorized Supp. (dkt. 815) Ex. C at PDF p. 20 of 62. Moreover, the dollar amount and

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date of that disbursement (*id.*) correspond exactly with a promissory note listing Debtor's principal, not Debtor, as the borrower. See Debtor Opp. (dkt. 343) Ex. A at PDF p. 12 of 28.

True, as to *different* transfers of money there is some evidence that the funds were wired to attorneys for LFR (the Boies, Schiller, et al. firm). See Unauthorized Supp. (dkt. 815) Ex. C, items 7 & 8, at PDF pp. 32-35 of 62. But, assuming for the sake of argument that those transfers to a third party are evidence of loans from Mr. Wrobel to someone, it is unclear whether such loans were to Debtor or Debtor's principal, because both were allegedly obligated to make those payments to the third party. See Release and Settlement Agreement, attached to POC 7-2 in part 4, p. 1 1st Para. & p. 3 section 2.1. Mr. Wrobel's declaration in the Unauthorized Supplement says nothing about that issue. See Wrobel Decl. (Unauthorized Supp., dkt. 815) pp. 5-8.

It is also true that some of the documents attached to the Unauthorized Supplement are (unauthenticated) copies of checks written out to Debtor that appear to have been deposited by Debtor. See, e.g., Unauthorized Supp. (dkt. 815), Ex. C, item 9, at PDF p. 38 of 62 (copy of \$700,000.00 check to Debtor). But the tentative ruling is that, even if this Court did not strike the Unauthorized Supplement, these checks are irrelevant because they still do not overcome Pravati's *prima facie* showing that any loans were paid off. Nor is there any declaration from Debtor's accountant or principal or anyone acting for Debtor regarding any accounting by Debtor itself.

Fifth and finally, this Court recognizes that in the midst of Mr. Wrobel's declaration there is a table entitled "Payments to Wrobel/Sherrill" showing three payments totalling \$60,000.00. See Unauthorized Supp. (dkt. 815) pp. 7:24-8:1. But there is no express declaration from Mr. Wrobel that those were the *only* payments received. That omission is odd because immediately prior to that table he includes another table that he does appear to verify. He declares that the "Wrobel Transactions" - expressly defined to include only the alleged loans, not the alleged repayments - "can be summarized as follows" and then he includes the table showing alleged loans. The table showing alleged payments is just floating, unverified, on its own after the "loan" table.

(iii) Debtor has not shown that any evidentiary hearing is warranted

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Debtor requests an evidentiary hearing and a scheduling order. See Unauthorized Supp. (dkt. 815) p. 2:19-20 *and* p. 4:10-11. The tentative ruling is that Debtor has not established that any such evidentiary proceedings are warranted, in view of (A) Debtor's apparent lack of standing, (B) Debtor's failure expressly to deny that any loans were repaid (even in its Unauthorized Supplement), (C) Debtor's lack of authentication for its purported evidence, (D) Debtor's lack of explanation for the documents it does provide, and (E) what appear to be blatant misrepresentations that, for example, loans made to Debtor's principal were in fact loans made to Debtor.

More generally, the tentative ruling is that Debtor's response to the Claim Objection appears to have been perfunctory, both in its initial opposition papers and in the Unauthorized Supplement. Pravati and this Court should not have to sort through irrelevant and misleading documents in an attempt to discern whether any loans were ever made, and then face a last-minute supplement that still fails to expressly address, with admissible evidence, Pravati's evidence from Debtor itself that any loans had been paid off.

The tentative ruling is that it would be inappropriate to impose on Pravati the expense, delay, and time required for an evidentiary hearing in response to Debtor's half-hearted efforts to prove that it owes millions of dollars to Mr. Wrobel.

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

(2) Dates/procedures. This case was filed on 3/29/21 and converted from chapter 11 to chapter 7 on 12/19/22 (dkt. 576).

(a) Continued status conference: 8/6/24 at 1:00 p.m. (**not** 11:00 a.m.), concurrent with other matters in Mr. Witzer's individual bankruptcy case. No status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

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Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

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

Chapter 11

#1.00 Status Conference re: Chapter 11 case

Docket 1

Tentative Ruling:

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

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) Absence of a budget motion

Debtor has not filed a budget motion, which is required by the "Procedures of Judge Bason," available at www.cacb.uscourts.gov. Debtor is directed to address why it has not filed a budget motion at the status conference. The tentative ruling is to set a deadline of 7/16/24 for Debtor to file its budget motion, with a caution that failure to comply with this Court's directions may lead in future to adverse consequences.

(b) Status of refinancing negotiations

Debtor is directed to provide an update on the status of negotiations to refinance its real property. See Status Report (dkt. 40) at ¶ 1.4 (p. 3).

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

(a) Bar date: 8/8/24 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 20 & 25)

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

(c) Plan/Disclosure Statement: 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: 8/27/24 at 1:00 p.m. *Brief* written status report due by 8/13/24.

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

Chapter 11

Party Information

Debtor(s):

1629 Reeves, LLC, a Michigan

Represented By
John P Kreis

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:24-14407 Maine Consulting, LLC

Chapter 11

#2.00 Status Conference re: Chapter 11 Case

Docket 1

Tentative Ruling:

Dismiss case with concurrent 180-day and permanent re-filing bars against being a debtor in any future bankruptcy case, as set forth below.
Appearances required by Debtor's principal and any 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) Order Directing Debtor to Appear and Show Cause Why this Case Should Not be Dismissed, with Concurrent 180-day and Permanent Bars Against Being a Debtor in Any Future Bankruptcy Case, Based upon Debtor's History of Bankruptcy Filings and Lack of Representation by Legal Counsel (dkt. 10, the "OSC"), Notice to creditors of OSC (dkt. 12 & 19), Secured creditors' response to OSC (dkt. 29), No response by Debtor on file

As a threshold matter, this Court notes that although United States Trustee's ("UST") motion to dismiss this case (dkt. 26, the "MTD") is not on for hearing today, it is appropriate for this Court to consider the representations made in that MTD in connection with this Principal Status Conference. *See generally* Procedures Order (dkt. 7) at ¶ 2 (explaining that "[w]ithout further notice this Court will automatically hold other status conferences at the same time as any other hearing in this case and may issue appropriate orders including on ... case disposition (e.g., appoint a trustee, conversion, dismissal, and imposing a bar against future bankruptcies – even if the case has already been dismissed") (emphasis in original).

As set forth in the OSC (dkt. 10), this is the second chapter 11 petition filed by Debtor without counsel, and the first such petition – Case No. 2:23-

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CONT... **Maine Consulting, LLC**

Chapter 11

bk-14168-NB – was dismissed with a 180-day re-filing bar after Debtor failed to retain counsel, despite having been advised of the need to do so.

There is no indication that Debtor has retained counsel. In addition, as set forth in the MTD, Debtor (A) failed to appear at the initial debtor interview and (B) has failed to comply with any of UST’s reporting requirements. See MTD (dkt. 26) at p. 3:14–4:13 (listing the documents and financial reports Debtor failed to provide). Nor is there any indication that Debtor has served the Procedures Order (dkt. 9) upon creditors as directed by this Court.

The tentative ruling is to dismiss this case, with concurrent 180-day and permanent bars against being a debtor in any future bankruptcy case, based upon (1) Debtor’s history of bankruptcy filings, (2) Debtor’s failure to retain legal counsel, (3) Debtor’s failure to comply with the reporting obligations imposed by UST, and (4) Debtor’s failure to comply with any of its fiduciary duties to creditors as a debtor-in-possession.

The tentative ruling is that dismissal of this case with a re-filing bar – as opposed to conversion to chapter 7 or appointment of a chapter 11 trustee – is in the best interests of creditors. Debtor claims an interest in six properties located in Atlanta, Georgia. The two secured creditors with claims against those six properties request that this case be dismissed with a re-filing bar. See dkt. 29 p. 3:18–23. Debtor’s schedules list only one unsecured creditor (Schedule E/F (dkt. 1) p. 22) – in other words, the secured creditors who support dismissal appear to comprise the majority of the creditor body.

Proposed order: After the hearing, *this Court will prepare an order* dismissing the case with concurrent 180-day and permanent re-filing bars.

(2) Dates/procedures. This case was filed on 6/3/24.

(a) Bar date: Not applicable

(b) Procedures Order: dkt. 9 (not served by Debtor as directed by this Court)

(c) Plan/Disclosure Statement: Not applicable

(d) Continued status conference: Not applicable

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CONT... Maine Consulting, LLC

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Debtor(s):

Maine Consulting, LLC

Pro Se

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2:24-14407 Maine Consulting, LLC

Chapter 11

#3.00 Order directing debtor to appear and show cause why this case should not be dismissed, with concurrent 180-day and permanent bars against being a debtor in any future bankruptcy case, based upon debtor's history of bankruptcy filings and lack of representation by legal counsel

Docket 10

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 2, 7/9/24 at 1:00 p.m.).

Party Information

Debtor(s):

Maine Consulting, LLC

Pro Se

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2:23-18208 Meir Siboni

Chapter 11

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

SANTANDER CONSUMER USA, INC DBA CHRYSLER CAPITAL AS
SERVICER FOR CCAP AUTO LEASE LTD
vs
DEBTOR

Docket 128

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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Chapter 11

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

(3).

Co-debtor stay

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

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

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2:23-18208 Meir Siboni

Chapter 11

#5.00 Cont'd status conference re: Chapter 11 case
fr. 6/4/24, 6/25/24

Docket 109

Tentative Ruling:

Tentative Ruling for 7/9/24:

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

(1) Current issues

The parties are directed to address why this Court should not appoint an examiner or a trustee (11 U.S.C. 1104) or convert this case (11 U.S.C. 1112), or dismiss it (*id.*), possibly with a bar of 180 days or two years against being a debtor in bankruptcy (*e.g.*, 11 U.S.C. 109(g)(1)), based on Debtor's history of apparently willful failure to appear in proper prosecution of this case and disregard of this Court's procedures and directions, including the latest/ongoing issues described below. (This Court recognizes that previously, in connection with a motion to dismiss this case, this Court ruled that conversion to chapter 11 was in the best interests of creditors; but this Court is keeping open all potential options and encourages parties in interest to address all options.)

This Court's Procedures Order (dkt. 108) provides that such "case dispositive" matters can be determined at any status conference, without additional notice. This Court is very concerned deferring this issue might well enable Debtor to continue what appears to be a pattern of hiding information about his income and expenses and quite possibly misusing and/or concealing income. At the same time, this Court is concerned about hearing from all parties in interest who might wish to be heard. The United States Trustee ("UST") and those parties who have chosen to be more involved in this case and who attend this status conference, are invited to address whether this Court should take action at this hearing or instead issue an order

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to show cause ("OSC") or pursue any other cause of action.

On the merits, this Court notes that both in the tentative ruling posted prior to the status conference on 6/25/24, and at that status conference, this Court expressly warned Debtor and his bankruptcy counsel about the need for transparency regarding his income and expenses, and more generally the troubling lack of sufficient information about what funds are coming into and going out of this bankruptcy estate. This Court is very concerned that Debtor's latest declaration may well be attempting to conceal his actual financial picture because he provides only the bare assertion of \$40,000.00 per month of income and he asserts "I do not have any expenses related to my work as a general contractor as the expenses from my projects are either paid by subcontractors or by the client." Debtor Decl. (dkt. 152) p. 2:25-26.

In other words, Debtor's position - despite everything that has happened in this case and this Court's express warnings about the lack of transparency - appears to be that his business is a "black box" and that all parties in interest and this Court are just supposed to trust him when he asserts that his net monthly business income is \$40,000.00. This issue is addressed further below.

Proposed order(s): Unless otherwise ordered, the United States Trustee is requested and directed to lodge proposed order(s) on the foregoing matter(s) (e.g., for conversion to chapter 7 or appointment of an examiner) 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.

(a) Incomplete Schedule I

Debtor filed an Amended Schedule I (dkt. 145) on 7/3/24. But that Amended Schedule I is still incomplete. Specifically, Debtor has failed to provide an adequate response to question 8a, which inquires about "net income from rental property and from operating a business, profession, or farm." The instructions for question 8a expressly direct Debtor to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." No such statement is attached.

For example, where is the information about typical monthly expenditures for engineers, architects, permits, foundation subcontractors,

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electricians, plumbers, etc., etc.? Where is the information about any vehicles that Debtor uses for business purposes and as to which Debtor might claim a deduction on tax returns? Where is the information about quarterly tax payments, any employees or independent contractors, and other typical profit and loss line items?

Without such information, parties in interest will not be able to compare, e.g., Debtor's alleged monthly payments to engineers with a typical contractor's payments to engineers. The tentative ruling is that such information is necessary to see if there are any "red flags" that might indicate "kickbacks" or other hidden income, or poor management of the business, or other issues that are relevant to any chapter 11 case in which a debtor has the privilege of acting as a "debtor in possession."

(b) Incomplete budget motion

Debtor's budget motion (dkt. 146), filed on 7/3/24, relies upon Debtor's incomplete Schedule I. As a result of Debtor's failure to properly complete Schedule I, the budget motion does not contain necessary information regarding Debtor's business operations. In addition, there appear to be numerous other problems with Debtor's proposed budget, as pointed out by the United States Trustee ("UST") (dkt. 154).

(c) Debtor's compliance with UST reporting requirements

At the prior status conference, UST advised this Court that Debtor was delinquent with respect to various reporting obligations – specifically, Debtor had failed to supply (A) a cash flow statement, (B) evidence of the closing of prepetition bank accounts and the opening of a debtor-in-possession bank account, and (C) a copy of Debtor's general contractor's license. UST is requested to provide an update as to Debtor's compliance with its reporting obligations.

(d) Service of Supplemental Bar Date Order?

On 6/27/24, this Court issued an order setting a Supplemental Bar Date (dkt. 135) and directing Debtor to serve that order on all parties in interest no later than 7/1/24. As of the preparation of this tentative ruling, no Proof of Service of the Supplemental Bar Date Order is on file. Debtor is directed to address whether he timely served the Supplemental Bar Date Order.

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

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

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

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: Regardless of whether this case is converted to chapter 7, the tentative ruling is to set a continued status conference for 7/30/24 at 2:00 p.m. (concurrent with continued status conferences in the 523(a)(2) Action and Quiet Title Action). No written status report required.

Tentative Ruling for 6/25/24:

Appearances required by counsel for Debtor and by Debtor.

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

(1) Current issues

(a) Issues addressed at 6/4/24 status conference

In the tentative ruling issued for the 6/4/24 status conference (reproduced in full below), this Court expressed various concerns regarding Debtor's diligence in prosecuting this case. This Court also warned: "Future failures to comply with DIP duties may result in conversion of this case to chapter 7, sanctions, or other adverse consequences."

It appears that the majority of these concerns have not been adequately addressed. Specifically, (A) no budget motion is on file and (B) it is not clear whether Debtor has come into compliance with various United States Trustee reporting requirements. Debtor is directed to address these issues at the status conference.

(b) Lack of Monthly Operating Report

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Amplifying the lack of financial disclosure due to Debtor's failure to file a budget motion, Debtor has also failed (as of the preparation of this tentative ruling) to file a monthly operating report ("MOR") for May 2024 (for the period after this case was converted to chapter 11 on 5/15/24 (dkt. 109)). That MOR was due on 6/20/24.

(c) Convert this case to chapter 7; dismiss it; or impose other remedies?

The tentative ruling is that Debtor has shown a cavalier attitude toward his duties in this case that might amount to a willful failure to appear in proper prosecution and/or willful failure to abide by orders of this Court, and might warrant a dismissal with a 180-day bar under 11 U.S.C. 109(g)(1) and 1112. Alternatively, those same things might warrant conversion to chapter 7 (11 U.S.C. 1112) or other remedies. The parties are directed to address what remedies this Court should impose.

(d) Deadline for filing a Plan and Disclosure Statement

If this case is not dismissed or converted, the tentative ruling is to decline to set a deadline for filing a Plan and Disclosure Statement until additional progress has been made in resolving the 523(a)(2) Action and Quiet Title Action (both as defined in the 6/4/24 tentative ruling). Debtor represents that "[r]esolution of these adversaries will be critical to Debtor proposing a plan of reorganization." Status Report (dkt. 126) at ¶ A(2).

(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: 7/23/24 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(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: 7/30/24 at 2:00 p.m. (concurrent with continued status conferences in the 523(a)(2) Action and Quiet Title Action). No written status report required.

Tentative Ruling for 6/4/24:
Appearances required.

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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) Compliance with United States Trustee reporting requirements

Debtor acknowledges that he is not in compliance with various United States Trustee requirements. Status Report (dkt. 126) at ¶ A(3). Debtor is directed to address this issue at this Status Conference.

(b) Budget motion

Debtor states that a budget motion is "in preparation." Status Report (dkt. 126) at ¶ B(2). But, as of the preparation of this tentative ruling, no such budget motion is on file. The tentative ruling is that it is critical for creditors to know how Debtor is receiving and spending funds, so Debtor must file that motion immediately.

(c) Meyer v. Siboni (adv. no. 2:24-ap-01083-NB) (the "523(a)(2) Action")

As set forth in detail in calendar no. 3 (6/4/24 at 11:00 a.m.), the tentative ruling is to set various deadlines and dates, including a continued adversary proceeding status conference for **7/30/24 at 2:00 p.m.** with a joint status report **due 7/16/24**. The tentative ruling is not to order mediation at this time, prior to more discovery.

(d) Siboni v. Meyer (adv. no. 2:24-ap-01027-NB) (the "Quiet Title Action")

The tentative ruling is the same as for the 523(a)(2) Action: not to order mediation at this time and instead to continue the status conference (calendar no. 4 on 6/4/24 at 11:00 a.m.) to the same date, with the same deadline for a status report, as the 523(a)(2) Action. But this tentative ruling comes with a caution.

This Court notes that it previously did orally order mediation (at the 4/11/24 status conference) and set a deadline of 5/1/24 for the parties to

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CONT...

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Chapter 11

lodge proposed mediation order(s), but the parties have ignored that order, and also have failed to file a status report. The parties are cautioned that future failures to abide by the orders of this Court and the local rules may result in sanctions or other adverse consequences. Nevertheless, this Court presumes that the parties met and conferred and decided that, much like the 523(a)(2) Action, the Quiet Title Action would benefit from more discovery before any mediation, and the tentative ruling is to accede to that assessment.

Note: To memorialize the background, this Court notes that it previously issued an order (adv. dkt. 21) granting a motion to dismiss various claims in the Quiet Title Action, with leave to amend. This Court did so principally because the statutes of limitations had expired and Plaintiff/Debtor's theory of tolling due to duress, under *Wyatt v. Western Union Mtg. Co.*, 24 Cal.3d 773, 788 (1979), was not supported by plausible allegations.

Specifically, there were no allegations why he would sign numerous mortgages and other documents without reading, understanding, or immediately renouncing them, and only challenge them several years later. He blamed alleged pressure from the Menlo Defendants, but there was no obvious reason why he could not have engaged in his real estate development business with persons other than the Menlo Defendants. See, e.g., Order (dkt. 97) p. 5:1-11 & pp. 5:26-6:2; and Order (adv. dkt. 21). Plaintiff/Debtor has now filed his first amended complaint (adv. dkt. 23, the "FAC"), on 4/19/24, that attempts to address this issue.

The FAC includes allegations that, e.g., "It is not that easy to just step outside the [orthodox Jewish] community [to which he and the Menlo Defendants belong] and expect to have the same success" and that his children could have faced "harassment or bullying at school." *Id.*, p. 16:17-27 and *passim* (especially para. 71-81). This Court expresses no view at this time whether such allegations are sufficient to toll the applicable statutes of limitation.

(e) Debtor acting as debtor in possession ("DIP")

This case has not gotten off to a good start. Debtor violated 11 U.S.C. 109(e) by filing a chapter 13 petition despite being ineligible. See Order (dkt. 109). Debtor has filed the Quiet Title Action that included implausible

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Meir Siboni

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allegations (see above) and claim objections that included internally inconsistent allegations among other defects. See Order (dkt. 97) pp. 4:8-5:11. Debtor has failed to comply with this Court's oral order to lodge a mediation order, and with the local rules to file an adversary proceeding status report in the Quiet Title Action. Debtor has not complied with U.S. Trustee obligations (see above) or to file a budget motion (see above).

Debtor is cautioned that he is already on thin ice when it comes to trusting him to manage this bankruptcy estate as a DIP with the duties of a trustee for the benefit of creditors. Future failures to comply with DIP duties may result in conversion of this case to chapter 7, sanctions, or other adverse consequences.

(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: 7/1/24 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 108 (not timely served, but eventually served which gives notice of matters therein, dkt. 127)
- (c) Plan/Disclosure Statement: 8/1/24
- (d) Continued status conference: 6/11/24 at 2:00 p.m. (Principal Status conference per dkt. 108). No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED. For principal issues, see Order on motion to dismiss case (dkt. 97).]

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

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2:24-10528 Roger Adolfo Ortiz

Chapter 11

#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/20/24, 4/30/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Vacate the previously-ordered deadlines pertaining to plan confirmation, set a deadline for Debtor to file a First Amended Plan, and continue the status conference, all as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) New plan deadlines

Debtor is the principal of Clinical Edify. As a result of the recent conversion of Clinical Edify's case from chapter 11 to chapter 7, "Debtor suffered the loss of employment income that was anticipated to fund his plan," is "searching for new employment to replace the funding lost due to the conversion of the Clinical Edify case," and "will be required to amend his plan." Status Report (dkt. 83) at ¶¶ 4–5. The tentative ruling is to grant Debtor's request to vacate the deadlines pertaining to plan confirmation set by the scheduling order entered on May 3, 2024 (dkt. 69), and to **set a deadline of 8/30/24** for Debtor to file a First Amended Plan.

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

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- (2) Dates/procedures. This Subchapter V case was filed on 1/24/24.
- (a) Bar date: 4/3/24 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).
 - (b) Procedures Order: dkt. 10 (timely served, dkt. 21)
 - (c) Plan/Disclosure Statement: See part "(1)(a)," above.
 - (d) Continued status conference: 7/16/24 at 1:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Roger Adolfo Ortiz

Represented By
Lewis R Landau

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:21-17267 Lorna Jane USA, Inc.

Chapter 11

#7.00 Cont'd status conference re: Post Confirmation
fr. 9/22/21, 10/12/21, 11/9/21, 1/25/22, 3/29/22,
9/6/22, 12/6/22, 4/4/23, 9/19/23, 1/2/24, 3/5/24

Docket 1

***** VACATED *** REASON: Final Decree entered on 4/15/2024**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lorna Jane USA, Inc.

Represented By
Richard H Golubow

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:21-10368 Mrudula Kothari

Chapter 11

#8.00 Cont'd hrg re: Application for payment of interim fees and/or expenses
[Havkin and Shrago]
fr. 4/2/24

Docket 287

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 9,
7/9/24 at 1:00 p.m.).

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Movant(s):

Mrudula Kothari

Represented By
Stella A Havkin
Stella A Havkin
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:21-10368 Mrudula Kothari

Chapter 11

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

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Continue as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Fee application of Havkin & Shrago (dkt. 287-289), Opposition of Bank (dkt. 292 & 294), Applicant's reply (dkt. 296, 297)

The initial hearing on the second interim fee application of Debtor's general bankruptcy counsel was held on 4/2/24. This Court continued that hearing to provide additional time for the sale process of the El Nido property to unfold, based upon Debtor's counsel's prediction that sale of that property would generate sufficient proceeds to pay off all debts of the estate.

At a status conference held on 6/25/24, SubChapter V Trustee advised this Court that she was still attempting to finalize negotiations on an offer to purchase the El Nido Property.

The tentative ruling is to continue the hearing on the fee application to

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CONT...

Mrudula Kothari

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8/6/24 at 1:00 p.m., concurrent with the continued status conference on the sale of the El Nido property.

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

- (a) Bar date: 3/30/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 11).
- (b) Procedures order: dkt. 8 (timely served, dkt. 12)
- (c) Amended Plan: TBD
- (d) Continued status conference: 8/6/24 at 1:00 p.m. (as previously ordered). Debtor to file *brief* written status report by 7/30/24.

Tentative Ruling for 6/25/24:
Appearances required.

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

(1) Current issues

(a) United States Trustee's Motion to Dismiss (dkt. 342, the "MTD"), Notice of MTD (dkt. 343), Debtor's opposition (dkt. 351-52)

Debtor disputes the contention of the United States Trustee ("UST") that Debtor failed to maintain current insurance policies on two real properties and a 2009 Mercedes. Debtor's opposition includes e-mails purporting to provide UST with current insurance policies but does not include the policies themselves. On the present record, this Court is unable to verify whether Debtor has in fact maintained the required insurance.

The parties are directed to address this issue at the hearing. To the extent that Debtor either (A) has failed to maintain the required insurance policies, (B) has allowed insurance policies to lapse, or (C) has failed to timely provide UST evidence of required insurance in accordance with the

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CONT...

Mrudula Kothari

Chapter 11

procedures of UST, the tentative ruling is to issue a standard "continuing compliance" order.

(b) Debtor's monthly operating report #39 (April, 2024) (dkt. 345, the "MOR")

Debtor *still* declares under penalty of perjury that she has bank accounts open other than the DIP accounts. See MOR (dkt. 345) p. 1, line 10. But Debtor's status report states (dkt. 347, p. 2:23-24) that "all prepetition bank accounts have been closed for years" Which is true?

This issue has been raised repeatedly and has yet to be corrected. The tentative ruling is to set a **deadline of 7/9/24** for Debtor to file a corrected April 2024 MOR, and if the May 2024 MOR has the same error then the **same deadline** applies to correct that MOR. (Note: if it turns out that Debtor has not actually closed all non-DIP bank accounts, then the same deadline applies for Debtor to file a declaration and any other appropriate papers fully addressing why she has an open non-DIP account, and seeking authority to continue maintaining that account or whatever other action is necessary or appropriate.)

(c) Offers to purchase El Nido Motel

In a status report filed on 5/28/24 (dkt. 347), Debtor reports that two offers to purchase the El Nido Motel were withdrawn. Status Report (dkt. 347) p. 2:9–14. Debtor and the SubChapter V Trustee are directed to provide an update as to the marketing of the El Nido Motel, and whether this Court needs to further expand the Subchapter V Trustee's powers or take other steps to move this 3.5 year old case to resolution.

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

(a) Bar date: 3/30/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 11).

(b) Procedures order: dkt. 8 (timely served, dkt. 12)

(c) Amended Plan: TBD

(d) Continued status conference: 8/6/24 at 1:00 p.m. Debtor to file

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CONT...

Mrudula Kothari

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brief written status report by 7/30/24.

Tentative Ruling for 6/4/24:

Continue as set forth below. Appearances are not required on 6/4/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Debtor's monthly operating report #39 (dkt. 345, the "MOR")

Debtor declares under penalty of perjury that she has bank accounts open other than the DIP accounts. See MOR (dkt. 354) p. 1, line 10. But Debtor's status report states (dkt. 347, p. 2:23-24) that "all prepetition bank accounts have been closed for years" Which is true? Debtor should be prepared to address this at the continued status conference (see below).

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

(a) Bar date: 3/30/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 11).

(b) Procedures order: dkt. 8 (timely served, dkt. 12)

(c) Amended Plan: TBD

(d) Continued status conference: 6/25/24 at 1:00 p.m. (concurrent with other matters). No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

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CONT... Mrudula Kothari

Chapter 11

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:23-16232 9301 Cherokee Lane, LLC, a Delaware Limited Liabil

Chapter 11

#10.00 Cont'd hrg re: BMO Bank N.A.'S Motion to Dismiss Case
Under 11 U.S.C. §§ 1112(b) and 105(a)
fr. 04/09/24, 5/7/24

Docket 157

***** VACATED *** REASON: Cont'd to 7/30/24 at 1:00 p.m. per
stipulation (dkt. 229) and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By
Marc A Lieberman
Alan W Forsley

Movant(s):

BMO Bank N.A.

Represented By
Wayne R Terry
Catherine M. G. Allen

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2:23-16232 9301 Cherokee Lane, LLC, a Delaware Limited Liabil

Chapter 11

#11.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/31/23, 11/28/23, 1/09/24; 2/6/24, 2/20/24,
3/5/24, 4/9/24, 4/30/24, 5/7/24, 5/14/24, 6/4/24,
6/11/24, 6/18/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Continue all matters on calendar as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) BMO's motion to dismiss bankruptcy case (dkt. 157-160, the "Bankruptcy MTD"), Stipulation to continue Bankruptcy MTD and order thereon (dkt. 205 & 207)

On 5/6/24, this Court approved a stipulated continuance of the Bankruptcy MTD to provide Debtor the opportunity to attempt to sell the property located at 9301 Cherokee Lane, Beverly Hills, CA 90210 (the "Property"). See dkt. 205 (stipulation) & 207 (order approving stipulation).

At a status conference held on 6/18/24, Debtor advised this Court that it was still attempting to sell the Property. A continued status conference to assess the progress of the sale has been set for the date specified in part "(2) (d)" of this tentative ruling, below.

On 7/8/24, this Court entered an order approving a stipulated continuance (dkt. 229) of the Bankruptcy MTD to 7/30/24 at 1:00 p.m.

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CONT... 9301 Cherokee Lane, LLC, a Delaware Limited Liabil Chapter 11

(b) BMO's motion to dismiss Debtor's complaint (adv. dkt. 7, the "Adversary MTD"), Debtor/Defendant's opposition (adv. dkt. 12-13), Stipulations to continue Adversary MTD and orders thereon (adv. dkt. 15-16, 18, & 20)

To provide Debtor the opportunity to attempt to sell the Property, this Court has approved two stipulated continuances of the Adversary MTD. As noted in part "(1)(a)," above, Debtor is still attempting to sell the Property, and a continued status conference to assess the progress of the sale has been set for the date specified in part "(2)(d)" of this tentative ruling, below.

On 7/8/24, this Court entered an order approving a third stipulated continuance of the Adversary MTD to the same date as the hearing on the Bankruptcy MTD (see part "(1)(a)," above).

(2) Dates/procedures. This case was filed on 9/25/23.

(a) Bar date: 12/8/23 (dkt. 40) (timely served, dkt. 42)

(b) Procedures Order: dkt. 4 (timely served, dkt. 10)

(c) Plan/Disclosure Statement (dkt. 60, 61): timely filed on 12/22/23
(DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 7/16/24 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By
Marc A Lieberman
Alan W Forsley

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2:23-16232 9301 Cherokee Lane, LLC, a Delaware Limited Liabil Chapter 11

Adv#: 2:24-01052 9301 Cherokee Lane, LLC, a Delaware Limited Liabil v. BMO Bank N.A.

#12.00 Cont'd hrg re: Motion to Dismiss Adversary Proceeding
fr. 05/07/24, 06/04/24

Docket 7

***** VACATED *** REASON: Cont'd to 7/30/24 at 1:00 p.m. per
stipulation (adv. dkt. 22) and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By
Marc A Lieberman
Alan W Forsley

Defendant(s):

BMO Bank N.A.

Represented By
Wayne R Terry
Jason D Curry

Movant(s):

BMO Bank N.A.

Represented By
Wayne R Terry
Jason D Curry

Plaintiff(s):

9301 Cherokee Lane, LLC, a

Represented By
Marc A Lieberman

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2:23-15574 Aleksandr Vitalievich Sabadash

Chapter 15

#1.00 Cont'd Status Conference re: Recognition of a Foreign Proceeding
fr. 11/14/23, 12/5/23, 12/19/23, 01/10/24, 2/20/24, 3/12/24, 4/9/24,
5/14/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Continue as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Mr. Sabadash's appeal of the Recognition Order (dkt. 111)

On 6/21/24, this Court entered an "Order Granting Foreign Representative's Motion for Recognition of Foreign Proceeding and Substantially Limiting Foreign Representative's Powers" (dkt. 111, the "Recognition Order"). On 6/24/24, Mr. Sabadash appealed the Recognition Order. Dkt. 113.

The tentative ruling is to continue the status conference as set forth in part "(2)(a)," below.

(2) Dates/procedures. This chapter 15 petition for recognition was filed on 8/29/23, and a Recognition Order was entered on 6/21/24 (dkt. 111).

(a) Continued status conference: 8/27/24 at 2:00 p.m. No written status report is required; however, should there be any developments which either Mr. Gavva or Mr. Sabadash wish to bring to this Court's attention, either of them are free to file a

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CONT...

Aleksandr Vitalievich Sabadash

Chapter 15

brief written status report by no later than 8/20/24.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Aleksandr Vitalievich Sabadash

Represented By

Benjamin R King

Noah Weingarten

Schuyler Carroll

Keith C Owens

Michael Zorkin

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2:24-12614 Boisson Inc.

Chapter 11

#2.00 Cont'd hrg re: Debtor's Motion For An Order: (1) Approving Sale Of Substantially All Of The Debtors Assets Free And Clear Of All Liens, Claims, Encumbrances, And Interests; (2) Approving Of Debtors Assumption And Assignment Of Certain Executory Contracts And Unexpired Leases And Determining Cure Amounts And Approving Debtors Rejection Of Executory Contracts And Unexpired Leases Which Are Not Assumed And Assigned; (3) Waiving The 14-Day Stay Periods Set Forth In Bankruptcy Rules 6004(h) And 6006(d); And (4) Granting Related Relief
fr. 6/25/24

Docket 109

***** VACATED *** REASON: Voluntarily dismissed (dkt. 123)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

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2:24-12614 Boisson Inc.

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 4/9/24, 4/30/24, 5/7/24, 5/14/24, 5/21/24, 6/25/24

Docket 1

***** VACATED *** REASON: Continued to 7/16/24 at 2:00 p.m. (dkt. 137)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

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

Tuesday, July 9, 2024

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 11

#4.00 Cont'd Status Conference re: Chapter 11 Case
fr. 03/22/22, 03/29/22, 04/07/22, 04/12/22, 4/14/22,
4/26/22, 5/5/22, 5/10/22, 5/17/22, 5/20/22, 5/31/22,
6/14/22, 6/21/22, 6/30/22, 7/8/22, 7/26/22, 8/2/22,
9/1/22, 9/6/22, 9/20/22, 9/28/22, 10/6/22, 10/11/22,
10/25/22, 11/1/22, 11/3/22, 11/4/22, 11/18/22,
12/6/22, 12/8/22, 12/20/22, 1/3/23, 1/24/23, 2/7/23,
3/7/23, 4/4/23, 4/25/23, 6/13/23, 7/18/23, 8/15/23,
9/19/23, 10/31/23, 11/14/23, 1/23/24, 2/20/24,
3/12/24, 4/9/24, 6/4/24, 6/11/24, 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Continue the status conference as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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

(2) Dates/procedures. This case was filed on 3/17/22.

(a) Bar date: 9/13/22 (per Order, dkt. 356, and Proof of Service, dkt. 359)

Admin bar date: 10/31/22 (per Order, dkt. 463, and Proof of Service, dkt. 468 & 469)

(b) Procedures Order: dkt. 9 (served on 4/11/22, dkt. 109)

**United States Bankruptcy Court
Central District of California
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Tuesday, July 9, 2024

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2:00 PM

CONT...

Cherry Man Industries, Inc.

Chapter 11

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 8/6/24 at 2:00 p.m. (as previously ordered, and concurrent with continued status conferences in the avoidance actions filed by Trustee). No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Cherry Man Industries, Inc.

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

Trustee(s):

Hamid R. Rafatjoo (TR)

Represented By
Hamid R Rafatjoo
Krikor J Meshefejian
David B Golubchik
Jonathan Gottlieb

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

Tuesday, July 9, 2024

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 11

Adv#: 2:23-01415 Bankruptcy Estate Of Cherry Man Industries, Inc. B v. Barraza

- #5.00** Cont'd Status Conference re: Complaint for: (1) Avoidance of Preferential Transfers [11 U.S.C. Section 547]; (2) Avoidance of Actual Fraudulent Transfers [11 U.S.C. Section 548(a)(1)(A)]; (3) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. 548(a)(1)(B)]; (4) Recovery of Avoided Transfers [11 U.S.C. Section 550]; and (5) Disallowance of Claims [11 U.S.C. Section 502]
fr. 12/19/23, 2/20/24, 4/9/24, 6/4/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

Maintain the previously-ordered date for the pretrial conference (see Scheduling Order (adv. dkt. 25)), continue the status conference to that date, and refer this matter to formal mediation, all as set forth below. Appearances are not required on 7/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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

(2) Standard requirements

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

**United States Bankruptcy Court
Central District of California
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Tuesday, July 9, 2024

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2:00 PM

CONT...

Cherry Man Industries, Inc.

Chapter 11

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 25).

(b) Mediation

At the prior status conference, this Court determined that it would be premature to direct the parties to attend formal mediation, because (A) discovery remained ongoing and (B) neither party requested formal mediation.

Now that the deadline completing discovery has elapsed, is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge)? The tentative ruling is to **set a deadline of 7/23/24** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 8/31/23.

The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 25) except as modified/supplemented above.

Continued status conference: 8/27/24 at 2:00 p.m. (concurrent with pretrial conference; see Scheduling Order (adv. dkt. 25) for deadlines pertaining to the pretrial conference).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 9, 2024

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 11

Hamid R Rafatjoo
David B Golubchik

Defendant(s):

Patricia Barraza

Represented By
Derrick Talerico

Plaintiff(s):

Bankruptcy Estate Of Cherry Man

Represented By
David B Golubchik
Krikor J Meshefejian
Robert Carrasco

Trustee(s):

Hamid R. Rafatjoo (TR)

Represented By
Hamid R Rafatjoo
Krikor J Meshefejian
David B Golubchik
Jonathan Gottlieb